

KASHMIR IS BURNING AGAIN

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 Analysis

The state of Jammu and Kashmir (J&K), involving the divisions of Jammu, Kashmir and Ladakh, has an area of 2,22,236 Sq. km. including 78114 sq. km under the control of Pakistan and 42735 sq. km. under the control of China. It stretches between 32°17' N to 37°06' N latitudes and 73°26' E to 80°30' E longitudes [Hussain, 2006:3]. According to the 2011 census, its population is 1, 25, 41, 302 [ENVIS Centre on Himalayan Ecology, 2015].

J&K has a strategically important location in the South Asian region. Bound from the north by China, it borders Afghanistan on its Northwest and Pakistan on its Southwest. Most parts of the state are mountainous, situated about 600 to 1800 m above sea level. At the north the Ravi River flows while in the west lies the Jhelum River. The state has two Capitals namely Jammu and Srinagar.

Root of the Problem

J&K was one of the princely states throughout the subcontinent. Although the majority of its population was Muslim, the ruler – Maharaja Hari Singh - was Hindu. So when in 1947 it became clear that the UK had accepted the Muslim League's demand in creating a separate homeland for Indian Muslims, the Muslim Conference passed a resolution on 19 July 1947 that J&K was to accede to Pakistan. But Maharaja Hari Singh was hesitant to join neither of the dominions Pakistan nor India. However when the Poonch rebellion took place and with the help of Pathan tribesmen, the establishment of the Independent state of Jammu and Kashmir was declared on 24 August 1947. On 25 October 1947 Maharaja Hari Singh fled Srinagar, but not before he released prisoner Sheikh Abdullah from Jail and made him Chief Administrator of the state. Meanwhile he requested the Indian



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Government to render military support. India made sure that until and unless the princely state formally acceded to India, it would be impossible to provide any military assistance. Under this condition Maharaja Hari Singh signed the Instrument of Accession on 26 October 1947.

Using the IoA, Article 370 was incorporated in India's Constitution. Previously, Article 370 was used to amend several provisions of the J&K constitution though the President didn't enjoy the power to do so. Two months after India and Pakistan gained independence from the British



Instrument of Accession

The Instrument of Accession (IoA) has become the object of a never-ending controversy, unlike similar accession instruments signed by other princely states throughout the subcontinent.

After the IoA was signed, then ruler of J&K declared on October 26 1947 that the state acceded to India. The IoA gave India's Parliament the power to legislate in respect of J&K only on the matters of defense, external affairs and communications.

rule in August 1947, Maharaja Hari Singh signed a Treaty of Accession for the state to join the rest of the union, formalized in Article 370 of India's constitution. The law actually dates back to 1927, when an order by the administration of then-princely state of J&K gave the state's subjects exclusive hereditary rights within the state.

Further discussions culminated in the 1952 Delhi Agreement with the issuance of a presidential order that extended Indian citizenship to the

state's residents but left the Maharaja's privileges for residents intact. Article 35A of India's constitution permitted the local legislature in Kashmir to define permanent residents of the region. The article came into being in 1954 by a presidential order under Article 370.

Major Political Developments (1947 to 1975)

Soon after accession, India provided its military assistance and was able to retake two-thirds of J&K. However the remaining portion went under the control of Pakistan. Meanwhile, India brought the issue to the United Nations. The UN then intervened and the two countries agreed on ceasefire on 1 January 1949.

In 1948, Sheikh Abdullah took oath as Prime Minister of J&K. One year later, the Indian government obliged Hindu Maharaja Hari Singh to leave J&K and yield the government to Sheikh Abdullah. In 1951, the first election took place and Sheikh Abdullah won, mostly unopposed.

In 1952, Kashmir and India reached the Delhi agreement which gave special powers to J&K like the creation of a national flag (Kashmir's flies but India's paramount), citizenship (Kashmiri's are citizens of India) and the Governor was to be called the Sadar-i-Riyasat (President of State) and was elected by the state legislature, not nominated by Delhi as in other states. The Hindu nationalists opposed this agreement. The Indian state started tinkering the special status of J&K only a year after the Delhi Agreement. In 1953, Sheikh Abdullah was dismissed as Prime Minister and arrested by India. India claimed he was planning to gain the state's Independence and collaborating with foreign nations. He was replaced by Bakshi Ghulam Muhammad. In 1954, constituent assembly of state ratified accession to India. The customs barrier between India and Kashmir was lifted.

In 1955, Mirza Afzal Begh, a close aide of Sheikh Abdullah formed the Plebiscite Front to fight for the Plebiscite demand and Sheikh Abdullah's release. In 1957, Kashmir approved

its constitution. Sheikh Abdullah viewed this as a repudiation of the commitment to the plebiscite. In 1958, Sheikh Abdullah was released. He gave speeches favoring independence after which he was imprisoned again for 6 years.

In 1962-63, talks on Kashmir were held between India and Pakistan. But no agreement was reached. In 1964, the Indian state imposed Presidential rule in Kashmir. India and Pakistan plunged into a war over Kashmir in 1965. The war ended when both countries decided to adopt a UN-sponsored resolution to stick to the Line of Control. In 1971, another war broke between the two countries. East Pakistan evolved into independent Bangladesh. The Plebiscite Front headed by Sheikh Abdullah was banned. Sheikh Abdullah was forced to exile. He was finally allowed to return and in 1975, an Accord between Sheikh Abdullah and Indira Gandhi, then Prime Minister of India, was agreed upon.

Revocation of Special Status

On 5 August 2019 the Indian government scrapped Kashmir's special status. This is the most far-reaching political move on the disputed region in nearly seven decades. Indian Home Minister Amit Shah told the parliament that the President had signed a decree abolishing Article 370 that gave a measure of autonomy to the Muslim-majority Himalayan region. "The entire constitution will be applicable to Jammu and Kashmir State," Shah said to loud protests from opposition legislators who were against the repeal.

Article 370 forbids Indians outside the state from permanently settling, buying land, holding local government jobs and securing education scholarships in J&K.

The decree was issued hours after a major security clampdown. India clearly has the intentions to change the demography of J&K. Critics of such a measure say that in doing away with Article 370, the government hopes to change Kashmir's Muslim-majority demographics by allowing in a flood of new Hindu residents. The Indian Home Minister Shah said the government

also decided to split the state into two union territories - Jammu and Kashmir, which will have a legislature, and Ladakh, which will be ruled directly by the central government without a legislature of its own.

Post-revocation

It is, to say the least, inflammatory and wrong for India to revoke the disputed region's special status. The impact could shake the whole region. Hindu nationalists are now cheering since they have long desired to end the semi-autonomous status of India's only Muslim-majority state. Before the revocation thousands of security forces poured J&K, the already world's largest militarized zone. The Hindu pilgrims who were in Kashmir for religious pilgrimage as well as tourists were asked to leave the valley within four days. The decision of revocation and to split J&K into two centrally administered territories is shocking. Legal experts believe it unconstitutional. Its abrupt and ruthless manner, with the house arrest of well-known politicians, imposition of a curfew and blackout of the internet and phone lines, will likely lead to more protests and inflame the already present resentment thanks to the insurgency that has cost tens of thousands of lives there in past three decades.

The international community must intervene to urge both India and Pakistan to settle the dispute through dialogue and peace process.

The broader reverberations in an unstable region are as worrying. Pakistan being a nuclear state and stake holder to the Kashmir conflict has already condemned New Delhi's move and said it would "go to any extent" to protect the Kashmiris. The two nuclear-armed neighbors have long been at odds – and at times at war – over the disputed region, and now the pressure is back on.

Indian authorities have imposed restrictions and curfew in J&K. Violent clashes between residents of state and Indian forces are still happening since 5 August 2019. Indian troops are using chili pepper gas, pellet guns and live ammunition to quell the protests. Thousands of political workers and leaders have been arrested and shifted to different jails in mainland India. There are unconfirmed reports of civilian killings across J&K. Telephone landlines, cell phones and Internet facilities have been down for more than two weeks. Local media is banned and journalists are not allowed to perform their professional duties freely. The situation in the state and whole region is very tense. The international community must intervene to urge both India and Pakistan to settle the dispute through dialogue and peace process.

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