



Review Article

**India's Kashmir : A Boom or A Boon
(An Analysis Based on Security and Politics)**

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Abstract

In this research Paper secondary data has been used, which is collected from the different official websites of Government of India's Ministry, newspapers, journals, books, magazines and library of Central government's agencies like central universities in India, central government import ant's library like Trimurti in New Delhi and State government's library like Government Library in Prayagraj (Allahabad), Uttar Pradesh and so many. This research paper is descriptive in nature which emphasizes on studying the current hurdles and threats or challenges on Kashmir issues and National Security Problems.

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INTRODUCTION

Jammu and Kashmir was one of these princely states. In the dying days of the short-lived Sikh Empire, the Dogra Rajput generals of Jammu conquered many small Himalayan states such as Kashmir Valley, Gilgit, Baltistan and Ladakh. They even tried to conquer Tibet but were beaten back. When the British beat the Sikhs, they sold Jammu and Kashmir to Gulab Singh Jamwal, a Dogra general of their rivals. Jamwal abandoned his Sikh masters and cast his lot with the rising British East India Company. This enabled him and his successors to rule the second largest princely state in the Indian subcontinent. In 1947, Hari Singh, Jamwal's successor and the last Dogra king, wanted independence. However, he was effete, ineffectual and debauched. As a Hindu king ruling over a majority

Muslim population, his power base was slipping. As in much of India, communal tension broke out in Jammu and Kashmir. This excited emotions in Pakistan.

Ideologically, many in Pakistan saw Kashmir as an integral part of a new Muslim nation. On the night of October 21-22, the Pakistanis sent tribal militia and soldiers in civilian clothing to annex the state. Sheikh Abdullah, the most important Kashmiri leader and a friend of Jawaharlal Nehru, opposed the Pakistani incursion. So did the ruler Singh. In panic, he signed the Instrument of Accession, ceding Jammu and Kashmir to India. Indian troops arrived by air and pushed Pakistani forces out until Nehru took the matter to the United Nations. India and Pakistan gained independence from British rule in 1947; the various princely rulers were able to choose which state to join. The Maharaja

of Kashmir, Hari Singh, was the Hindu head of a majority Muslim state sandwiched between the two countries, and could not decide.¹ He signed an interim standstill agreement to maintain transport and other services with Pakistan. In October 1947 tribesmen from Pakistan invaded Kashmir, spurred by reports of attacks on Muslims and frustrated by Hari Singh's delaying tactics. The Maharaja asked for Indian military assistance.

Whether the Instrument of Accession or the entry of Indian troops came first remains a major source of dispute between India and Pakistan. India insists that Hari Singh signed first, thereby legitimizing the presence of their troops. Pakistan is adamant that the Maharaja could not have signed before the troops arrived, and that he and India had therefore ignored the standstill agreement with Pakistan.² The population of historic Kashmir is divided into about 10 million people in Indian-administrated Jammu and Kashmir and 4.5 million in Pakistani-run Azad Kashmir. There are a further 1.8 million people in the Gilgit-Baltistan autonomous territory, which Pakistan created from northern Kashmir and the two small princely states of Hunza and Nagar in 1970. The government of the Indian state of Jammu and Kashmir has often been led by the National Conference, a pro-Indian party led by the Abdullah political dynasty. Pakistan runs Azad Jammu and Kashmir as a self-governing state, in which the Muslim Conference has played a prominent role for decades. The National Conference moved from an almost pro-independence stance in the 1950s to accepting the status of a union state within India, albeit with more autonomy than other states. Jammu and

Kashmir is diverse in religion and culture. It consists of the heavily-populated and overwhelmingly Muslim Kashmir Valley, the mainly Hindu Jammu district, and Ladakh, which has a roughly even number of Buddhists and Shia Muslims. The Hindus of Jammu and the Ladakhis back India in the dispute, although there is a campaign in the Leh District of Ladakh to be upgraded into a separate union territory in order to reflect its predominantly Buddhist identity.

Article 35A of the under the Indian constitution was an article that empowered the Jammu and Kashmir state legislature to define «permanent residents» of the state and provide special rights and privileges to those permanent residents. It was added to the Constitution through a Presidential Order, issued by the President of India on 14 May 1954, under Article 370. The state of Jammu and Kashmir defined these privileges to include the ability to purchase land and immovable property, ability to vote and contest elections, seeking government employment and availing other state benefits such as higher education and health care. Non-permanent residents of the state, even if Indian citizens were not entitled to these 'privileges'. On 5 August 2019, the President of India Shri Ram Nath Kovind issued a Presidential Order, whereby all the provisions of the Indian Constitution are to apply to the State without any special provisions. This would imply that the State's separate Constitution stands inoperative, including the privileges sanctioned by the Article 35A. Article 370 of the Indian constitution gave special status to Jammu and Kashmir a region located in the northern part of Indian subcontinent which was administered by

India as a state from 1954 to 31 October 2019, and a part of the larger region of Kashmir, which has been the subject of dispute between India, Pakistan, and China since 1947 conferring it with the power to have a separate constitution, a state flag and autonomy over the internal administration of the state. The article was drafted in Part XXI of the Constitution: Temporary, Transitional and Special Provisions. The Constituent Assembly of Jammu and Kashmir after its establishment, was empowered to recommend the articles of the Indian constitution that should be applied to the state or to abrogate the Article 370 altogether. After consultation with the states Constituent Assembly, the 1954 Presidential Order was issued, specifying the articles of the Indian constitution that applied to the state. Since the Constituent Assembly dissolved itself without recommending the abrogation of Article 370, the article was deemed to have become a permanent feature of the Indian Constitution. This article, along with Article 35A, defined that the Jammu and Kashmir state's residents live under a separate set of laws, including those related to citizenship, ownership of property, and fundamental rights, as compared to residents of other Indian states.⁴ As a result of this provision, Indian citizens from other states could not purchase land or property in Jammu & Kashmir. On 5 August 2019, the Government of India issued a constitutional order superseding the 1954 order, and making all the provisions of the Indian constitution applicable to Jammu and Kashmir based on the resolution passed in both houses of India's parliament with 2/3 majority. Following the resolutions passed in both houses of

the parliament, he issued a further order on 6 August declaring all the clauses of Article 370 except clause 1 to be inoperative. In addition, the Jammu and Kashmir Reorganization Act was passed by the parliament, enacting the division the state of Jammu and Kashmir into two union territories to be called Union Territory of Jammu and Kashmir and Union Territory of Ladakh region. The reorganization took place on 31 October 2019.

The state of Jammu and Kashmir's original accession, like all other princely states was on three matters: defence, foreign affairs and communications. All the princely states were invited to send representatives to India's Constituent Assembly, which was formulating a constitution for the whole of India.⁵ They were also encouraged to set up constituent assemblies for their own states. Most states were unable to set up assemblies in time, but a few states did, in particular Saurashtra Union, Travancore-Cochin and Mysore. Even though the States Department developed a model constitution for the states, on 19 May 1949, the rulers and chief ministers of all the states met in the presence of States Department and agreed that separate constitutions for the states were not necessary. They accepted the Constitution of India as their own constitution. The states that did elect constituent assemblies suggested a few amendments which were accepted. The position of all the states (or unions of states) thus became equivalent to that of regular Indian provinces. In particular, this meant that the subjects available for legislation by the central and state governments were uniform across India.

Jammu Kashmir state officially bifurcates into two Indian union territories—J&K (Jammu and Kashmir) and Ladakh—which will be administered from New Delhi. Senior bureaucrat Girish Chandra Murmu is currently lieutenant governor (L-G) of J&K, while Radha Krishna Mathur is currently lieutenant governor (L-G) of Ladakh. This marks the downgrading of the former kingdom's status from one of the 29 (now 28) Indian states to one of its nine union territories now. With this, J&K also loses its relative autonomy from the Indian government, its separate flag, and a constitution. This former arrangement was the condition under which J&K, under its late king Hari Singh, acceded to India following the subcontinent's independence from British rule. On Aug. 5 this year, the Narendra Modi government rendered Article 370 of the Indian constitution which formed the bedrock of this autonomy, ineffective through an amendment in parliament.

Since the partition of the Indian subcontinent in 1947, the country had refused to recognize the accession of J&K with India, making multiple failed bids to militarily seize the region—1947-48, 1965 and 1999. In his UN speech in September, Pakistan Prime Minister, Imran Khan, warned against a “bloodbath” in Kashmir once India lifts the curfew. In its response India reiterated its stand that the country “does not need anyone else to speak on its behalf.”⁶ This, though, did not stop Pakistan from lashing out more against India. On Oct. 29, Pakistan's minister for Kashmir affairs and Gilgit Baltistan, Ali Amin Gandapur, warned of a nuclear attack against India and countries supporting its stand. Since the division of the sub-continent in 1947, the foundations

were laid for the long-standing conflict in and around the regions of Jammu and Kashmir that persists today. India and Pakistan have fought three wars over territory there, and each state continues to assert claims over its entire area. China also holds a large portion of the contested territories. Tensions and unresolved grievances around these historic disputes continue to feed wider regional instability and undermine efforts for demilitarization in the region. Territories administered by India and Pakistan are divided by the Line of Control. This constitutes a contested dividing line in the disputed region. This dividing line is heartily contested by Indian and Pakistani militaries often resulting in cross-fire and loss of lives. Bursts of violence erupt regularly along multiple political divides, mainly between Indian security forces and militant organizations contesting Indian rule on the Indian side of Kashmir.⁷ The line of control split many families, with people stuck on either side of the divide unable to visit relatives and friends. Trade across the line has also been disrupted, and over the years of violent conflict the diverse populations of Jammu and Kashmir on either side of the line of control have become disconnected and mistrustful of each other. Despite a highly militarized standoff persisting between India and Pakistan and an erratic bilateral dialogue process at the official level, civil society in India, Pakistan and on either side of the line of control in Kashmir has continued to actively promote engagement across divides. Historic measures since 2004 to re-establish some links across the line of control have been enthusiastically supported by the public right across Kashmir.⁸ These openings offer hope for

greater collaboration and peacebuilding across the line of control.

Conclusion

Until 1947, modern-day India, Pakistan and Bangladesh were part of British India. Yet it was not as simple a matter as the transfer of power from the British to the Indians. The British had propped up a number of princely states ruled by local monarchies that acted as their loyal clients. When the British decided to leave, the future of these states came into question. Both India and Pakistan wanted to absorb these vestigial states into their territories. The populations of most princely states were in favor of joining either India or Pakistan. The rulers themselves had three options. They could either join India, Pakistan or declare independence. The princes were known for their opulence, decadence and misrule. Besides, many saw them as traitors who had been rewarded for betraying their countrymen to the British. So, in the post-independence environment, there was little chance of these princely states retaining independence. Without the threat of the British Empire to suckle from, they were simply not in a position to survive. All the above matter was closely associated with the part of India and Pakistan history, but the present situation are very gravious for India National Security. Both countries also tried to solve this complicated matter but some internal and external problems from both side always came as a big hurdle to find any clear solutions between them. But for the security and peace we have to find a very smart and crystal solution on it, because without any peace there is no any development. So for the development for both countries the

solution is very important in present and near future.

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