

## Kashmir

Prepared by Prof. William Gould, School of History, University of Leeds.  
W.r.gould@leeds.ac.uk

- Jammu and Kashmir is an Indian state which is divided into three sections – India controlled (which accounts for about half of the total area, divided into Jammu and Kashmir and Ladakh), Pakistan controlled (divided into Gilgit-Baltistan and Azad Kashmir) and Chinese controlled areas in the northeast – Askai Chin and Transkarakoram Tract.
- The population of the India controlled regions totals 7.25 million, according to the 2011 Census, and is roughly 70% Muslim. 66% of the 3 million strong population of Jammu is Hindu. The Pakistan region has a total population of 6 million and is over 99% Muslim.
- The Indian part of Kashmir was, until very recently, governed under a system of relative autonomy under Article 370 of the Indian Constitution, with its own state level constitution. This article in theory granted Kashmir internal autonomy, and exempted it from the full application of the Indian Constitution, with central government powers over Kashmir limited to defence, foreign affairs, and communications.
- Article 35A of the Indian Constitution empowered the Jammu and Kashmir state legislature to define 'permanent residents', and to provide them special rights and privileges. Crucially, this included the ability to purchase land and immovable property in the state.
- Up until 1947, Kashmir was a Princely State, and was expected to accede to either India or Pakistan after Partition. Following an invasion through Pakistani territory in October 1947, it acceded to India, and has since been the focal point of two wars and other major conflicts between India and Pakistan, principally in 1947, 1965 and 1999.

## HISTORY

- The ruling family of Jammu and Kashmir were ethnic Dogras- upper-caste Hindus from the Jammu region. The founder of the dynasty, Gulab Singh, gradually extended his base from the southern areas of Jammu, to the eventual acquisition of Kashmir from British control in 1846. This was formalised in the Treaty of Amritsar in which 'independent possession' of Kashmir Valley and area of Gilgit to the north were made over to Maharaja Gulab Singh and his heirs. In return, the Maharaja agreed to lend military aid to the British when required, and recognised British supremacy.
- By the end of Dogra rule in 1947, the Princely State of Jammu and Kashmir was 77% Muslim, and was therefore (like Hyderabad in the South) a Muslim majority area ruled over by a Hindu ruler.
- For most of its existence as a Princely State, Muslims were not generally permitted to become officers in the military, and were very poorly represented in the civil administration. The press was also tightly controlled.
- Landholding in the late 19<sup>th</sup> and early 20<sup>th</sup> Century was dominated by a Kashmiri Pandit (Hindu) community, via what was known as 'chakdari', whereby the Maharaja granted control of tracts of land to this community. Kashmiri Pandits also dominated the revenue administration. Alongside these groups, Dogra Mian Rajputs (the caste of the Maharaja) were also granted tracts of land.

- By contrast, most of the peasantry were Muslims, who, over the late 19<sup>th</sup> and early 20<sup>th</sup> Century became increasingly indebted to Hindu moneylenders and in many cases forced to dispose of land – a pattern that continued well up to the 1930s, and which was reinforced by colonial reforms.
- Overt political activities and mobilization were prohibited in the state until 1932, and until the Glancy Commission Report recommending freedom of the press, there was also a ban on newspapers. Nevertheless, through the 1910s-20s, socio-religious reform movements increased in number, suggesting that religion was the primary means by which public views could be expressed.
- By the 1930s, Kashmiri emigres in Lahore, Punjab established the All-India Kashmir Muslim Conference. This organisation became the nucleus for the state's political leadership, many of whom received training (assisted by the Conference) at Aligarh Muslim University.
- Focussed around the Muslim Reading Room in Srinagar in the early 1930s, but educated outside the state, a group of Muslim political figures, led by Sheikh Mohammad Abdullah began a protest campaign against Kashmir Pandits' control of the civil administration and against the Maharaja.
- Following the arrest of a Muslim protester, widespread rioting took place on 13 July 1931, which has been cited by many as the beginning of a Kashmir 'freedom struggle'. In response the Maharaja initiated a reforms process known as the Glancy Commission. This event also marked the eventual coalescing of a range of Muslim organisations under the leadership of Sheikh Abdullah, who in October 1932, formed the All Jammu and Kashmir Muslim Conference. In June 1939, the party's name was changed to the National Conference (NC).
- One of the principal aims of the NC was to establish parity in the rights of religious communities in the state, which would have led to the promotion of Muslims in the civil services, politics and education.
- From the late 1930s, both the NC and leaders of Kashmiri Pandits began to ally with Jawaharlal Nehru as leader of the Indian National Congress. The period just before India's independence was therefore one of conciliation between these groups under the cloak of Indian secularism.
- Sheikh Abdullah came to be known as *Sher-e-Kashmir* (Lion of Kashmir) in the 1940s, and increasingly sided with Nehru and the Congress leading up to Independence, as the M A Jinnah and the Muslim League tended to support the more conservative Muslim Conference. However, the NC was deeply rooted in regional, rather than national patriotism.
- Sheikh Abdullah's popularity and political authority also drew on Islam and the control of mosques. During 1946-7, he based himself at Hazratbal, a shrine on the outskirts of Srinagar, where a hair of the Prophet is preserved as a relic. In May-June 1946, the NC called for a revolutionary overthrow of the regime in the 'Quit Kashmir' movement.
- In the town of Sopore in September 1944, the NC adopted the programme of Naya Kashmir (New Kashmir). This set out the idea of a national assembly for Kashmir, with Urdu as the lingua franca, and other languages as 'national languages'. The manifesto also stipulated a socialist style state led planned industrialisation alongside popular authoritarianism.

- In the early 1950s, this programme encouraged massive land reforms with the creation of peasant proprietors from the hundreds of thousands landless in the state. This led to mass support for the NC, but also mass reaction among dispossessed landed groups.

#### THE ACCESSION OF JAMMU AND KASHMIR TO INDIA

- With India's and Pakistan's independence on 14-15 August, the princely states were in theory free to accede to the state of their choice, or to become independent.
- The new Indian government was anxious to ensure that all states contiguous with India would accede to India, and this task was entrusted to the first Home Minister, Vallabhbhai Patel, a right-wing Congress leader.
- The situation for Jammu and Kashmir was complicated by the fact that the population in 1947 was 77% Muslim, and that it bordered both of the new nations, but with longer boundaries with Pakistan. In this respect, accession to Pakistan would have seemed natural. But the NC had links to the Congress party in India, and it was ruled by a Hindu autocrat.
- In May 1947, a revolt erupted in Poonch – the area of Kashmir bordering North-West Punjab and was put down with force by the state government. Poonch contained a large number of demobilised soldiers. In October 1947, the rebels gained control and declared a pro-Pakistani area of 'Azad Kashmir'.
- In mid August 1947, the Maharaja had agreed a stand-still agreement with the new Pakistan government, which was usually a prelude to accession. However, partly encouraged by the Poonch uprising, incursions into Kashmir began in October 1947 from Pakistan, which upset this negotiation.
- On 21 October 1947, a well-organised tribal incursion from across the border with Pakistan took place in northern and north-western parts of the state. On 24 October, the Maharaja requested Indian aid, and (on the recommendation of Mountbatten) on 26 October signed the Instrument of Accession to India.
- Some historians and political scientists consider that the uprising of May 1947 and not the invasion of tribesmen, to be the key origin of the Kashmir dispute (Snedden 2012)
- War ensued between India and Pakistan, and in Srinagar, the NC emerged as the *de facto* government.
- Under Article 370 of the 1950 Indian Constitution, the jurisdiction of the Indian government over the state was limited to three subjects of defense, foreign affairs and communications. In these areas, this would have to be done 'in consultation with the Government of Jammu and Kashmir State'. All other subjects could only be covered with the 'final concurrence' of Jammu and Kashmir.

#### THE UN, THE FAILED PLEBISCITE AND SHEIKH ABDULLAH

- On 2 November 1947, Nehru declared the Indian Government's 'pledge' to hold a referendum under 'international auspices' on the future status of Kashmir. India eventually referred the issue to the UN.

- The United Nations Commission for India and Pakistan subsequently played a mediating role between India and Pakistan over Kashmir, from January 1948, and on 21 April 1948, passed Security Council Resolution 47, calling for a plebiscite. The Resolution also required the withdrawal, first, of Pakistani forces and then Indian forces.
- Following the ceasefire in January 1949, which left India with the bulk of territory in the state, a further UN Resolution required the setting up of a Plebiscite Administration appointed by the UN.
- The plebiscite was never held – Pakistan claiming that India failed to set it in motion, and India claiming that the necessary conditions for Pakistani withdrawal were never honoured.
- A further reason that the plebiscite was not held, related to the space of Kashmir itself as a transit point for Partition refugees moving in both directions, who had experienced extreme violence. This led to further mass killings and destabilisation.
- The ceasefire line has, since 1972, been known as the Line of Control (LoC). India has attempted to make this a permanent border since 1949, which has been resisted by Pakistan, who has sought to change the *status quo* via military incursions in 1965 and 1999.
- In 1951, Sheikh Abdullah presided over the election of a Constituent Assembly for Jammu and Kashmir, but the elections to it were widely perceived to be corrupt, in favour of the NC. This was especially the view of the Hindu party based in the South and South-East, the Praja Parishad. This party pushed for the full integration of the state into India, and was also supported by Ladakh's Buddhists.
- This control of the NC was supported from Delhi, and the government used the same kind of police repression as the Dogra regime in the past.
- Sheikh Abdullah outwardly backed Delhi, especially over Pakistan, but in reality he sought independence and sovereignty. He also vehemently and publicly opposed attempts by the Hindu right (and the right wing of the Congress) to push for further integration of Kashmir into India.
- Although from 1953 Sheikh Abdullah sought a tiered system of autonomy for the different regions of the state, Hindu groups and parties in Jammu and Ladakh continued to agitate for the complete end of Jammu and Kashmir's autonomy. They also called for a separation of Jammu, which would be demographically very difficult given the existence of three Muslim majority districts in that region (Doda, Rajouri, and Poonch).
- In the same year, the communist faction in the NC allied with a Kashmiri Pandit and Dogra faction to oppose Sheikh Abdullah's plans to include a third option of 'full independence' in any future plebiscite.
- At the end of this struggle, Abdullah was dismissed as Prime Minister and arrested under the Public Security Act. He was imprisoned until 1975, with brief spells out of prison in 1958, 1964-5 and 1968. Other leaders were arrested and Bakshi Ghulam Mohammed took over as PM. This was a narrowly based coup with support from Delhi. Mass protests took place and were put down.
- Over the next decade, the autonomy of Kashmir was gradually eroded. For example, the 1954 Constitutional Order extended the role of the Indian legislature in the state,

and allowed the jurisdiction of the Indian Supreme Court. It also effectively allowed Delhi (via the J and K government) to suspend civil liberties in the state for reasons of security. Kashmir's own Constituent Assembly agreed to these changes under Ghulam Mohammed.

- This meant that, de facto, Article 370 was a dead letter, even though it continued to be of symbolic importance.

## INTERNATIONAL DEVELOPMENTS

- Following the death of Stalin in 1953, the Soviet Union started to become more conciliatory towards India and changed its stance on Kashmir to a more pro-Indian one. Equally, Pakistan was moving closer to military cooperation with the USA.
- The USSR used its veto in 1957 to close down UN discussion initiated by Pakistan on Kashmir.
- Following defeat by China in 1962, in 1963 as part of an alliance with Pakistan, the latter ceded a north-eastern section of Kashmir on the border with Xinjiang Province, to China.

## 1960S TO 1980s

- In December 1963, the hair of the Prophet at Srinigar's Hasratbal shrine was stolen and returned on 3 January 1964, but not before mass protests partly organised by an NC faction. Sectarian violence occurred too, coinciding with riots in Eastern Bengal (then East Pakistan). In response, Delhi appointed G M Sadiq to head the J and K government and temporarily released Abdullah in April 1964.
- In January 1965, the measures of integration went so far as the proposal by the NC to merge with the Congress in India. Some historians (Bose, 2003), see this as the effective end to Article 370.
- Massive protests ensued through 1965, and Kashmir's main opposition leaders were arrested, including Abdullah.
- An uprising fomented by Pakistan in this unstable situation led to war between India and Pakistan in the autumn of 1965. Pakistan's move failed, because at this stage, it did not have the support of many local insurgents.
- From the 1967 elections, the Congress Party begun to build a presence in Kashmir, but in terms of popularity, the opposition, in the shape of the Plebiscite Front (PF) would have won by far under a fair election. The evidence for this was the mass response to Abdullah's temporary release from prison in early 1968.
- In early January 1971, many of the top PF leadership were arrested.
- Between 1954 and 1975, when Abdullah was again released, 28 Constitutional Orders had further integrated Kashmir to India, and 262 Union laws applied to the state. In 1975, Abdullah signed the Delhi accord and dropped demands for self determination, becoming Chief Minister of Jammu and Kashmir.
- Although the PF (now merged into the NC) did well in the 1977 elections, stability in the state did not last long and Abdullah died in 1982, leaving his son, Farooq Abdullah to lead the party.

- In the 1984 elections, Farooq attempted to form an anti-Congress alliance involving the NC, but an NC faction, led by G M Shah (Abdullah's son in law) and encouraged by Delhi, split away and formed an alliance with the Congress which allowed GM Shah to head the government up to 1986. As in 1953, this was seen as a putsch and again there were mass protests in the Valley.

## INSURGENCY

- In 1987, elections were held in Jammu and Kashmir for the state legislative assembly. During the elections, a coalition of anti-government groups, called the Muslim United Front (MUF) opposed Farooq's (now Congress-aligned) NC.
- The MUF contained conservative Muslim groups, such as the Jama'at-i-Islami and popular support among younger Muslim voters in the Valley, many of them disaffected by the dynastic (and corrupt) power of the NC.
- Few of the MUF candidates managed to win seats, leading to charges of mass electoral rigging and intimidation across the state. MUF won only 4 of 76 seats, despite (by official count) winning 32% of the popular vote.
- One of the leading MUF candidates usurped was Yusuf Shah, who later in the 1990s, emerged under the name of Syed Salahuddin, the commander-in-chief of the largest guerrilla force struggle against Indian control of Kashmir in that decade, the Hizb-ul Mujahideen (HM). This group allied with Pakistan.
- Another group, committed to the promotion of an independent Kashmir also emerged in 1989, the Jammu and Kashmir Liberation Front (JKLF).
- From the summer of 1988 into 1989, a series of bomb attacks in an around Srinagar created a sense of insecurity which culminated in high-level political assassinations of a NC leader and Hindu judge.
- At the end of 1989, another election took place that was considered by most to be rigged. With the breakdown of law and order in the state, direct rule was established from the central government. Protests led to the shooting of 300 unarmed demonstrators by paramilitary border security between 21 and 23 January 1990.
- Insurgents were inspired by events elsewhere – the Palestinian intifada, the withdrawal of Soviet troops from Afghanistan, collapse of communist regimes in Eastern Europe and Tamil uprising in Sri Lanka.
- Through the 1990s, suspension of civil liberties and the use of torture were widespread across the Valley.
- The insurgents were mainly local Kashmiri groups, compared to earlier phases. The JKLF was now mostly 'domestic'. One of the Muslim majority districts of Jammu (Doda) was drawn into the conflict by 1992.
- The early 1990s insurrections led to the mass migration of Kashmiri Pandits, although in many regions communities still leave peacefully side-by-side. Nevertheless the exodus created problems for the JKLF in representing a future Kashmir as syncretic and multi-cultural.
- A number of armed splinter organisations began to develop from the early 1990s – Al-Jehad, Al-Barq and Allah Tigers for example.

- The Pakistan ISI aimed to encourage these break away groups from the azaadi ideology of the JKLF. This took place within the organisations Al-Umar Mujahideen and Ikhwan-ul Muslimeen and the guerrilla group, Hizb-ul Mujahideen (HM). By 1993 Pakistan also added the militant Harkat-ul Ansar.
- Through the mid 1990s, the HM and JKLF fought out a war between themselves, eventually leading to the HM becoming the largest group in the Valley. However, the vast majority of the population of Indian administered JK favoured independence rather than connection to Pakistan.
- Some break away groups even turned to support India as counter-insurgency informants. Gradually by 1995, due to murder of JKLF leaders, 5 foreign tourists and excessive violence, HM and other pro-Pakistani groups were largely delegitimised in the Valley.

#### THE LATE 1990s TO THE PRESENT

- The period from 1996- 8 is generally considered to be a phase of calm in which a civilian government, again under the control of Abdullah, was reinstated in Srinagar.
- In the summer of 1999 in the peak ranges area of Kargil however, Pakistani paramilitaries infiltrated over the LoC and India responded with a large military strike
- Between 1999 and 2002, 55 'fidayeen' (life-daring) attacks took place in which a few insurgents attacked Indian forces leading to large scale casualties (Bose, 141), most of them in 2001.
- Most of these raids have been attributed to Lashkar-e-Taiba (LeT), a group of pro-Pakistani zealots, and most others to Jaish-e-Mohammed (JeM). In December 2001, an attempt was made on the Indian parliament. The men involved in these attacks were very young and often radicalised following tragic family circumstances.
- By the early part of the millennium, the theatre of guerrilla war also shifted geographically to the area of Rajouri and Poonch, a very poor area with a population made up of by a large population of the Gujjar community.
- Following assassination attempts on the President of Pakistan, General Pervez Musharraf in 2004, Pakistan formally began to withdraw support to insurgent groups in Kashmir. ISI may still have continued to sponsor them after that date.
- Unrest in Kashmir increased again from July 2016, following the killing of Burhan Wani, a commander of Hizbul Mujahideen on 8 July by Indian security forces. This led to widespread anti-Indian protests, and the imposition of a long-term curfew. This included a total media blackout for much of the period of summer 2016 into mid 2017, the arrests of civil rights activists and the banning of newspapers.
- Between 90 and 100 civilian lives have been lost and there have been approximated 15,0000 casualties. Many of these have been blinded by buckshot blasts.
- The local sympathy for the murdered commander was also related to a growing local antagonism for the Indian state, under the governance, since 2014, of a Hindu nationalist party, the Bharatiya Janata Party (BJP).
- The BJP election propaganda in 2014 pledged to change the status of Kashmir, to annul article 370 in its entirety and to integrate the state fully into India.

## THE 2019 REVOCATION OF JAMMU AND KASHMIR'S SPECIAL STATUS

- On 5 August 2019, the Government of India issued a Presidential Order that used the third clause of Article 370, to nullify all the provisions to autonomy contained within it. The Home Minister, Amit Shah introduced the Reorganisation Bill to also divide the state into two Union Territories, further reducing the region's status. This is to come into effect on 31 October 2019.
- This change to the application of Article 370, in theory, should have been taken with the concurrence of the Kashmir Constituent Assembly, which no longer exists. To circumvent this, Article 367 of the Constitution was used to interpret 'Constituent Assembly' as 'Legislative Assembly'. The latter had been dissolved, so reference instead was made to the Governor of J and K.
- The legality of this change is still under consideration by constitutional experts.
- The August 2019 Presidential Order means that all articles of the Indian Constitution now apply to Kashmir and that the separate constitution of Kashmir was now abrogated.
- Article 35A of the Constitution of India, defining 'permanent residents' of the state, with special rights to property and state employment, was also annulled.
- These changes were accompanied by the imposition of a curfew just before the Presidential Order, the holding of the main party political leadership in Kashmir under house arrest, a total media blackout, and the arrest of 4000 civil rights protestors. Arrests included Kashmir's previous Chief Ministers, Mehbooba Mufti and Omar Abdullah.

## ACADEMIC EXPERTS

Mridu Rai, Presidency University, Kolkata

Suvir Kaul, Department of English, University of Pennsylvania.

Christopher Snedden, Daniel K. Inouye Asia-Pacific Center for Security Studies, Hawaii

Sumantra Bose, Department of Government, London School of Economics

## REFERENCES

Bose, Sumantra, *Kashmir: Roots of Conflict, Paths of Peace* (Cambridge: Harvard University Press, 2003)

Kaul, Suvir, *Of Gardens and Graves: Kashmir, Poetry, Politics* (Durham: Duke University Press, 2016)

Rai, Mridu, *Hindu Rulers, Muslim Subjects: Islam, Rights, and the History of Kashmir* (Princeton: Princeton University Press, 2004)

Snedden, Christopher, *The Untold Story of the People of Azad Kashmir* (New York, Columbia University Press, 2012)