

Kashmir Combustible Region: Abrogation of Article 370 & 35-A and its Grave Implications

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ABSTRACT

Kashmir dispute between India and Pakistan is one of the world's most enduring conflicts which has severely affected the South Asian landscape and it is remained unresolved. The issue became serious when India gained territorial control of Jammu and Kashmir by force and the region emerged to the forefront of international attention. The situation become more worst when India's Bharatiya Janata Party (BJP) eliminated the semi-autonomous provision of Jammu and Kashmir on August 2019 through the abrogation of Article 370 and 35-A of the Indian constitution which gave special status to the region. They divided the state into two union territories and attempted to open a new chapter on Kashmir dispute. The action provoked intense diplomatic response from the world community and Pakistan also strongly condemned the New Delhi unilateral action because it was against the will of right of self-determination and against the spirit of United Nations Security Council resolutions. The decision has become the cause of backlash for BJP government when they imposed communication restrictions on people and curb their civil liberties. There are no appropriate measures by the central government for uplifting of poverty, illiteracy, backwardness, and socio-economic progress except the lip services. In the situation, the people of the Kashmir deserve the real attention, road map and the same protection as the rest of the world. Nevertheless, there is no comprehensive diplomatic solution has defied by the international community, leaving people disillusioned about the prospect of peace. Large-scale violence ebbs and flows, leaving communities insecure and enabling the conflict to persist as a rallying tool for nationalists and extremist actors, thereby demanding continued US and international attention to prepare the ground for peace.

Key Words: **BJP Unilateral Action, Abrogation of Article 370 & Article 35-A, People Reaction, Ban on Communication Network, Increasing Military Forces, Unending Curfew, and Gloomy Picture of Peace.**

Introduction

Since last 74 years, Kashmir conflict between India-Pakistan has affected the South Asian landscape because both are in conflict over competing claims to the same territory. No wide-ranging diplomatic road map has proposed by international efforts and ultimately the issue has become complex and left no ray of hope for future prospect of peace. The unending violence in Indian held Kashmir ebbs and flows, leaving innocent and armless people in an uncertain situation and pushing the conflict to continue rally on the radical elements, thereby need continue US and international attention for peace and stability. Narendra Modi government actions to withdrawn Kashmir special status article 370 and

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converted into federally administered territories. His government also inducted article 35/A to change demographic situation of the Himalayan region but people reaction is furious and aggressive. Thus, the situation has become very grave because both nuclear-armed rivals are engaged in frequent cross-border fighting across the Line of Control (LoC) and Indian forces killing peace loving people on daily bases. There are rear chances for a just and lasting peace in the area because geopolitics of the issue is alarming and desire immediate intervention by the global actors to prevent from ongoing humanitarian crisis in the region

Contemporary Geo-Politics of Kashmir

In the *literature* of International Relations the concept of geo-politics has emerged as an important discourse in the modern world. Some countries believe on “realist” school of thought and adopted imperialist power oriented strategy to enlarge their geographical frontiers. In the context, the geo-politics of India is based on expansionist vision which they apply on Jammu and Kashmir annexation as they did it with Sikkim, Manavader and Hyderabad. Thus, India’s heartland geo-politics is around the South Asian region and their focus is Jammu and Kashmir where they practice power to gain control over the area. So, the power phobia of Indian leaders has put the region towards unending wars, hostility, and low intensity conflicts. Consequently, the region of Kashmir is not a place of harmony rather an area of turmoil, and extremely militarised in the world. It seems to be a boiling pot or zone of guerrilla warfare which is not controllable by forces. Peace and harmony can only prevail through the political means because Kashmir struggle has entered into the era of freedom and self-determination.

Since the departure of British from South Asian region, Jammu and Kashmir is a one of world flashpoint, melting pot and geopolitical hotspot. While, Kashmir is a part of Himalayan region which was once a princely state but become disputed after the partition (1947) of British India and left Kashmir as an unfinished agenda of partition. Strategically, Jammu and Kashmir is situated on the footsteps of Hindu Kush, Karakoram and Himalayas range. The region of Hindukush is linked with the Gilgit-Baltistan and Hunza which is under the control of Pakistan. On the side, the Karakoram well connected to Ladakh region and Himalayas has covered the Kashmir Valley. Thus, the whole of Jammu and Kashmir region is based on three great ranges lay separated remarkable cultures of Islam, Hinduism and the Han Chinese civilization (Shahzad, 2019). Many races and cultures cross paths because region is socio-culturally rich with different races and religious communities like Muslims, Hindus, and Buddhists including numerous indigenous spiritual groups.

Strategically, Jammu and Kashmir region is divided on different areas such as Jammu, Kashmir valley, Ladakh region, Azad Kashmir, Gilgit-Baltistan (including *Skardu* and Hunza), Aksai Chin and Trans-Karakoram Tract (Shaksgam Valley) territory with the borders of Afghanistan, China (Xinjiang), India, Pakistan, and Central Asian Republics (Tajikistan). The region is sandwich between the

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triangular nuclear states: India, Pakistan and China and it is truly a catastrophic region. Moreover, besides its strategic value, Pakistan and India claims Kashmir on cultural and social reasons. In addition, Jammu and Kashmir region have unique position within the 562 princely states of British empire because it was one of the largest and dominated with Muslim population. Its geographical area is around 222,870 sq Kilometer which mean larger than the Denmark, the Netherlands, Belgium and Luxemburg. In the contemporary time, Kashmir's 45 percent area has under Indian control and 35 percent govern by Pakistan which called Azad Kashmir and only 20 percent area claimed by China. However, India and Pakistan are the main parties who fought three direct wars (1948, 1965 and 1971) on Kashmir and two indirect limited wars mean one is in 1985 on Siachen Glacier and another is Kargil in 1999.

In the situation, China is an important actor of the region which has claim on Jammu and Kashmir parts of Aksai Chin and Ladakh as both areas are vital for China. The area has connection with two border areas such as Xinjiang and Tibet and both have no road links with difficult Taklimakan Desert. Furthermore, Pakistan has given Shaksgam Valley which is the integral part of Gilgit-Baltistan but under the 1963 Sino-Pak Agreement, the area has provisional handed over to China, until the Kashmir issue is resolved (Khan, 1968). Strategically, China has control on Shaksgam and they have plan to construct road to connect G-219 (the Xinjiang-Tibet road) in the east which will ultimately connect with Pakistan through the Karakoram Highway and it will help to facilitate progress of two neglected provinces. In this context, Shaksgam with its link to Aksai Chin justified the Chinese influence over Kashmir region as Shaksgam is situated close to Siachen Glacier which is basically no-man land (no flay zone) in the western side of the Line of Control between Pakistan and India. New Delhi fears that in any future clash with China, Beijing can easily target India through Shaksgam or can capture glacier area physically with the coordination of Pakistani forces (Katoch, 2018).

In this regard, China's interest is not restricted to Ladakh region because it has core stakes in Gilgit-Baltistan area due to CPEC programme along with Belt and Road project which ultimately will link to the hot waters of the Persian Gulf region and Gwadar Port. Thus, it is not hidden that the US and its strategic ally, India, both strongly opposing CPEC project. In the situation, Kashmir location is significant to all concerned countries in the era of new Great Game in South Asia and Kashmir region emerged as a buffer between US backed India and China backed Pakistan. The region perceived to be iron wall for Indo-US influence in South and Southwest Asia. Thus, the future of Kashmir, either as an independent entity or might be join India or Pakistan, have capability to alternate the geopolitics of whole region, particularly have capacity to affect India's goal to keep Afghanistan under New Delhi control which is the gate way to Central Asia. As mentioned by Nehru that "Kashmir is vital for India because of its pivotal

location and link with Central Asian region (Shahzad, 2019).” Historically, India-China have fought one war in 1962 over Aksai Chin in Ladakh which is the part of disputed Kashmir region and in that war India faced a shameful defeat.

In the recent past, India has built a hundred kilometres road in the most remote and vulnerable area close to Line of Actual Control (LAC) in Ladakh Galwan Valley and it attached with air base which revitalized in 2008. The air base would increase Delhi’s offensive ability and it can help to move forces and weapons most quickly during war time which infuriated Beijing. China accused India and blamed New Delhi for the stand-off and mentioned that the country has altered realities (*Aljazeera*, 2020). It was stated that the stand-off has three positions such as the Galwan valley; Hot Springs; and Pangong lake in the south. India and China both countries shared border which is around 3,440km (2,100 miles) long and Beijing claimed that the Galwan Valley area is integral part of China and New Delhi claim is illegal on Galwan valley (Ethirajan and Pandey, 2020). In this regard, India changed the status quo along the LAC which annoyed the Chinese," and both countries are unsuccessful to settle the boundary disputes. Nevertheless, Jammu and Kashmir is not only disputed between India and Pakistan but China is also a great stakeholder. The region serving as a pivot and the three (China, India and Pakistan) have competition to influence each other and even using national and international forum to achieve task. So, Kashmir is unresolved not only between Pakistan and India, but also between China and India. But China will try to remain offish on the matter until there is a decisive turn on the issue.

Kashmir under the Foreign Rulers and Dogra Dynasty

Historically, it is unfortunate that Kashmir region has never been governed by the native Kashmiris and its oppression and colonial exploitation started with its occupation by the Mughal empire in 1589. After the Mughals, the area was ruled by the Afghans (1753-1819), Sikhs (1819-46), and the Dogras ruled (1846-1947) until the British empire created two new dominions i.e India and Pakistan. Mughals were the only rulers, who did some efforts to alleviate the region from socio-cultural poverty and work to manage its natural beauty by the development of mega gardens in the valley of Kashmir. The Afghans used Kashmiri people as slaves to work in their native land for construction and in the fields. They imposed different types of expensive taxes on the local products (Shawl and cloths) of home industry. The Sikhs rulers exploited Kashmir sources as mentioned by the William Moorcroft that Kashmiris treated by the Sikhs “little better than cattle” (Halder, 2019). However, in 1846 when British East India Company severely beaten the Sikh forces in the Anglo-Sikh war (1845 and 1846) then Kashmir region was vended to the Hindu Dogras as a “commodity” and later sold to Gulab Singh for a lump sum of 7.5 million rupees as a compensation to side with the British in the Anglo-Sikh war.

Maharaja Gulab Singh was the creature of dogra regime which ruled for 106 years by four hereditary rulers of Gulab Singh (1846-1857), Ranbir Singh (1857-

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1885), Pratap Singh (1885-1925) and Hari Singh (1925-1952). Thus, under the Sikh dynasty, Gulab Singh and other Dogra rulers treated the Kashmiri people as slaves and imposed inflated taxes on the common people with the attempt to collect huge amount which they had paid to British. Moreover, all Dogra rulers continue paid ransom to British as per their demands and muscle. Dogra rulers established regular army based on Kashmiri native people by the advice of British and trained forces on payment by British empire (Huttenback, 1968). However, it is fact that the Dogra rulers in Kashmir were worst because they imposed different types of economic tariffs on poor Kashmiri people. They also banned on native people to hold any land in the area and around more than seventy five (75%) percent of cultivated land were under the Dogra rulers. So, labour class was dependent on Hindu Dogras and many labours (working class) were under the forces labour system which the state control (only simple food provided) and pay no wages. There was also marriage tax on Kashmiri people other than the “zaildari tax” which was compulsory for all native people, particularly on Muslims. During the time of Dogra rule, there were no official and semi-official jobs were allowed to Muslim Kashmiri. State jobs were only available to Hindu Pandits and to other Hindu caste people within the Kashmir areas. Even Muslim Kashmiri were not allowed to work as a teacher and civil servants. Thus, majority Muslim population was helpless and mostly “petite bourgeois” were Hindus. Moreover, the Hindu dominated administration and Dogra ruler imposed Koshur (Dogra native language) with Urdu as the official language of state and this action was against the will of Kashmiri Muslims.

There was no strong resistance against the Dogra despotic and oppressive rule by the working class and peasants. During the Dogra rule, Kashmiri Muslims were completely deprived from all socio-cultural and economic activities. They have given employment options only to Hindu Pandits and other Hindu caste rather the local Kashmiri people (Noorani2011). At that time, Sufi order (mystical branch of Islam) such as *Suharwardi*, Kubrawiyya (silsilahs), Naqashbandi, Qadiria, Noorbakhshia and Rishia order who arrived in Kashmir from Central Asia and developed a credo among Muslims and emphasised bonds of love, peace, compassion, humanity and harmony. These Sufis served to promote Kashmiri culture through their teaching and practices. They also impressed Hindus, Shaivism and Buddhism and many converted into Islam. They also played significant role to reform Hindu dominant society and openly condemn the un-Islamic activities. It was a time, when mosque and madrassa were not allowed for socio-political activities then Sufi tombs and shrines contribute for socio-political awareness among the people and also protected Muslim separate identity. Sufi places equally contributed for the promotion of Kashmiriyat (Kashmiri nationalism) which ultimately work for mass uprising against the Dogra rule in Kashmir (Dar, 2019).

At that time British India was in transition and everywhere socio-political movements were in action. The region of Kashmir was also under the grip of political waves but people of Kashmir were not allowed for socio-political activities and they cannot raise voice against Maharaja's brutal actions. However, later Maharaja approved party politics in the region and only Hindus enjoyed socio-political activism and Muslims deprived. So, three political parties' i.e Kashmiri Pandits Conference, Hindu Sabha (Jammu), and Sikhs' Shiromani Khalsa Darbar allowed to work in the Kashmir region. There was no Muslim representation and no political party based on Muslim leaders. Contrary, nationalist Sheikh Mohammad Abdullah, a school teacher formed *Reading Room Association* (later party renamed All Jammu and Kashmir National Conference) in 1930, with the support of educated people who started political discussion about the common masses of Kashmir. They started organising meetings in Sufi shrines and mosques and soon attract to middle class people. In the same year, Muslims in the valley started agitations against the Maharaja oppressive actions. The serious situation emerges on July 13, 1931 when thousands of Muslims attacked on Srinagar jail to release a young Muslim leader named Abdul Qadeer. Dogra forces treated people with brutality in which (Twenty Two) 22 demonstrators were murdered and many injured. According to Prem Nath Bazaz, the feelings of the masses that moved towards the jail were not against Hindus but certainly their sentiments were anti-oppression (Ashraf, 2020). Bazaz endorsed the immaturity of Reading Room Party (RRP) and claimed that the antagonistic attitude and biased behavior of the Hindus towards the Muslim were the main cause of Muslim abuses. Ever since the working class Muslim and common Muslim masses attached with their Muslim identity because Dogra treatment and attitude with Muslims left no option to stay with their religion rather secular ideas.

Kashmir under the British Empire and in the Post Partition (1947)

Maharaja Gulab Singh and British Empire signed an agreement at Amritsar in March 1846 which later called Amritsar Treaty and the state of Jammu and Kashmir declared a special political entity. Under the treaty Maharaja given 75 lakh to British Empire to maintain power position in the region. Maharaja also promised to honour the British by one horse, twelve shawl goats of approved breed (six male and six female) and three pairs of shawls. The last episode of Dogra rule, Maharaja Hari Singh proclaimed State Subject for permanent residents as defined in Notification No. 1-L/84 of 1927. Maharaja has given citizenship rights to residents of Jammu and Kashmir and also laid punitive taxes on all people of state. This tax system affected more Muslim population as compare to others including Hindus. As per the words of Prem Nath Bazaz, Muslims was unbearable because the situation of Muslims majority was "appalling, dressed in rags and barefoot . . . Most of landless labourers working as serf for absentee [Hindu] landlords" (Ashraf, 2020). Muslim reaction against the Maharaja rule was recorded. Maharaja announced committee to address the grievance of Muslim masses and for this

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purpose Maharaja selected B.J Galancy, (an English ICS Officer) in April 1932 for fair enquiry to find out the real causes of Muslim unrest. So, Galancy Commission recommended political and socio-economic reforms particularly in administration, education, land distribution and taxation structure in their report and also suggested better life for common Muslims (Galancy, 2017).

After the Commission report, Sheikh Abdullah launched “Naya Kashmir” magazine in 1944 in which he given “Kashmir Manifesto” based on National Economic Plan and Constitution for the State. His action and movement for the rights of people of Kashmir was popular among the masses but due to his friendship with Jawaharlal Nehru and Congress he becomes controversial within the people. However, *Sheikh* Abdullah launched “Quit Kashmir” movement in April 1946 against Maharaja Hari Singh for the rights of people on the line of Mahatma Gandhi’s “Quit India” movement (1942). At that time, *Sheikh* Abdullah said that: “The atrocity of the Dogra’s rule has smashed the souls of masses. Although the Kashmiris are the cute people, but Maharajah’s treatment made it unattractive. So, it is an appropriate time to react against Maharaja because...sovereignty is not the right of illegitimate rulers and every person of the land will shout ‘Quit Kashmir.’ Thus, Kashmiri has shown their will and they are the real master of the land” (Bamzai, 1994). *Sheikh* Abdullah also rejected the Treaty of Amritsar (1846), and announced that the “real time has arrive to say “goodbye” to the Treaty because the region is not the personal property of Maharajah Hari Singh” (Akbar, 1985). At the time of British India partition (1947), Abdullah was in support of Nehru’s vision of secularism rather Jinnah’s ideology of Two Nation theory based on religion. Thus, Jinnah came to Kashmir in 1944 and was “surprised to see the poor position of people.” He advised that “If the Kashmiri Muslim wants to change the situation then they should join Muslim League” (Bhatti, 2020). *Sheikh* Abdullah refused Jinnah’s vision of nationhood and favored secularism. Nevertheless, Ghulam Abbas, the leader of Muslim Conference warmly welcome Jinnah’s idea of Two Nation Theory and said that “Islam and Hinduism are different social orders and Hindus-Muslims are two diverse religious philosophies, social customs and literatures” (Kalis and Dar, 2013). Ghulam Abbas also supported the idea of separate homeland (Pakistan) for British Indian Muslims in order to safeguard the rights of the Muslims of Kashmir which was not possible with the alignment of Indian National Congress who was closer to Hindu community. So, Ghulam Abbas separated from Kashmir National Conference and created Muslim Conference against Dogra rule (Chauhdari, 2005). It was also fact that during the Dogra rule in Kashmir, the opposition against the Hindu rulers was based on religion not a class struggle.

Nonetheless, Abdullah’s being a Kashmiri nationalist and secularist become closer to Congress and Nehru and looking personal gains from them rather from Pakistan. History is witnessed that Abdullah has given political losses to state of Kashmir before and after the British Empire relinquished power. In response of

Abdullah, Muslim Conference led by Ghulam Abbas said Kashmir is the Muslim majority area and it should be the part of Pakistan. The Kashmir Socialist Party (KSP) proclaimed in September 1947 that the party seriously thought that “it will be better for the backward Kashmiri people to join Pakistan” (*The Kashmir Times*, 1947). The Kisan Mazdoor Conference also supported (1947) that the Kashmir accession should be to Pakistan because of Muslim majority population. They mentioned that Kashmir’s main rivers and three highways flow into Pakistan (Kabakay and Bhatti, 2020). Mohandas Karamchand Gandhi also said on December 25, 1947 that “Maharaja of Kashmir is declared guilty and responsible for all-ills in the state” (Bamzai, 1994). Thus, it has proved that Maharaja’s failed to control the situation and ultimately there was no option left to call India for help and his request accepted by the New Delhi for military assistance.

On October 22, 1947, tribal people from Khyber agency, Waziristan and Dir state forces collectively march against Hari Singh army to bailout Kashmir people from the terrific Dogra rule. In the situation, Maharaja Hari Singh extend his hand of friendship towards Sheikh Abdullah which accepted by Abdullah to keep Pakistan away from Kashmir. He (Sheikh Abdullah) went to Delhi as a special representative of Hari Singh for India’s assistance to counter Pakistan. At that time, Lord Mountbatten (Viceroy of India) rejected to provide military shelter without signing the ‘Instrument of Accession.’ The situation left no option for Maharaja and he signs the ‘Instrument of Accession’ for New Delhi’s help to isolate Pakistan (Lamb, 1992). In response of Sheikh Abdullah’s services Hari Singh nominated him “Emergency Administrator” of the Kashmir as per desire of Nehru (Lamb, 1994). On 27th of October 1947 in the early morning Indian military landed in Srinagar and fought against the Pakistani tribal people who were close to capital Srinagar (Bamzai, 1994). Jinnah on the same day, ordered General Gracy to send Pakistani forces into Jammu and Kashmir but Gracy declined to obey Jinnah’s instructions because there was not sufficient regular Pakistani forces were available. On the other hand, Marshal Auchinleck, given threat to Jinnah that “Royal British troops would be withdrawn if Pakistan forces will enter in Kashmir and given chance India to complete the operation of Accession” (Jamal, 2009). However, Liaqat Ali Khan (Prime Minister of Pakistan), rejected to admit Accession and said on 4th November, 1947, that “Pakistan will not accept accession of Kashmir to India because it is “fraud” and it is naked aggression on the people of Kashmir by its illegitimate rulers” (Sahadevan2001).

In the situation, Governor General of India Mountbatten, directed to Indian Prime Minister, Jawaharlal Nehru to take the matter to the United Nations (Dogra, 2020). Nehru firmly said that “We have acknowledged that the fate of Kashmir would be decided by the people. This is [India] our commitment not only to the people of Kashmir but the world” (Nehru Speeches, 1947). Nehru in another occasion mentioned that “let me make it clear that it has been India’s policy all along that where there is a dispute about the accession of a state to either Dominion, the decision must be made by the people of the State. It was in accordance with this policy that we added a proviso to the instrument of accession

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of Kashmir” (*White Paper*, 1949). During the address of Rajya Sabha, on the issue of Kashmir, Prime Minister Nehru clearly mentioned that “We will not, and cannot back out of it. We are prepared when peace and law and order have been established to have a referendum held under international auspices like the United Nations. We want it to be a fair and just reference to the people, and we shall accept their verdict” (Nehru, 1950). In the same way, during Gandhi’s visit to Srinagar (Kashmir), in August 1947, stated that he had, “No reluctance to say that the wishes of the Kashmiri people will be the supreme law in Jammu and Kashmir” (Noorani, 2013). Thus, seventy three years after partition, a referendum in Kashmir is still a moral imperative, besides being a democratic necessity. However, Pakistan has taken diplomatic benefit when India put the matter to the UN Security Council which clearly indicates that Kashmir is a disputed territory.

Indigenous Rebellion in Kashmir: Political and Socio-Economic Causes

In the modern war literature “insurgency” is primarily a political struggle for legitimacy and its violent aspect has potential to control territory and resources. It can undermine the legitimacy of the ruling elites and government. It can bolster their own standing by protracted strategy, conventional and unconventional means and guerrilla warfare. In the recent past, Vietnams and Afghan insurgency against the foreign domination probably are the remarkable incidents of the 20th century. Edward *Luttwak* argued that the downfall of the Soviet empire has given the significant courage to Afghan people’s struggle over oppressed rule which can destroy the country’s economy and political system (Luttwak, 2001). In this regard, Kashmir indigenous insurgency is ethnically cohesive and exclusive against the New Delhi’s brutal rule. The freedom fighters impressed by Mao’s way of guerrilla warfare methods to bleed Indian forces and keep the issue of Kashmir alive. In this way, the freedom fighters enjoyed safe sanctuary within the area and behind they have uncontested political and diplomatic support. They are fighting with regular Indian forces with traditional and conventional instruments and gaining unbeatable experience and highly skilled knowledge of war tactics.

The roots of the Kashmir uprising lie in the state election which held in 1989 and New Delhi deliberately rigged to achieve hidden objectives. Since then, around 115,000 young armless Kashmiri’s have been died, approximately 11,000 injured, 1800 pellet injuries in the eyes, 5,000 left disabled, 10,000 people have disappeared, 11500 arrests and registration of 3200 FIRs against youth (*Greater Kashmir*, 2021). According to the US State Department report 2019-2020 highlighted that Indian military in Jammu & Kashmir had involved in extrajudicial murders of selective people (Ibid.). The UNHCHR (UN High Commission for Human Rights) report from 2017 to 2018 has mentioned that Armed Forces Special Protection Act (AFSPA) and Jammu & Kashmir Public

Safety Act (1978) “have created too many problems for the local innocent people and it was on record that the Indian military were involved in human rights violations” (UN Human Report, 2020). Asia Watch also reported that, Indian forces badly treated people and used different means such as torture, illegal detentions, draconian acts and rapes as an instrument to disgrace people. Human Rights Watch stated that Indian forces “threatened people during search operations and instantly executed prisoners who were in their custody and killed in retaliation” (Asia Watch, 2020). According to Usman Chohan and Omer Aamir, Indian army not only “used rape as a weapon of war” even they also treated common masses inhumanely (Chohan and Aamir, 2020). It is regrettable that mass graves have been found in Kashmir. Amnesty International stated in their report that Indian government is not willing to investigate the case of Kashmiri mass graves with the fair that it will expose Indian military brutality and their inhuman actions such as gun battles and the forced abductions of thousands of people (Report of Amnesty International, 2020).

There are many others socio-economic causes of unrest in Kashmir and these are enough an eye-opener for the world. The region is rich in natural resources but deprived from all basic facilities and presenting a grim picture on all major fronts in the 21st century. In this regard, the Kashmir region is under the grip of socio-economic poverty and illiteracy and more than half of its population is unable to read and write. Tourism is one of the million dollars industries of Kashmir region, which now is the world’s most troubled area and is facing disaster from the absence of tourists in the wake of cycle of violence. Thus, tourists industry has declined in Kashmir and it reduced from six million to a zero percentage in the current years (Bhat & Sharma, 2018). The tourist inflows have been falling since the last one and half decade and now the position is poorest because from 2016, a total of 1.14 million domestic tourists visited, falling to 898,861 in 2017. In 2018 the number of domestic tourists decreases 557,223 along with 22,525 foreigners. In the year of 2019 only 144,229 domestic tourists and only 80230 foreigners have visited the valley (Ibid.).

Everybody in Kashmir region faces one problem or the other such as cold weather, water, rundown roads, unsatisfactory electricity, hospitals, unemployment and deficiency of public sector education institutions. There is no proper communication and industrial network and the region is isolated with the rest of the state and the country. There is no economic development in the region and the area is one of the backward and neglected zones. The region has no developmental infrastructure and majority of skilled and educated youth from rural and urban areas are unemployed. The overall unemployment percentage in Kashmir is higher as compared to rest of India because since the last many years federal government has no revolutionary plan for the uplift of region. Hospital and basic health care centers are far away from the area and there are no appropriate facilities available in the region. On the other hand, unrest has also directly affected the Kashmir livelihood such as agriculture, cultivation and the handicraft industry. Infrastructure of the region has severely suffered enormously. From 1989 to 2019,

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provincial and federal government property, educational institutions, bridges and communication network have been damaged by the Indian army attacks. In the same way, the ongoing unrest equally damaged the natural and cultural beauty of Kashmir including traditionally sites of Sufi saints. In this regard, the central government policies have been damaged the spirit of composite culture which was the integral part of Kashmiriyat. Nevertheless, Kashmir region's growth rate is badly poor, low-income and nearly 65 percent of Kashmir population living below the poverty line which is one of the primary economic problems in the region. Moreover, during the winter severe cold weather with chilly winds wrapped many parts of the Kashmir region. Roads normally blocked in the region and army using cold weather as an instrument to prevent the freedom fighters activities. Kashmir Valley has converted into garrison but army never involve to cleared the snow and restore traffic in the snow-laden areas. To handle the chilled weather, Indian army northern command has establish crisis management centers to assist forces to curb insurgency. They also set up camps in different parts of region for the help of forces with the coordination of local administrations.

In the above mentioned grave position, Kashmiri people particularly the valley which is the most populated area has jumped in the severe crisis. The people are fighting against Indian domination which might be breakdown India in terms of political and economic collapse. Since the last two decades, the Kashmiri people has engaged in an almost extreme political and military confrontation with Indian forces and New Delhi monolithic power failed to control insurgency and their actions are counterproductive and meaningless. Moreover, it was India's oppressive approach which is responsible to push all streets of Kashmir into theatres of violent protests and stone-pelting. Majority of youngsters, women and middle age people are involved fighting against the Indian forces. In response, army retaliation is brutal and even conducting surgical strikes against the innocent people. They conducted so-called operations against the freedom fighters and executed popular leader Burhan Wani in August 2016 and Indian government seen that the streets in South Kashmir became theatres of violent protests and anti-government slogans. Thus, Burhan's killing raised the noises for *azadi* (freedom) and also increases the strength of hatred. The incident opened the floodgates for indigenous uprising, as bulk of youth joined jihadi movement.

Thus, India is expanding its offensive power in the area and using modern politico-military methods against the freedom fighters to reduce the level of threat but all strategies become useless and unworkable. Indian acts of repression against unarmed people by their forces clearly constitute state-sponsored terror to hide their own failures in Kashmir region (Yusufzai, 2021). Indian policy makers reacted inhumanly and brutally to the freedom fighters and deployed more than 7,00,000 of military personnel (including, regular police, para-military forces and border security forces) to prevent protestors. So, India is using four types of forces i.e Indian police, BSF, Central Police Reserve Force (CPRF), and the Indian army.

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They are also dealing the region through the AFSPA act but blatantly violate international humanitarian law and fundamental human rights which approved by the UN Charter and India is also a signatory. In this regard, the UNHCHR annual reports has evaluated the performance of India's AFSPA and criticizes its actions in the region. However, India severely failed to control mass movement because their strategies trigger a grave reaction as compare to expected results.

Indian government has taken many political, economic and military steps to control continue protests against the New Delhi domination but that is not going to end anywhere as people are determinant for freedom from India. People are fighting with empty hands and using traditional instruments such as stones, processions, strikes, and available means to get rid from India. Young generation is the backbone of uprising and they are guided and supported by young planners and local religious groups. Indian government has given different titles to youth protesters such as militants, separatists and now terrorists. So, to handle the ongoing situation, Indian government empowered armed forces with special powers (AFSPA) of 1990 and Public Safety Act (PSA) but completely collapse to maintain peace and people become more reactionary in the state. They treated people in violent manners and searches houses and streets in an inhuman way and unnecessarily tortures the innocent and armless youth which have daily clash with the forces in the entire region. Thus, it is clear that India has no effective socio-political and military strategy to handle the violence in the trouble region.

It has also proved that there is a total failure of India's security establishment to rescue Kashmir from seemingly everlasting conflict and it seems that the region will be the graveyard of Indian forces, of lost ambitions and grand folly; of disappointment, disillusionment and, ultimately, severe defeat. Political and military observers comment the naivety of policy-makers seeking to challenge the 'lessons' of history and delight in the retelling of past disasters. Eventually, there is a clear indication that Kashmir region and its people, as they have shown their will by their actions will spoil the strategies of Indian ambitious. Contrary, history convey message that New Delhi's ruthless strategic with all results in Kashmir are ineffective and lead only to a diminution in their power position and losses of reputation. It is also vibrant that Indian policy makers fundamental misread world history and have great misapprehension, in relation to Kashmiri people because they draw lessons to the present position without correctly thoughtful rationale behind Kashmir freedom struggle and its strategic considerations. Nonetheless, there are undeniably glaring shortcomings in India's strategies and engagement in Kashmir because they lose grip in the region at all ways and means and their tactical, operational and strategic angles are fruitless and total failure can occur in any time.

Origin of the Article 370 and 35-A

Historically, the Viceroy of India Lord Mountbatten announced partition plan on June 3, 1947, and categorically declared about the status of princely states (565) in

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British India that they have only one choice, either to join new dominion India or Pakistan and cannot retain the position as an independent state. Moreover, their status will be determined on the adjacent majority areas of Muslims and non-Muslims (Chopra, 1990). But, it is strange that the Indian Independence Act of 1947 had given the right to the chief of princely states that they are “legally independent” in case the sovereignty of His Majesty will ended on Indian States. However, practically it was not possible to enjoy independence as a sovereign state as mentioned by the Secretary of State for India, Lord Listowell, firmly confirmed that the “British empire do not, of course, recommend recognizing any princely states as separate independent international units” (Buzan & Rizvi, 1986).

In the situation, Maharaja Hari Singh, incorrectly select to be independent, his decision was not correct as per the statement of Lord Listowell (Secretary of State for India). Maharaja has taken the excuse of Pakistan’s tribal offense on Kashmir and ran towards the New Delhi (Indian Government), seeking protection rather than to surrender in front of majority of people opinion to accede Pakistan. Maharaja Hari Singh without the consultation of cabinet or parliament signed the “Instrument of Accession” for Kashmir with the Mountbatten, the then Governor-General of India, officially agreed to India. In return Maharaja received Indian military help against Pakistan and retains its autonomy. At that time, Pandit Jawaharlal Nehru appointed Gopalaswamy Ayyangar, (*Indian Administrative Service - IAS officer*), and he drafted the Article 370, which defines the relations between India and Kashmir. Thus, all concerned matters formalized in Article 370 of the Indian constitution including the exclusive hereditary rights of 1927 as a state’s subjects. There is no doubt that it was the Article 370 of the Constitution which provided autonomous status to the Jammu & Kashmir, and allowed the state Constituent Assembly to abrogate the Constitution of India and adopt complete self-governance (Rasool, 2021). However, the Constituent Assembly of Kashmir was dissolved in 1957 due to domestic crisis in Kashmir but the Article 370 was affective in nature. Moreover, the Supreme Court of India, in 2018, ruled that Article 370 of the Constitution is permanent in term of special status of Kashmir and it will be permanent through years of existence and abrogation is impossible” (Ikram and Iqbal, 2018). On the other hand, the article 35-A basically prohibited outsiders to buy property (land) in Kashmir while barring women population of the region to retain property rights, even if she marry a person who is outsider of the State.

Significance of Article 370 and 35-A

The constitution of India adjusted special autonomous powers of Kashmir region by Article 370 and the region became empower itself to draft its own constitution through the state constitution assembly. It was decided that three matters i.e defence, foreign Affairs and communications were governed by the federal government and the rest will run through the special status (Article 370 and 35-A)

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to the state. It has also mentioned in the article 370 (1) (b) that the federal parliament cannot make any law for the state of Kashmir without the consultation of the state authorities or as mentioned in the Instrument of Accession. Thus, the Article 370 of the constitution has given complete autonomy to the state of Jammu and Kashmir and the state legislature was authorized to draft its own laws. In light of these constitutional privileges, Jammu and Kashmir receive its own flag, constitution and freedom over the domestic administration of the region.

In July 1952, it was decided by the agreement which signed between Jawaharlal Nehru, the Prime Minister of India, and Sheikh Abdullah, the Prime Minister of Kashmir that India's citizenship law will be valid for Kashmir and permitted to adjust the privileges of the permanent residents. So, this pact was ratified by the President of India and issue the Presidential Order in 1954 for the state of Jammu and Kashmir in the continuation of Article 370 (1) of the constitution and added article 35-A in the Constitution. Thus, the constitution certified in Part- III of Jammu and Kashmir's 1956 Constitution that the state of Kashmir can explain by themselves about the permanent residents of the state including their special rights and privileges (Article 35-A). So, Article 35-A (Permanent Residents Law), basically prohibited strangers for purchasing property in Kashmir and provided guarantee of jobs to state residents, while also barring female inhabitants of Kashmir from holding property rights when they marry a person from outside the State. The same privileges was also given to other Indian states such as Himachal Pradesh, Uttarakhand and Punjab, (North India) as well as to north-eastern states of India for local residents.

Abrogation of Kashmir's Article 370 & 35-A

It is historical fact that Kashmir's tyranny and colonial blackmailing started long before the partition of British India. The region never had been governed by Kashmiri themselves. The Dogra rulers did nothing for the development and progress of region and treated people like slaves. So, apartheid type situation still facing by Kashmiri Muslims and feeling insecurity because constitutional privileges has also removed. According to Vaiko (MDMK - General Secretary) (Vaiko, 2019) that Indian National Congress deceived the people of Kashmir and fail to fulfill promise to hold plebiscite in the region (Daksnamurthy, 2019). As Prime Minister Jawaharlal Nehru promised a plebiscite in 1947 and forced Hari Singh to sign agreement for annexure of Kashmir with India. Later when Nehru put Sheikh Abdullah in jail and he said that "there is no place either for gratitude or friendship in the dictionary of the Congress" (Vaiko, 2019) India's permanent envoy in the United Nation, M. C. Chagla, talked to the UN that three elections conducted in Kashmir amounted to a plebiscite but Congress always betrayal the promise (Vaiko, 2019).

Thus, in the continuation of the previous history, the leaders of Bharatiya Janata Party (BJP), since 2014, frequently declared that Jammu and Kashmir's autonomous position has promote terrorism and separatism in the region and its

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status is one of reasons to keep area underdeveloped. Moreover, Home Minister Amit Shah said that the Article 370 was largely symbolic and liberty for separate state flag and state constitution was not much more than a sheaf of paper (Viewpoint, 2019). In this manner, BJP action of abrogation of Article 370 is the step towards the complete integration of country and for the promotion of Indianisation programme to protect country's boundaries from all the demarcated corners. According to Christophe Jaffrelot, (a research fellow at CERI-Sciences Po/CNRS in Paris), "BJP has entered in an era to boost the nationalistic agenda and integrate all areas within the Indian Union" (Jeffrey, 2019). Prime Minister Narendra Modi claimed that the time has arrived that India have to stay with "the slogan of One Nation' is now a ground reality" (Narendra Modi Speech, *The Hindu*, 2019). It is also reality that during the general election of 2019, it was mentioned in the BJP manifesto that party will abrogate Article 370 and 35-A and Jammu and Kashmir will integrate with the rest of India. In this connection, BJP through a series of presidential orders changed the direction of Article 370, and replaced the name of "Constituent Assembly" with "Legislative Assembly" in 2018. Thus, on August 5, 2019, Home Minister Amit Shah moved the bill in the *Rajya Sabha* about the Article 370 and reorganization of the Jammu and Kashmir bill 2019. The superior parliament removed clauses of Article 370 of the Indian Constitution, and mentioned that special status will no more applicable in the state (*The Economic Times*, 2019). According to Rakesh Mohan Chaturvedi, Kashmir's special status under Article 370 is the real cause of corruption, terrorism, and alienation of the state (*Indian Express*, 2021). On March 8, 2021, Amit Shah addressed at the Nehru Memorial Museum, that "the first Indian Prime Minister Jawaharlal Nehru's decision to internationalise the Kashmir issue was his biggest mistake and Himalayan blunder" (*The Indian Express*, March 8, 2021). In the same way, B. L. Santhosh Bommarabettu Laxmijanardhana Santhosh (General Secretary of Bharatiya Janata Party) also mentioned that the New Delhi's action to roll-back Jammu and Kashmir's special status under Article 370 is the first stage towards correction of previous mistakes of Nehru and it is beginning to finish alienation of the region (*The Indian Express*, 2021). In reality, BJP party fulfills the desire of its right wing extremist Shyama Prasad Mukherjee to abolish Article 370 and Article 35-A without further delay. Mukherjee, died during a protest against the special status of Jammu & Kashmir in 1953, and said that there is no need of two constitutions, two prime ministers, and two flags in one nation (Wani, 2020).

In this background, President of India, Ram Nath Kovind issued Presidential Order on August 5, 2019 (C.O. 272), which abrogated the legal shelter of Jammu and Kashmir, and repealed Article 370 and 35-A of the Constitution of India. It said, "In exercise of the powers conferred by Clause (3) of Article 370 of the Constitution of India, the President on the recommendation of Parliament, is pleased to declare that all clauses of the Article 370 shall be ineffective except

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Clause (1) thereof...” According to Gautam Bhatia, the removal of both articles (Article 370 and 35-A) which “constitutes the basis for everything that follows,” the order stipulates that, with the “concurrence of the Government of State of Jammu and Kashmir,” “all the provisions of the Constitution, as amended from time to time, shall apply in relation to the State of Jammu and Kashmir” (BBC News Report, 2019). Moreover, the government use its powers under article 370(1) and amended article 367, which is the interpretation clause of the Constitution and addressed “Constituent Assembly of the State” under article 370 (3) that it will “supersede the Constitution Order, 1954,” successfully change article 35-A as well. According to Narendra Modi, the party (BJP) “implemented constitutional changes” which done for noble administration, better governance and economic progress of the region (*Business Today*, 2019). In the situation, BJP not only abrogate the Article 370 and 35-A to merge Jammu and Kashmir with the mainland of India, they also converted its autonomous position into two union territories. So, one union territory, would be Kashmir Valley which have a legislature, whereas the other, Ladakh (a mountainous region bordering China), would be without Legislative Assembly and it will consist with Kargil and Leh districts. Nonetheless, in the defence of their actions to remove special status of the region, BJP leadership explicitly described that under the constitution the Article 370 was purely “temporary provision” which was included in the constitution on 17 October, 1949. They viewed that the region is as an essential part of India and refused that Kashmir is a disputed area. So, in support of BJP action the Army Chief General Bipin Rawat, said that after the government move about Kashmir status, “any local militant picking the gun against security forces will no longer be a militant. The gun and the man will be separated. The man will go to the grave and the gun will be with us” (*The Indian Express*, 2019). However, after the removal of article 370, Jammu & Kashmir will exist with a Legislative Assembly without special powers and these union territories will stay without full autonomy and state will stay under the New Delhi’s direct rule (BJP New Map).

Security Lockdown and Indefinite Curfew in Kashmir Valley

After the abrogation of Articles (370 and 35-A) to the Kashmir, a sense of deprivation prevailed in the Muslim majority region. As federal forces poured into the Muslim majority valley and imposed undeclared curfew to prevent any kind of *eventuality against the August 5, 2019 brutal action*. BJP government put the region under an unprecedented lockdown which is still continued because government has feared that Kashmiris will protest against the revocation of autonomy. The day of revoke was very gloomy and Kashmir seemed quiet and most of areas were deserted. Army troops were in each and every part of the region and common masses were frightened and worried. Thus, the latest action perceived to be *naked* attack on the integrity of Kashmiri people and they decided to strengthen the resistance towards the complete freedom. Since the August, 5, 2019 the government has taken strict action, education institutions close down

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(Schools, colleges and Universities) and thousands of people from different professions arbitrarily arrested including students, lawyers, traders, shop owners, and human rights activists.

The BJP government disconnected all type of communication links, mobile network, (WhatsApp), internet, landlines and Instagram), prevents socio-political movements and arrested popular Kashmiri leaders. Some have been released and many pro-Pakistan *Hurriyat leaders* including Syed Ali Shah Galleeni, Mirwaiz Maulvi Mohammad Farooq, and Yaseen Malik are remains in custody. It has shown that federal government nerves breakdown because they curtailed Kashmiris' ability to share personal news to each other including call to doctors, order supplies, business deal, social talk, family discussion, information about exams and term papers etc (Housen, 2019). People directly are the victim of traumatogenic events which ultimately leads to symptoms of psychological distress (Iqbal, 2019). By 2019, approximately 9,000 Kashmiri people have reported disappearances (missing), displacement, and exposure to crossfire, ballistic trauma, round-up raids, torture, rape, arrests and kidnappings (Ford and Kam, 2019). The United Nations High Commission for Human Rights (UNCHR) 2019-2020 report mentioned that an estimated that around 5000 people were held under the Armed Forces Special Powers Act (AFSPA, 1990) and the Jammu and Kashmir Public Safety Act (PSA, 1978) (UNHCHR Report June, 2019). In this concern, Amnesty International also highlighted the Indian held situation that after repealed of Article 370 and 35-A, the people of Kashmir have been living through a telecommunications blackout. It is regrettable that the region has been converted into world's "largest prison" because the people of Kashmir are being denied access to basic amenities, including medicines. In the contemporary situation, Kashmir is victim of word "Genocide," in the occupied territory – as a national, ethnic, racial and religious group of people – face grave threats to their lives, way of living and livelihoods; from a murderous, misogynistic, and xenophobic regime. There is a Genocide Alert, proclaiming that the situation in Indian Occupied Jammu & Kashmir has crossed the ten stages of the genocidal process (Quershi, 2019).

Conclusion

Kashmir has long been a flashpoint and become the most dangerous place in the world because both India and Pakistan have nuclear weapons. In the recent past, the situation became the worst when geopolitics of Jammu and Kashmir has radically changed by the Indian ruling Bharatiya Janata Party's (BJP) actions to abrogate article 370 and 35-A on August 5, 2019. The decades long special status of Kashmir Valley has removed which Modi government explicitly described as a purely "temporary provision" in the constitution. The BJP has long regarded the region as an integral part of India and refused to accept the right of self-determination for Kashmir. On the other hand, Pakistan strongly reacted and called

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the move illegal and a violation of the UNSC resolutions (1948-49) on Kashmir and against the spirit of Simla Agreement between the two countries (1972). For Pakistan Kashmir has always been the jugular vein and Prime Minister Imran Khan described action an illegal annexation of Kashmir. He said that “unlawful actions” were “in breach of international law and New Delhi reverse its unilateral abrogation of Articles (370 & 35-A) (Khan, 2019). On the other hand, Kashmir cannot be removed from the agenda of the UN Security Council (UNSC), which was committed to resolving the issue according to the wishes of the Kashmiri people. Moreover, the Indian actions to abrogate special status cannot remove the disputed nature of Kashmir position and it will be remain in the UN agenda. However, Pakistan has urged the international community to prevent India from implementing the so-called ‘final solution’ in occupied Kashmir by turning its Muslim majority into a minority. Nevertheless, the government actions failed to prevent violent activities in the region which mean the central government has no effective plan to hold the critical situations in a cooperative and peaceful manner.

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