

The Paradox of Policing and Security in a Globalised Context: Policing Dissent in Kashmir

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ABSTRACT

Public order policing occupies a contested position within contemporary policing practices, often oscillating between the demands of maintaining public security and protecting civil liberties. This research examines the dynamics of public order policing through the case of Kashmir following the revocation of Article 370 in 2019. It focuses on two key policing strategies employed in response to widespread protests: the escalation of force against demonstrators and the prolonged shutdown of internet and media communications. Drawing on securitization theory and James Der Derian's concept of "virtuous war," the article argues that globalization contributes to the construction of a security discourse that legitimizes expanded police powers. Through the process of securitization, political dissent in Kashmir was reframed as a national security threat, thereby justifying exceptional policing measures. At the same time, the implementation of internet shutdowns reflects an attempt to contain the global circulation of information and limit transnational engagement with local protests. The case therefore illustrates the paradoxical relationship between globalization and policing: while global security discourse expands the scope of police authority, policing practices may simultaneously seek to restrict global information flows in the name of security.

KEYWORDS

Public Order Policing; Security; Securitisation; Protest; Globalisation.

1. INTRODUCTION

Categorized as one type of policing, public order policing expresses contradictory features while being adopted in reality. When acting collectively to control disorder, the police could be criticized to be either too aggressive or too soft. Apart from this, the position of police while policing public order has also brought questions to its role. Regarding all these complexities, issues arising from public order policing have become significant for rethinking and making contributions to police studies. Focusing on the case of public order policing in Kashmir, this research examines two issues arising from policing public order in the sense of understanding the relationships between policing, security and globalization: 1) police violence used against protesting crowds; 2) the internet shutdown during the public order policing period. Adopting concepts of securitization and Virtuous War, this research would argue that in the context of globalization, discourse of security and performance of securitization are granting police more power. With such expanded power, the Indian police showed an anti-globalization tendency of controlling information flow, shutting down internet during the protest and preventing potential cyber participants from joining and expanding the protest to a global scale. Firstly, this research would start by discussing the definition of public order policing and differentiate it from other types of policing. After this, some background information about the protests in Kashmir would be introduced simultaneously with police actions. Identifying two noticeable issues mentioned above from the case, the third part of this research would further analyze how globalization produced a globalized discourse, reshaping security and thus granting police more

power through securitization. By addressing protestors as threats to security, police were justified by the state to be more aggressive and proactive. Lastly, this research would use Der Derian's theoretical framework to analyze how (online) media allow people to be cyber participants in certain events when they follow the information of the event online. Adopting this theory as a lens, the police's control over internet and media showed an anti-globalization tendency under a security concern, for the action could be interpreted as an effort to prevent the involvement of cyber participants. In this sense, a nuanced understanding could be brought between policing, security and globalization, suggesting globalization through shaping the discourse of security may grant policing more power, however, the police may in return show some anti-globalization tendencies due to their security concern.

2. PUBLIC ORDER POLICING: CONCEPTS AND DEFINITIONS

To commence with, definitions and concepts are required to be clarified. Speaking of public order policing, it is different from other regular policing operations such as routine patrolling and traffic regulations, which are assigned to operate daily dealing crimes or service requests [2]. To understand literally, public order policing deals with disorder, which is usually facilitated by large-scale disruptive events and protest events [9], including "acts of civil disobedience and direct actions, confrontations with law enforcement and counter protestors, and behavior such as looting, arson and physical violence" [9]. Assuming the police as the power branch of the state, public order policing represents state's efforts to maintain a specific social and political order over its territories and population, claiming to defend the life and properties of the citizens.

Apart from being differentiated from other policing activities, public order policing has also produced various categorizations internally giving consideration to strategies and tactics adopted while policing. Generally, police could show two tendencies facing protesting crowds, one more soft, tolerant, and flexible, while the other being aggressive, hard and repressive [6]. McPhail et al. distinguished these two styles in terms of escalated force and negotiated management, using First Amendment Rights, tolerance for community disruption, communication, extent and manners of arrests, and extent of manners of using force as indicators [6]. Under the escalated force style of policing, protest activities are usually repressed by massive use of force with limited communication and bargaining. Law implementation is secured in a tough way. As for the situation of negotiated management style, law implementation is usually achieved more flexibly with a higher tolerance of the protesting crowds. Space for communication and protestors' rights is more guaranteed under these circumstances. Though it could vary in time and space, most of the cases of public order policing fall into these typologies.

3. SECURITIZATION AND THE USE OF ESCALATED FORCE

The first distinct issue arising from Indian policing protests in Kashmir is the use of excessive force and weapons. The Central Arm Police Force (CAPF) and J&K police tend to control the demonstrations of the protests by using escalating force rather than seeking opportunities for communication, for interventions deriving from negotiated management might be hard to realize since CAPFs, police forces deployed by the central government, could fail to understand the local situation and the demonstration of Kashmiri protests [10]. Being enabled by the Armed Forces (Special Powers) Act (1990), members of the police force were allowed to use firearms not only for self-defence and defence of others but also for "prohibiting the assembly of five or more persons." Under the application of this act, weapons available for protest policing include water cannons, teargas smoke shells, tasers, lasers, rubber bullet rifles and especially, pellet guns [14]. As one senior police officer anonymously confessed, "when a protestor is hit with a pellet in the eye, it becomes a deterrent" [11]. Apart from the ability to use firearms, what further enabled the police to use escalating

forces was the culture of impunity provided simultaneously by AFSPA [1]. By requiring prior permission from the central government to prosecute police members for human rights violations (ibid), it gives actual impunity to police members since trials could not be held without permission from the government. As a result, in July 2022, Jammu and Kashmir accounted for the highest number of police-involved death from April 2020 to March 2022, with no single member of the police force being tried for human rights violations in a civilian court [1]. To this extent, power has been increasingly swept to the police in line with the growing use of escalating force.

Such presence of expanded police power is sustained by both the contemporary discourse of security shaped in a globalization context and the enduring performance of securitization. According to Bubandt [3], it is necessary to notice that the concept of security represents not only multiple themes that it covers but also a phenomenon on a global scale. While globalization has produced cross-border information flow, it also generates a global discourse of governance, perceiving development could not be achieved without security [4]. To protect the security of the state, exceptional measures including shootings and killings were allowed to happen. Security discourses generated by globalization in this way expanded the power of J&M police and CAPFs intensively when they encountered protestors as threats to security.

In addition, the practice of securitization, which further constructs Kashmiri protests as a threat, also remained a cause for expanded police power. In the case of Kashmir, a performative practice of securitization could be identified. According to Buzan, Wæver, and Wilde, the process of securitization is the process of judging what is and what is not a security issue [5]. The practice of securitization identifies, or constructs, existential threats toward a “referent object”, which is pointed to by someone saying, “It has to survive, therefore it is necessary to...” [5]. To explain in details, securitization process could be understood in terms of a spectrum which contains three stages [5]. The first stage is publicly naming an issue, or a group of people, as a threat to society and the state. By saying so, the debates on the subject would be moved from the nonpolitical realm (eg. a health issue or a medical issue) to the politicized realm in the second stage, making it part of public policy debates, and later securitized in the third stage, making the subject a security question that produces existential threats. At the end of the securitization process, the subject is no longer a negotiable issue but a life-and-death matter, which justifies extraordinary political measures beyond normal political practices. To initiate this process, as Wæver [12] argued, there usually would be a speech act, speaking about an issue as a security issue by important political actors, as in the aforementioned case when Indian central government publicly associated Kashmir with the discourse of terrorism. In the speech of Prime Minister Narendra Modi on 8th August 2019, he pointed to the autonomic status of Kashmir and associated it directly with terrorism, Pakistan’s flaring up the emotions of people and secessionism [13]. As a political leader, this move could be apparently identified as a speech act. Later in his speech, where the second and third stages of securitization exist, he securitized the issue of Kashmir and justified the move to keep the region under central government’s control with enough assigned police personnel. By doing so, Kashmiri protestors were made to be a threat to normal society and divided from the realm of normal politics. Once they produced disorders threatening “security,” police were justified to use escalated force. From this perspective of analysis, globalization as a context has generated a discourse of security, which has further empowered policing activities through practices of securitization.

4. GLOBALIZATION AND THE REVERSE OF VIRTUOUS CONTINUATION

Another issue shedding light on understanding the relationship between policing, security and globalization is the operation of internet shutdown and media control in the case of Kashmir. On 4th August 2019, one day before the abrogation of Article 370, an internet shutdown was imposed and maintained for 18 months in Kashmir in the name of counterterrorism [1]. Even though the internet

shutdown was lifted, people of the region still received suspended internet service often without notice [1]. According to Access Now [1], at least 85 internet shutdowns were imposed in Kashmir, constituting the highest in the world. Not only the people living there, regulations were also imposed on journalists working in Kashmir about the content they were writing and their access to internet. Under the “revised media policy” issued by the central government, the power of defining what is “fake news” and what is not has fallen into the hands of authorities. During the internet shutdown period, as journalists from Amnesty International revealed, over 150 journalists were forced to share information in the state-controlled Media Facilitation Centre which was equipped with solely three or four computers and to access internet under surveillance [1]. With the development of new information technologies and mass surveillance, operations of public order policing have become to involve controlling information flow in the globalized context.

Therefore, based on the globalized context, it could be argued that the internet shutdown in Kashmir is a public order policing operation which aims at impeding the ability of Kashmiris to report human rights violations and share information about the situation with the outside world. However, adopting Der Derian’s virtual theory as a theoretical framework, it could be understood further in terms of policing public order in cyberspace and its relation to globalization beyond physical borders.

As Der Derian stated, technology enables wars to be continued virtually by other means, which is virtuous war [8]. These means are technological; based on war movies, military war games and global media etc., policies produce an informational and representational form of deterrence and compellence [7]. At the heart of the virtuous war is “the technical capability and ethical imperative to threaten and, if necessary, actualize power from a distance,” bringing ‘there’ here in near-real time with the use of information technologies [8]. Breaking down geographical distance and chronicle duration, information technologies produce a rehearsal for war which involves individuals from outside of the physical battlefields regardless of times and spaces. In this high-tech rehearsal of war, a normal person can “kill” people without taking responsibility, the person can also experience death without biologically being killed [8]. The dependence on technology thus blurs the gap between the reality and the virtuality of war, creating a virtuous war that can involve everyone participating and experiencing as a soldier. Adopting Der Derian’s theory as a theoretical framework, similar virtuous power could be identified in the case of public order policing in Kashmir. However, rather than seeking virtuous continuation, the operations of internet shutdown and media control reflect a tendency of reversing virtuous continuation. Stopping Kashmiris and journalists from sharing information with the outside world was not the ultimate intention. The ultimate intention is, by impeding information flow, a virtuous continuation of the protests was stopped to expand in cyberspace and involve more people from the outside world to participate in the protests. As one of the presences of sovereign power, informational technologies have enabled police power to go beyond fixed territory and reach cyberspace. Viewing virtualization as the sharpest edge of globalization [8], policing activities could contain an anti-globalization tendency since their power has been expanded to be able to stop or even reverse virtualization as a tactic of policing public order.

5. CONCLUSION: THE PARADOX OF POLICING AND SECURITY IN A GLOBALIZED CONTEXT

In conclusion, through analyzing the case of public order policing in Kashmir, two issues have generated nuanced understandings of the relationship between policing, security and globalization. The first issue is the growing use of escalated force, which reflects an expanded power of the police resulting from both the discourse of security and the practice of globalization. In line with globalization, a discourse of security has been generated, claiming development could not be achieved without security. Such discourse may create a kind of state of emergency, enabling intense police operations to maintain security and thus secure development. Moreover, a practice of securitization could also be identified in the case of policing public order in Kashmir when the president publicly

associated Kashmir with terrorism and secessionism. By publicly saying Kashmir is a security issue, the disorder in Kashmir has been securitized to be a threat to society with exceptional policing activities justified. To this extent, globalization and security enhance the power of policing. The second issue is the internet shutdown and media control while policing public order. Adopting Der Derian's virtuous theory, the development of information technology has enhanced police's capability of building virtuous continuation beyond fixed territorial borders. However, in the case of Kashmir, rather than attempting to make a virtuous continuation, Indian police showed a tendency to stop and even reverse the virtualization of the protests, in order to prevent more virtual participants. To this extent, empowered by information technologies, policing activities could still contradict the globalization process under their consideration of security. Bringing these two issues together, it could be noticed that while the power of policing operations has been enhanced by globalization process and the concept of security, policing activities could in return show an anti-globalization tendency and reinforce local boundaries.

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