

**RESEARCH PAPER****Kashmir: A Study on the Land of Disputes and Conflicts****Arvind Kumar Chaturvedi**Dept. of Defence and Strategic Studies,  
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Email: [drarvindkumarchaturvedi@gmail.com](mailto:drarvindkumarchaturvedi@gmail.com)Received: 28<sup>th</sup> Jan. 2018, Revised: 22<sup>nd</sup> February 2018, Accepted: 26<sup>th</sup> February 2018**ABSTRACT**

*The region of Kashmir has been in conflict for more than 70 years. The dispute began in 1947 when the partition of British-colonized India that created two newly independent countries along religious lines: India and Pakistan. The Maharaja of Kashmir, a Hindu who ruled over Muslim subjects, did not want to join India or Pakistan. He preferred to have an independent Kashmir. But soon after the partition, the Pakistani tribals invaded Kashmir. They declared that as a Muslim dominant state, Kashmir should have acceded to Muslim majority Pakistan. The Maharaja of Kashmir turned to India for help. India agreed but on the condition that Maharaja signed an instrument of accession. It was decided that after the intruders are cleared out, the people would be given the right to vote for a proper referendum. That referendum never took place. Since 1947, India and Pakistan have waged three wars over Kashmir. The people of Kashmir have demanded a referendum to be held, but the Indian government has mercilessly crushed any dissent. Almost every year, the people of Kashmir revolt and start an uprising, demanding freedom from Indian rule.*

**Key words:** Kashmir, Land of Disputes and Conflicts

**INTRODUCTION**

Throughout ancient times, the breathtakingly beautiful Valley of Kashmir has stood for peaceful contemplation, intellectual advancement and religious diversity coexisting in an atmosphere of tolerance for the most part. In the modern geopolitical era, this same diversity, evident from the blend of Islam, Hinduism, Sikhism and Buddhism in this single state, has made it a centre of warfare rather than cultural advancement. Geography of Kashmir is regarded as the valley situated between the Himalayas and the PirPanjal mountain range, the areas subject to dispute have spanned to include Jammu, the Kashmir Valley, Azad Kashmir, GilgitBaltistan, Aksai Chin and the Trans-Karakoram Tract (henceforth to be regarded as Kashmir). Geographically speaking, these regions are north of the Union of India and Dominion of Pakistan, and south west of the Republic of China. The disputed regions are comprised of over 100,000 square kilometres of land, utilized mainly for agriculture and tourism. The region has witnessed many regimes including Hindu rulers and Muslim Sultans; most notably the Mughal Empire, Afghan Durrani Empire, and the Sikhs, before becoming a princely state. The Kashmir region is also home to a myriad of historically valued Hindu and Muslim shrines, to which annual pilgrimages are made. Kashmir and Jammu has significant political, economic, religious, and military potential due to its geographic borders and bountiful resources, which is what ultimately led to the power-struggle for the area.

**HISTORICAL BACKGROUND OF KASHMIR**

Historical Background the Jammu-Kashmir area is a land rife with wealth, and the subject of one of the greatest disputes between the Dominion of Pakistan and Union of India. After its conquest by Ranjit Singh in 1819, the Sikh ruler and Raja of Jammu at the time, Gulab Singh, encircled Kashmir in 1840. Following the Anglo-Sikh War and the acquisition of Kashmir by the East Indies Company as a result of multiple treaties, Gulab Singh was given control over Kashmir, then making him the Maharaja of Jammu and Kashmir<sup>3</sup>. Upon the partition of India in 1947, 526 Indian states were left to choose between becoming a part of one of two greater nations; the Dominion of Pakistan or the Union of India. Kashmir, despite having a predominantly Muslim population, was subject to the rule of a Hindu Maharaja. This religious dispute took place. The source of the Kashmir conflict can

be traced back to the partition of British India in 1947. Prior to the Partition, the princely states of the Indian subcontinent were given the option to accede to either India or Pakistan based on demographic or geographic considerations<sup>1</sup>.

The state of Jammu and Kashmir while having Muslim majority population, also had historical, cultural and economic relations as well as geographical proximity with the areas that became part of Pakistan. Due to this, the people of Kashmir had a strong desire to accede to Pakistan, but the then ruler of Kashmir, Maharajah Hari Singh was reluctant to accede to a Muslim majority country. The indecisiveness on the part of Maharaja Hari Singh regarding Kashmir's future led to the rise of an indigenous uprising in Poonch, a district in South West Kashmir. India and Kashmir in the late 1980s, an insurgency in the valley threatened not only to rip Kashmir apart, but also pull the rest of the world into a dangerous war.

In this paper, we will examine the major reasons for the insurgency, and why it only gained momentum some 40 years after India's partition. Finally, we will explore some of the modern-day proposed solutions to the ongoing conflict over Kashmir. In order to gain a better understanding of why the insurgency of 1987-89 took place, we will examine the origins and development of the Kashmir independence movement. It is evident that aspirations of independence never disappeared from the Kashmiri consciousness, despite their accession to India in 1947. However, by the 1980s, external factors made poetic dreams of independence seem more realistic than everbefore. We shall discuss the Pakistani influence and how they finally won some of the Kashmiri people's support in the 1980s after being repelled by them in the 1947-48 and 1965 wars. The Afghan War and subsequent defeat of the Soviet Union demonstrated to the Kashmir is that superpowers could be defeated. Furthermore, the entire jihadi Though Article 370 of the Constitution gives Kashmir special status within the Indian Union, domestic politics have a bearing on how Kashmir and Kashmiris are dealt with.

The Bharatiya Janata Party (BJP), whose ideological position is defined by Hindutva philosophy with an emphasis on cultural nationalism, territorial integrity and 'unity in uniformity'<sup>4</sup>, has been opposed to the constitutional exception given to the state of Jammu and Kashmir in the Indian Constitution. Despite BJP's opposition to Article 370, the BJP-led coalition government (1998-2003), did not try to abolish it; rather than Ex-Prime Minister Vajpayee Ji addressed the Kashmir issue from multiple dimensions. His approach was guided by three principles: Insaaniyat (humanism), Jamhooriyat (democracy), and Kashmiriyat (Kashmir's age old legacy of amity). Kashmiriyat can be described as a distinct ethno-nationalist character of Kashmir. After its defeat in the 2004 elections, the BJP reverted back to its previous stance of criticising Article 370; and its abolition was one of the key, selling points of BJP's election manifesto in 2014. However, after assuming power, Prime Minister Modi followed his predecessor's approach of holding talks with the Kashmiri leadership, and initiating a peace process with Pakistan as well. Contrary to expectations, Modi sought to directly engage the people of Kashmir by offering them development, employment and good governance, while ignoring its disputed nature, the role of Kashmiri leadership, and the dialogue with Pakistan.

#### **POLITICAL APPROCHES TO RESOLVE THE KASHMIR'S PROBLEM**

The BJP, in alliance with the People's Democratic Party (PDP), has formed a government in Kashmir. Article 370 of the Indian constitution is an article that gives autonomous status to the state of Jammu and Kashmir. The article is drafted in Part 21 of the Constitution: Temporary, Transitional and Special Provisions<sup>6</sup>. The State's Constituent Assembly was empowered to recommend the articles of the Indian constitution to be applied to the state or to abrogate the Article 370 altogether. After the state Constituent Assembly dissolved itself without recommending abrogation, the Article 370 was deemed to have become a permanent feature of the Indian Constitution 370<sup>7</sup>. Temporary provisions with respect to the State of Jammu and Kashmir not with standing anything contained in this Constitution, (a) the provisions of article 238 shall not apply now in relation to the state of Jammu and Kashmir<sup>7</sup> (b) the power of Parliament to make laws for the said state shall be limited to- (i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the

Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and (ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify. Explanation: For the purpose of this article, the Government of the State means the person for the time being recognized by the President on the recommendation of the Legislative Assembly of the State<sup>8</sup>. (c) the provisions of article 1 and of this article shall apply in relation to that State; (d) such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify: Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub-clause (b) shall be issued except in consultation with the Government of the State: Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government. (2) If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second provision to sub-clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon. (3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify: Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification<sup>9</sup>.

#### **DISPUTES AND CONFLICTS**

Pakistan and Kashmir Having failed to take Kashmir by force, and unable to win the hearts of the Kashmiris by offering them a democracy when they themselves had a military dictatorship, Pakistan had to woo the Kashmiris by its ideology of communalism<sup>10</sup>. Before the insurgency in Kashmir began, there was an insurgency movement in neighbouring Punjab, which had also been split between India and Pakistan in 1947. That died out by the late 1980s, when the Sikhs that had taken up arms against India had realized they were being used by their Pakistani sponsors and gave up arms and so Pakistan's attention turned to Kashmir. One major reason Pakistan needed to sponsor insurgency in India was to gain intelligence on India, and its army. After suffering three consecutive defeats, each time after attacking India unprovoked and by surprise, Pakistan was fearful India would be tempted to launch a pre-emptive strike against Pakistan to destroy its army to ensure Pakistan never again attempted to invade India<sup>11</sup>.

The Pakistani view is that they are providing moral support to the Kashmiri People in their fight for freedom against the brutal Indian Army who commit excessive humans' rights abuses on the oppressed Muslims living in India, a non-Muslim country. The Indian perspective is that they are dealing with a proxy war by Pakistan who has never accepted the Kashmiri's democratic reaffirmation of their accession to India.

The Kashmiris themselves are split between supporting Pakistan, India and independence. But while the Pakistanis and Indians live in relative peace, it is the Kashmiri who suffers the most while the issue remains unresolved. In 1993, with pro-independence insurgents separating from the pro Pakistan factions, Pakistani border troops shot and killed some thirty Kashmiri youth on their way to POK for training. Slowly but surely the ties between Pakistan and the Kashmiri youth were being severed. Conclusion India's desire to play greater role in regional affairs, economic interdependence, India-Pakistan rapprochement, regional stability, viability of SAARC, all depends on the resolution of Kashmir.

Indian evasion to discuss Kashmir has been delaying both its resolution and forward movement on many critical regional imperatives. The anguish of Kashmiris continues unabated and the most pressing questions about the future of Kashmir remain unanswered. In the past, Indian politics played a significant role in the rise of the indigenous struggle of Kashmiri people for their right of self-determination.

Sumit Ganguly, an eminent writer, identified the cause of sudden unrest and uprising in Kashmir in 1989 as the short-sighted policies on the part of various regimes in New Delhi that created conducive conditions for the rise of Kashmiri freedom struggle in 1989<sup>12</sup>. Similarly the present

policies of the BJP government to erode the special and disputed status of Kashmir, denying the legitimate role to Kashmiri leadership and turning down Pakistan's proposals to resume the halted dialogue process have all contributed to intensify the discontent in Kashmir.

#### REFERENCES

1. Raina A.N. (2002): Geography of Jammu & Kashmir State. Kashmiri overseas association, inc. Aug. 2002. Web. 19 Jan. 2016.
2. India-Pakistan Background. UN News Center. UN. Web. 22 Jan. 2016.
3. Kunal Mukherjee K. (2014): The Kashmir Conflict in South Asia: Voices from Srinagar. Défense and Security Analysis 30, no.1.
4. RekhaChowdhary R. (2014): Modi's Roadmap for India's Kashmir and Pakistan Policies. East Asia Forum, May 16.
5. JhinukChowdhury J. (2015): NarendraModi's Grand Plan for Kashmir. Diplomat, March 12, 2015.
6. Article 370: 10 facts that you need to know: Highlights, News- India Today. Indiatoday.intoday.in. Retrieved 2014-08-18.
7. The importance of Article 370. The Hindu, 15 October 2015.
8. Article 370 of the Indian Constitution, Kashmir-information.com, archived from the original on 5 January.
9. The Constitution of India (1949): LokS abha Secretariat. pp. 1122-1123. Retrieved 2 May 2014.
10. Victoria S.: Kashmir in Conflict, p. 147 and Behera, Navnita, State, Identity & Violence, p.16430.
11. Bodansky, Yossef (1998): Pakistan's Kashmir Strategy, Freeman Center for Strategic Studies, Houston, Texas, January 199831.
12. Kanti P., Bajpai P.R., Chari, Cheema P.I., Cohen S.P. and Ganguly S. (1995): Brasstacks and Beyond: Perception and Management of Crisis in South Asia (New Delhi: Manohar), 88.

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