

Society and Politics of Jammu and Kashmir

Edited by
Serena Hussain

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"For more than seventy years a bloody conflict has smouldered in Kashmir, its truths mostly obscured by broad brushstrokes that portray it as an 'issue' between India and Pakistan. This new collection vigorously contests this, bringing together diverse points of view on the erstwhile Jammu & Kashmir state. In reprising the complexity of this region, it marks it as special and shows us where hope might lie in the future."

—Sanjay Kak, *Award-Winning Filmmaker and Writer*

"Examining Jammu & Kashmir's complex history and the many ruptures in its past and present, this book offers diverse perspectives, providing a rich addition to the existing scholarship on the region. By bringing together a variety of voices and themes on one platform, it seeks to bridge the disconnect between two sides of the LoC and also offers nuanced understanding of inter-regional contestations."

—Anuradha Bhasin, *Executive Editor, Kashmir Times*

"Kashmir is one of the world's least understood conflicts. In this critically important volume, Serena Hussain has brought together a remarkable range of voices covering a broad range of topics. Its incisive and insightful chapters present nuanced perspectives making this book essential reading on Kashmir."

—David Barsamian, *Director of Alternative Radio*

"The multiple contestations and discourses about Kashmir - varying from political to cultural - find needed voices in the volume that takes us beyond the familiar Indo-Pakistani formulations over this disputed region connecting the Sub-continent with Central Asia. As the contributions by these predominantly Kashmiri authors suggest, identitarian politics with all its subtleties, remains the focal point necessitating a more grassroots based approach to the resolution of one of the most severely taxing issues in world politics."

—Professor Iftikhar Malik, *Wolfson College, University of Oxford*

"This interesting collection, covers diverse but important topics relating to Jammu and Kashmir understood in its widest territorial form. Primarily including scholars who originate from the region itself, and from both sides of the contested border, it offers important insights into the disputed territory."

—Professor Katharine Adeney, *School of Politics and International Relations, University of Nottingham*

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Editor

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This book is dedicated to the displaced and dispersed, whose land was snatched, homes were drowned and graves destroyed. It is for those cut in two by barbed wires, shelled, shot at and set ablaze. It is dedicated to the disappeared, the blinded and the broken; to the massacred, kidnapped and betrayed.

Foreword

The dispute in Jammu and Kashmir has been ongoing for more than 70 years. The need for dialogue between its stakeholders remains as paramount today as it did in 1947. As we continue to hear reports of human rights abuses and periodic military standoffs—which if escalated could result in far-reaching repercussions for the entire region—we are reminded of the need for a peaceful resolution to this longstanding, yet complex conflict. Serena Hussain's book provides a welcome platform for such dialogue. Bringing together a myriad of voices representing both sides of the divided state, her work provides a truly needed resource for understanding the social and political challenges faced by Jammu and Kashmir. I congratulate her for producing this important volume that can be considered as one of the most meaningful endeavors toward moving the conversation forward.

New York, USA

Miguel Angel Moratinos
The High-Representative for the United
Nations Alliance of Civilizations (UNAOC)

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Abbreviations

AFSPA	Armed Forces Special Powers Act
AISPC	All India States Peoples Conference
AJK	Azad Jammu and Kashmir
AKRF	Azad Kashmir Regular Force
ANHD	Act Now for Harmony and Democracy
BJP	Bharatiya Janata Party
BSF	Border Security Forces
CfL	Ceasefire Line
CFV	Ceasefire Violations
CISDL	Center for International Sustainable Development Law
CPDR	Center for Peace Development and Reforms
CPEC	China–Pakistan Economic Corridor
DDA	Jammu and Kashmir Disturbed Areas Act
DM	Dukhtaran-E-Millat (Daughters of the Faith)
GBUM	Gilgit–Baltistan United Movement
HDI	Human Development Index
HRPC	Human Rights Commission of Pakistan
ICG	International Crisis Group
IDSA	Institute of Defense Strategies and Analyzes
IOA	Instrument of Accession
ISI	Inter-Services Intelligence
J&K	Jammu and Kashmir
JDA	Jammu Development Authority
JI	Jamat-e-Islam
JKLF	Jammu and Kashmir Liberation Front
JKNPP	Jammu and Kashmir National Panthers Party

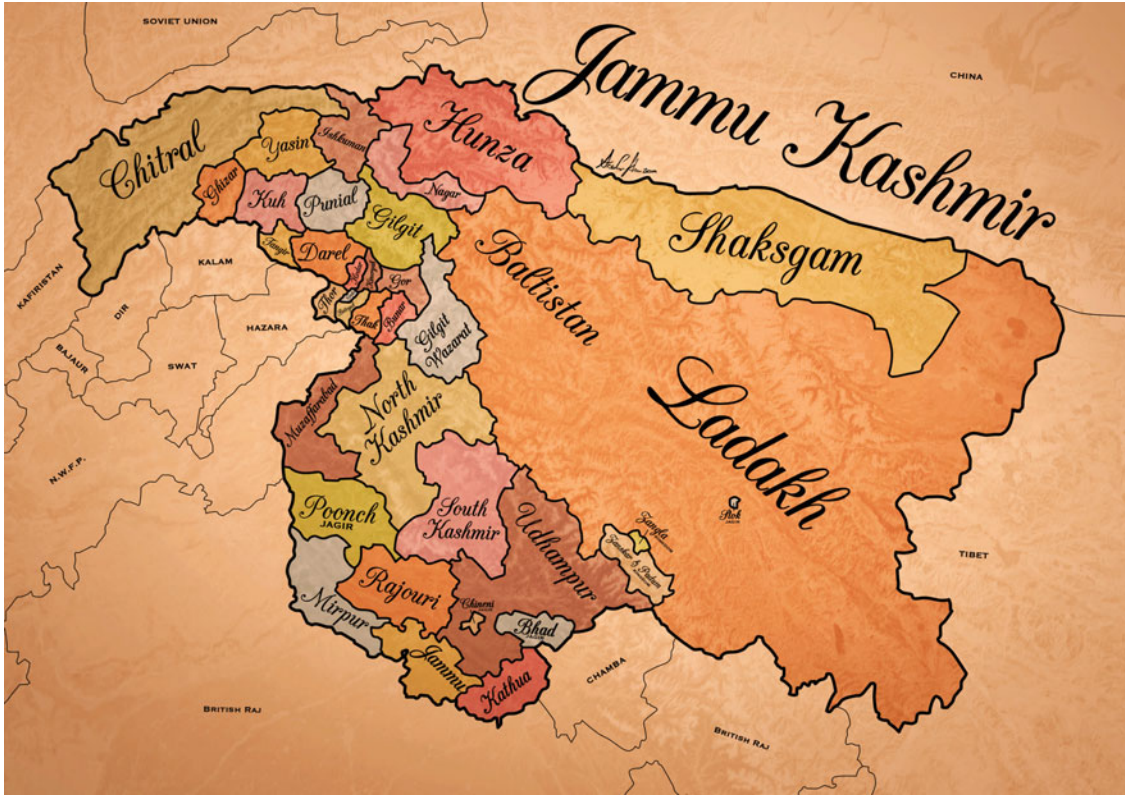
JMC	Jammu Municipal Corporation
KIC	Kashmir Independence Committee
KMC	Kissen Mazdoor Conference
KP	Khyber Pakhtunkhwa Province
LBA	Ladakh Buddhist Association
LoC	Line of Control
MKM	Muslim Khawateen Markaz (Council of Muslim Women)
MUF	Muslim United Front
NC	National Congress
NLF	National Liberation Front
NLRM	No Land Revenue Movement
PDP	People's Democratic Party
PF	Plebiscite Front
PIL	Public Interest Litigation
PPP	Pakistan People's Party
PSRU	Pakistan Security Research Unit
RRP	Reading Room Party
RSS	Rashtriya Swayamsevak Sangh
SECMOL	Students' Educational and Cultural Movement of Ladakh
SOP	Standard operating procedures
UK	United Kingdom
UN	United Nations
UNCIP	UN Commission on India and Pakistan
UNMOGIP	United Nations Military Observer Group on India and Pakistan
UNSC	United Nations Security Council
US	United States (of America)
UT	Union Territories
WAPDA	Water and Power Development Authority
YMBA	Young Men's Buddhist Association
YMMA	Young Men's Muslim Association

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Map of the State of Jammu and Kashmir (*Credits*: Arsalan Khan)

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CHAPTER 1

Society and Politics of Jammu and Kashmir: An Introduction

Serena Hussain

Introduction

This chapter introduces a new collection of ground-breaking chapters covering the society and politics of Jammu and Kashmir (J&K). J&K here refers to the entire erstwhile state, including the parts currently administered by India and Pakistan. Within local political and intellectual arenas, a wide range of academics, journalists, and activists from all regions within the state have joined a renewed discussion on their past, present, and future. It is in recognition of these diverse perspectives that this book brings together writers from both sides of the divided Jammu & Kashmir and its diaspora to provide a comprehensive and much needed inclusive reading of historical and contemporary challenges.

The Ceasefire Line (CfL), which has divided the state, also referred to as the Line of Control (LoC), was a temporary demarcation and most certainly not an official international border. Initiated as an emergency move by the United Nations (UN) to halt a war between neighboring India and Pakistan over the territory, it was drawn without the approval

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of the citizens of J&K. The international community promised that the temporary bifurcation would be rectified once a referendum took place, and the matter of the state's sovereignty was resolved. After all, it is unfathomable that such a grave decision be made concerning a country without gaining the consent of its population. Yet in 1971, the UN walked back its support for the people of J&K to decide their own fate.

Instead, a bilateral resolution between India and Pakistan was advocated, which has led to three wars and unquantifiable standoffs and ceasefire violations on J&K's territory, as well as the exploitation of its resources and thousands of civilian deaths. Furthermore, when Pakistan was unable to stop the Indian government's illegal revocation of Indian-controlled Kashmir's autonomous status in August 2019, it became apparent that the bilateral approach had failed. Thus, the decision to divide the state was merely the beginning of an as yet unfinished journey of uncertainty and contestation.

Jammu and Kashmir and Its People

On March 16, 1846, the British, who had colonized India, sold Kashmir and surrounding areas in the Jammu Province[1] to Gulab Singh, the prince of the Dogra (known as the Dogra Raj) for a sum of 7.5 million rupees (Gupta 2012). Gulab Singh had already conquered nearby Ladakh (in 1834) and Baltistan (1839) through various rampages and backhanded deals with local rulers. The sale led to the establishment of the Princely State of Jammu Kashmir and Tibet Ha, which by 1852 also included Gilgit (Brown 1998). J&K was an amalgam of regions and provinces and thus one of the most ethnolinguistically diverse princely states before 1947. Sarila (2005, p. 342) describes:

> Nearly the size of France, the state extended from the subcontinental plains to the Pamirs. Three great mountain ranges ran across it east to west, and their spurs north to south cut up the vast area into different segments, so that [it comprised of] people of different cultures, who spoke different languages and professed different faiths.

Today, the erstwhile state comprises five regions, which are further divided into districts shown in Table 1.1. Jammu, Kashmir and Ladakh are on the eastern side of the LoC, administered by India; Azad Jammu & Kashmir (AJK) and Gilgit–Baltistan lie to the west, administered by Pakistan (Table 1.1).

Table 1.1 Regions and districts in Jammu & Kashmir

Province/Region	*Districts*
Jammu	Doda, Jammu, Kathua, Poonch, Rajouri, Udhampur, Samba, Reasi, Ramban, Kishtwar
Kashmir	Anantnag, Budgam, Baramulla, Bandipora, Ganderbal, Kupwara, Kulgam, Pulwama, Srinagar, Shopian
Ladakh	Leh, Kargil
Azad Jammu & Kashmir	Bagh, Haveli, Bhimber, Kotli, Mirpur, Muzaffarabad, Neelum, Hattian Bala, Poonch, Sudhnuti
Gilgit–Baltistan	Ghanche, Baltistan (Skardu), Shigar, Kharmang, Astore, Diamer, Ghizer, Gilgit, Hunza, Nagar

To provide an overview of the most prominent communities, Puri (2010) discusses several major ethnolinguistic groups present in the Indian-administered side of the state—Dogra, Kashmiri /Koshur (further distinguishing between Muslims and Hindu Pandits), Gujjar-Bakkarwal, Paharis and Ladakhis. Although the official labels may differ, the populations within AJK and Gilgit–Baltistan also overwhelmingly fall into these broad categories, as exemplified by the major linguistic groups found across the state. Raafi (2015, n.p.) writes, "[It is] estimated that Koshur is spoken by 9.2 Million, Pahari and Gojri by 6.9 Million, Dogri by 3.8 Million, Balti by 1.1 Million, Shina and Burushaski by 0.8 Million and Ladakhi by 0.34 Million, respectively."

Shakil (2012), however, argues that current figures presented for some of the groups are significantly undercounted due to the lack of consistency with categorization across the dividing line and, in some cases, languages not being recorded at all. The last census to take place before the state's bifurcation provides details of major language communities and their corresponding geographies presented in Table 1.2.

The Dogra, known primarily due to the Dogra Raj, also include Muslims (Puri 2010) and came from the Dogra belt, which corresponds with the Jammu, Kathua, and Udhampur districts. The Pahari belt cuts across the current LoC and includes Poonch, Rajouri, Kotli, Mirpur, Bagh, Muzaffarabad, and Neelum. Although all Paharis in AJK are Muslims, on the east of the LoC there are also sizable Sikh and Hindu Pahari speaking communities (Maini 2012). Gujjars—primarily comprised of nomadic tribes originating from Rajasthan—live across the

Table 1.2 Major languages in Jammu & Kashmir by Province

Major Languages by province	*Kashmir Province*	*Jammu Province*	*Ladakh & Baltistan*	*Gilgit & Astore*	*Total*	*Percentage*
Koshur	1,369,537	178,390	1173	323	1,549,423	38.73
Dogri	73,473	1,000,018	453	1329	1,075,273	26.88
Pahari	170,440	443,845	10	17	614,312	15.36
Gojri	92,392	187,980	0	3369	283,741	7.09
Shina	7888	114	13,562	63,040	84,604	2.11
Balti	352	184	133,163	313	134,012	3.35
Ladakhi	230	299	46,420	4	46,953	1.17
Burushaski	3	0	244	32,885	33,132	0.83
Other (inc. Tibetan, Hindi, Urdu)	10,657	167,513	339	522	179,031	4.48
Total	1,724,972	1,978,343	195364	101,802	4,000,481	100.00

Source 1941 Census of J&K categories adapted

state, although there are larger concentrations in some locations (Hussain and Afsana 2019).

The Kashmir Province is predominately made up of Koshur speakers. The overwhelming majority of the population of the province is Muslim, however, there is a high-profile Hindu community known as the Kashmiri Pandits, who formed less than 10% of the Valley population (Wani 2013) before emigrating in 1990 (Mohanty 2018). Gilgit-Baltistan, although majority Muslim, was largely Shia before 1947 and also had significant pockets of other Muslim minority communities (Brown 1998). However, due to demographic shifts through in-migration over the last 72 years, Sunnis have now become just as prominent. The major language communities in Gilgit–Baltistan are Shina, Balti and Burushaki (see Chapter 5 by Mosvi in the present volume).

Historically, Ladakh shared a close cultural affinity with Baltistan (Kreutzmann 2015). However, as in parts of the Jammu Province (namely Poonch, Rajouri, Mirpur and Kotli), the CfL blocked long-established routes and relationships. Ladakh is the Buddhist heartland of J&K with the highest concentration of this faith group residing in district Leh (see Chapter 11 by Vasan in the present volume). The Kargil district of Ladakh however has a higher concentration of Shia Muslims than Buddhists.

In addition to the ethnolinguistic, religious, regional, and subregional differences within J&K, there is also further identification with caste or kinship groups (often referred to in the literature as *Biraderis*. See Chapter 8 by Ishaq in the present volume). Furthermore, several commentators such as Rao (1999), Evans (2008) and Maini (2012) describe a crucial thorn in the side of internal state politics, representation, mobilization, and economic development since the fall of the Dogra Raj period, which essentially led to the Kashmir Valley monopolizing state affairs. Wani (2013, p. 327) illustrates this as he writes:

> Initially, Sheikh Abdullah and Nehru agreed to a state constitution granting limited regional autonomy to Jammu and Ladakh. The Basic Principles Committee of the Constituent Assembly was entrusted with working out the details, and a plan was prepared to establish five autonomous regions: Kashmir Valley, Jammu, Gilgit, Ladakh, and a region comprising the districts of Mirpur, Rajouri, Poonch, and Muzaffarabad. However, the plan was soon abandoned by Abdullah.

This led to long-standing consequences of an internal power grab, which granted Srinagar an elevated platform in the affairs of the people of the entire state, as confirmed by the Gajendragadkar Commission (1968) and later by the Sikri Commission (1971), as well as the Regional Autonomy Committee Report published in April 1999.

This volume is a deliberate response not only to the plethora of colonial readings of Jammu & Kashmir currently in circulation, but also the Valley's dominance of political and intellectual landscapes and neglect of voices from the rest of the state. This—combined with over seventy years of bilateral monopolization by Pakistan and India in representing the needs and desires of J&K's people—has led to a distorted understanding of the history, politics, geography, and social dynamics of what remains one of the most important unresolved conflicts of contemporary times.

Why Is Jammu & Kashmir Contested?

As with the other 584 princely states, J&K was not officially a part of British India but recognized as internally autonomous. However, it did share a close relationship with the British, and they leased part of the territory (Gilgit) for military purposes. Nonetheless, J&K remained under Dogra rule for a century until the British departed India in 1947.

With the collapse of the empire, the colonizers agreed to the division of British India into two new nation-states: Pakistan, for the Muslim minority, who formed a quarter of the population, and the Union of India,[2] which by sheer demographics would become a majority Hindu state. It was agreed, in theory, that Muslim-majority regions would accede to Pakistan and Hindu-majority ones would accede to India. Furthermore, the princely states, who were internally autonomous, were given the third option to remain independent and thus join neither, as set out in Article 7 (b) of the Indian Independence Act 1947:

> [T]he suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date toward Indian States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise. (cited in Rehman 2011, p. 127)

In 1947, the Maharaja of J&K, now Hari Singh, communicated his desire for autonomy through a Stand Still Agreement with India and Pakistan. This was an attempt on his behalf to retain existing cordial relations between J&K and the rest of the subcontinent, in spite of the partition. However, a spectrum of dynamic grassroots political activity had developed in the state during the previous two decades, ultimately leading to Hari Singh's loss of authority.

The potential power vacuum emerging in the subcontinent due to the departure of the British in 1947 provided both a perfect opportunity for mobilization and positive democratic change, as well as more covert alliances and power grabs. This was no different for J&K and the British had now changed their position on its autonomy, essentially instructing the Maharaja to accede to either India or Pakistan (Sarila 2005). Rehman (2011) describes how the British did so to maintain maximum control over the newly formed states in the subcontinent even once they had departed. As such, they encouraged the destabilization of the indigenous political aspirations of the people of J&K for their own diplomatic agendas with India and Pakistan. The next section provides a frequently omitted yet crucial backstory for understanding the current dynamics between the divided state of J&K and the rest of the world.

Understanding Jammu and Kashmir and Its Politics of Resistance

Several chapters in this book discuss the inequality that befell the majority of the people living in the princely state of J&K after it was sold to the Dogra in 1846 (see Chapter 3 by Wani et al., Chapter 6 by Bashir, and Chapter 9 by Hussain and Rehman). The Dogra Raj—the royal class—unapologetically suppressed the masses they controlled (Saraf 1977; Rai 2004). Wani (2013) argues that although the Mughals and the Afghans had colonized parts of Jammu and Kashmir in times past, they had ruled from afar, and their primary objective had been to exploit the region's natural resources. However, this changed during the twenty-seven years of Sikh rule, who, he argues, had "such as voracious greed for money that they not only taxed the night soil, but also encouraged prostitution and cultivation of bhang [intoxicants] and trade in charas [cannabis]" (ibid., p. 317). This all set the tone for what would come under Dogra rule. Whereas previous colonizers had seen Kashmir as one, often minor, part of larger imperial domains, J&K *was the empire* for the Dogra, and they made their presence felt. However, there is an alternative reading of historical accounts. Rao (1999) discusses how the Dogra were influenced by overbearing local bureaucracy within the subcontinent introduced by the British. Bamzai (1994) describes how the Afghan rule was no less tyrannical despite employing different methods of governance. Furthermore, Rai (2004) points out that the Dogra, although referring to themselves as Raj did not hail from a royal lineage as such and had purchased the territory, which lead to greater imposed control as a way of compensating for their legitimacy as rulers. In terms of the economic scrutiny they imposed, Bazaz (1954) reminds us that Kashmir was a financial investment for which the Dogra expected a handsome return.

As illustrated, J&K was and still is a diverse state. However, Muslims formed approximately 65% of its total population (Rehman 2011) and between 80% (Sarila 2005) to 94% (Rai 2004) in the Kashmir Valley. The oppression of Muslims by the Dogra Raj was evidentially an intentional strategy to maintain power and stamp out any possibility of a large-scale revolt as Copland describes, (1981, pp. 234–35):

> There was a high land tax, less money was spent on education, sanitation and other public services than on the maintenance of the court; newspapers were heavily censored; and political parties banned. As one probes deeper, however, it becomes clear that Muslims were the prime sufferers…mosques and other religious buildings in some small towns had been commandeered by the Darbar [state government] for public use. When a former Foreign Minister of Kashmir, Sir Albion Banerjea, declared that Kashmiri Muslims were treated like 'dumb driven cattle,' he was not exaggerating.

Small scale mobilization against the unequal treatment commenced soon after the establishment of Ghulab Singh's state. Notably, the attempts of the shawl and then the silk workers to improve their employment conditions through strikes in the Kashmir Valley occurred in 1847 and 1866. However, they were met with violent responses by the Dogra forces who punished even women and children employed in the factories (Saraf 1977). All political dissent was banned, and any form of activism was harshly dealt with. However, social welfare organizations, mostly formed along religious lines, were permitted with the prior approval of the Maharaja's government, as Rai (2004, p. 227) writes:

> By 1919 the durbar [state government] reported the presence of roughly twenty societies…within the state, representing a variety of particularized interests such as those of the lower castes of Jammu, Rajputs, Dogras, Jammu Brahmans, Sikhs, Thakkars, Kashmiri Pandits and the category defined the most loosely, the Muslims.

Several such organizations attempted to mobilize their communities for reform. Examples of early social reform movements are the Hindu Arya Samaj, which arrived in Jammu in 1875 and acted somewhat as a unifying force for the minority Hindu community with the ruling Raj. However, the movement had no interest in addressing wider inequalities. Muslim social movements such as the Anjum-e-Islam were established, and there were some cross-communal efforts at social reform, such as the Dogra Sabha, comprised of Dogras, Hindu Pandits and some Muslim elites. By the 1920s, several of its members had steered it toward liberation politics, leading to its closure by the government.

One successful reform effort came from the Kashmiri Pandits, who, although Hindu, came from a different ethnic group to the Dogra. Aggrieved by the fact that civil servant jobs in the Dogra government were being filled by recruits from British India, the Pandits launched

the Kashmir for Kashmiris' movement in 1909 to lobby the Maharaja to legislate that these positions be reserved for locals. In April 1927, the Maharaja finally agreed, and the much-discussed "hereditary state subject rule" was born. This defined a *mulki* (citizen) or State Subject, as someone whose family had lived in the country for at least three generations. The rule indeed reserved civil service positions for locals and also proscribed anyone from outside J&K purchasing local land or real estate (Bazaz 1954).

This legislation still provides the legal basis for contemporary modern state identity and citizenship rights for all part of J&K. However, the state subject rule was terminated in Gilgit–Baltistan in 1954 under Pakistani administration and was illegally stripped by the Modi regime in Indian-administered J&K in August 2019. In reality, the legislation never really benefited the state's Muslims, who remained grossly underrepresented in civil service positions through deliberate policies of exclusion (Rai 2004). Unable to improve their lot within the existing power structure, some Muslims from elite families with connections to the British before Kashmir was sold to the Dogra petitioned the British Raj directly (Saraf 1977).

In 1909, one such memorandum was produced by a group that simply referred to itself as the "Representatives of the Kashmiri Muslims." Yet appeals to the British for intervention not only failed to improve conditions but backfired with grave repercussions. In a similar attempt to reach out to Lord Reading, the viceroy, who was visiting J&K in 1924, notable figures produced a list of grievances, including the widespread forced conversion of mosques and shrines into Hindu temples. The group's petition to the British fell on deaf ears; furthermore the Maharaja clamped down on the signatories, who were sacked from their positions and, in some cases, extradited (Saraf 1977).

One early campaigner who openly spoke against the Dogra regime was Sardar Budh Singh from Mirpur. While serving the state as deputy commissioner in Srinagar, he organized public meetings against forced labor or *Begaar* in 1915 (Azhar 1984). Although he came from a relatively privileged background, in 1925, he resigned from his post and went on to full-time activism to promote social justice within the state. In his writings, titled, *Dard E Dil* (*Pain of the Heart*) he states:

> Personally, I am loyal to the policy of Justice, Sympathy, Mercy and Equality. Loyalty expressed with anything contrary to these is merely conniving and deceit. I cannot be loyal to any government that does not operate on the basis of Justice, Human Sympathy and Equality and that does not address the miseries of poor and wounded subjects/populace. (cited in Azhar 1984, p. 83)

In 1928, Chaudhry Ghulam Abbas established the Young Men's Muslim Association (YMMA) in Jammu. It became a significant mobilizing force highlighting stark inequalities in the state. Meanwhile, Khawaja Ghulam Ahmed and Sheikh Abdullah, who like Chaudhry Abbas, had received their university education in British India, returned to the state in April 1930. They joined the Reading Room Group, set up in Srinagar as a cover for political activism by Molvi Abdul Vakil (Hussnain 2015). It later became the Reading Room Party (RRP), and just as the YMMA had done so in Jammu, the RRP proved to be a catalyst for popular politics in the Valley (Rehman 2011).

Despite the heavy-handedness of the Dogra government, it was becoming apparent that mounting grievances could threaten the Maharaja's position. In 1931, he agreed to hear from representatives of the various Muslim communities. The YMMA selected Mistri Yaqub Ali, Sardar Gauhar Rehman, Chaudhry Ghulam Abbas (leader of the YMMA), and Sheikh Abdul Hamid to represent the Jammu Province. However, the RRP decided to hold a public meeting to declare the representatives from Kashmir. Saraf (1977) describes how, in front of 50,000 attendees, seven names were announced, which included Khawaja Saad-ud-din Shawl, who had been among the signatories of the 1924 memorandum, and the aforementioned Khawaja Ghulam Ahmed and Sheikh Abdullah.

Once the meeting was over, Abdul Qadir, a young man visiting the Kashmir Valley, took the stage to declare his need to speak out against the appalling treatment the common folk he had witnessed during his stay. Saraf (1977, p. 373) notes how

> He told them they were slaves and that they were ruled by a Government whose officers had even the impertinence to insult their religion. He assured them the solidarity of the Muslims of India and asked them to rise to the occasion and fight for the vindication of their honor.

The crowd listened attentively and cheered him on. He was later picked up by Dogra forces and imprisoned in Srinagar jail.

His trial took place on July 13, 1931—thousands of Muslims gathered in support of this visitor who had so passionately spoken up against their oppression. Armed Dogra soldiers fired machine guns into the crowds, intent on killing Kashmiris back into submission. Many died, and local leaders decided to honor the deceased in a dedicated cemetery. Thousands came from adjoining areas to attend the funeral prayers, and July 13 has been commemorated ever since as Martyrs Day (Rai 2004).

Sheikh Abdullah—like many of the "city boys" from Jammu and the Srinagar Muslim elites educated in Indian universities—had established connections with social reform movements operating in British India, some of whom were sympathetic to the Muslim cause in Kashmir. In October 1931, he made a defiant public address to a large audience in Srinagar, which caught the attention of the government; he was subsequently imprisoned, leading to major protests and arrests (Bazaz 1954).

Meanwhile, crippling increases in taxes were driving growing tensions in the Jammu Province. Aware that grassroots rural communities were on the verge of exploding, Gauhar Rehman of the YMMA made a press announcement in Jammu city against the abominable Dogra revenue hike. In December 1931, the first local mass protest against taxation—the No Land Revenue Movement (NLRM) or Maliya Band Tahreek (MBT)—mobilized. It commenced in Mirpur and spread to Bhimber, Mendhar in Poonch, and parts of Rajouri (Saraf 1977). Krishan Dev Sethi from Mirpur describes in his memoirs how the protests became so large and unrelenting that after several months of trying to quash them, the Maharaja asked the British for military support. The British army, under the command of Salisbury, imposed a brutal martial law and the draconian "Burma Act" was implemented in J&K to punish violently those who participated in the protests. Many were arrested and hanged.

Despite the bloody response and attempts to silence the resistance movement, on October 20, 1932, a defiant group of Muslim leaders once again petitioned the British Raj for immediate intervention against the Dogra rulers' systematic brutality. This time the efforts were met with some success through a review known as the Glancy Commission. The British, growing increasingly weary with having to provide constant support to the Maharaja, recommended a compromise, involving increased access to education for Muslims and the return of mosques and shrines that had been forcefully expropriated. However, there was no

policy put in place for equal access to white-collar jobs, which remained reserved for Hindu and Sikh State Subjects.

Neither party was overjoyed by the outcome of the Glancy Commission (Copland 1981). Nevertheless, the events of 1931–1932 marked an important juncture for popular politics in J&K. The Maharaja could no longer simply rely on an iron fist to keep the grievances of the masses from resurfacing. After all, even the British Raj was finding it increasingly impossible to beat the resistance movement in India into submission.

The Dawn of Party Politics in Jammu and Kashmir

During a visit to Lahore in 1932, Sheikh Abdullah met with other J&K political activists, such as Mirza Bashir and Uddin Mehmood, who planned to hold the first conference in Srinagar to unite political workers from across the state (Bazaz 1954). When Abdullah returned to Kashmir, he met with Chaudhary Abbas, a prominent leader of the YMMA in Jammu, now detained in Srinagar's central prison. They agreed to join forces to form the All Jammu and Kashmir Muslim Conference, which would be the foundation of a political party. Despite activists in Jammu initially arguing for their own provincial conference, Sheikh Abdullah and Chaudhary Abbas managed to convince them otherwise. Between October 15 and 19, 1932, the first major political party in Jammu and Kashmir was born (see the chapter by Bashir in the present volume).

Despite its name, the party was never intended to be communal and certainly not a Muslim-only party. Instead, the name reflected the fact that the overwhelming majority of the state's downtrodden were Muslim and thus a popular political base. Writings by both Prem Nath Bazaz (1954) and Prithivi Nath Bamzai (1994) confirm as much, with the latter describing how "[t]hough communal in name, the policy of the conference from its very inception remained national in essence" (p. 661).

Rehman (2011) argues that, by the 1930s, J&K was the only princely state in which popular politics had taken root. The Muslim Conference had begun working toward its demands for a democratic state—incorporating responsible (i.e., elected) government with the Maharaja as a figurehead. Able to maintain his position as a symbolic monarch, Hari Singh was open to the proposal; however, he gave his assent cautiously and with a watchful eye.

By 1939, significant developments regarding the political aspirations of the party had emerged. In a special session held in April that year,

Abdullah called for the Muslim Conference to formally change its name to the Jammu Kashmir National Conference to shed its communal image. Although, generally speaking, party members were supportive enough to pass both the name change and the adoption of an explicitly nonsectarian position, there were certainly those who opposed the move.

Sheikh Abdullah had become increasingly close with Jawaharlal Nehru, a Kashmiri Pandit whose family had emigrated to Delhi. Nehru—who had ambitions to lead a future independent Indian Union—was seen as a potentially destructive influence on grassroots political aspirations within J&K. As pressure was building for the British colonizers to leave India, Nehru and his National Congress Party were laying the foundations for a strong support base in Kashmir, to the detriment of an independent J&K. Unable to reconcile with this, prominent figures, including Chaudhry Abbas, parted ways with Abdullah and the National Conference and in 1942 established the New Muslim Conference. Both the National Conference and the (new) Muslim Conference had such popular backing that the Maharaja was left with no real choice but to support their demands for a modern state government. This culminated in the vision known as "Naya Kashmir" ("New Kashmir") announced by the National Conference in 1944.

A third political party to emerge during this period was the Kissen Mazdoor Conference (KMC). Established under the leadership of Prem Nath Bazaz, KMC grew in popularity to become the third most influential political party at the time. Unlike the bigger parties, the KMC explicitly denounced the monarchy and the Maharaja as a figurehead for J&K. In fact, the first documented public call for an "Azad (free) Kashmir" free of the Dogra Raj's grip was made by the KMC on May 12, 1946. Its leader, Prem Nath Bazaz, was subsequently thrown into prison, stunting the party's mobilization strategy.

However, in a turn of events, on May 15, Sheikh Abdullah also changed his official policy toward the Maharaja when he launched his Quit Kashmir Movement. Not only did he demand the Dogra Raj relinquish control of the Kashmir Valley, but he now reduced the remit of the Kashmiri nation to the Koshur-speaking community. Thus, his new liberation mandate excluded those from outside of the Kashmir Valley but also sidelined the non-Koshur residents of the Valley—namely the significant number of Pahari- and Gojari-speaking communities established there for generations.

Unsurprisingly, Sheikh Abdullah was thrown into prison for his anti-Maharaja stance and only released at the behest of Nehru, with whom he

had now developed a mutually beneficial political alliance. This explained his departure from a statewide political focus to one solely on the Kashmir Valley, within which there was far less opposition to his plans to join forces with the Indian Union once the British departed.

The Muslim Conference had not yet, however, succumbed to such accession power politics as the case with the National Conference leader. On May 28, 1946, Chaudhary Hameed Ullah, the acting president of Muslim Conference, outlined the position of his party in a press conference as follows:

> Accession to Pakistan would be unpleasant to Hindus, while accession to India will disturb Muslims. Therefore, we have decided not to enter into any controversy with either India or Pakistan…we have decided is that we should have a Constituent Assembly of our own to draft our constitution. (Saraf 1977, pp. 707–8)

Yet as the date for the departure of the British drew closer and the establishment of Pakistan and the Union of India became a fait accompli, some key figures within the Muslim Conference also became open to aligning with larger forces to rid themselves of Dogra rule. A prominent member of the Muslim Conference—namely, Muhammad Ishaq Qureshi—met with Muhammad Ali Jinnah, the governor-general of Pakistan, on July 11, 1947. However, Jinnah's stance was that the Muslim Conference should work with the Maharaja for an independent Jammu and Kashmir. On July 18, the Conference passed the "Azad Kashmir Resolution" (Saraf 1977) for an independent J&K. However, others from the party who opposed the decision apparently passed the resolution for accession to Pakistan on July 19. What is clear about the above events is that Jinnah had no hand in what was about to unfold.

The Division

The issue of harsh treatment and taxation had not merely dissipated as a result of popular politics in the state and once again came to a head, this time as the "Poonch Uprising." As noted, the Maharaja was still quick to punish anyone who challenged his authority. As described in this volume, many Muslims from Mirpur (see the chapter by Hussain and Rehman in the present volume) and Poonch (see the chapter by Mahmud in the present volume) had joined the British army due to the appalling

economic conditions and lack of paid work opportunities in the state. Snedden (2013a, n.p.), describes how, "Hari Singh was aware that many more Poonchis and Mirpuris had military capabilities and experience than the numbers serving in his army." However, the British were already departing India, and unlike with the NLRM in Mirpur, the Maharaja was unable to draw upon their support to quash the current movement in Poonch. Violent clashes between the Dogra army and protesters took place.

By August 1947, further south in district Jammu, a state-sponsored pogrom known as the "Jammu Massacre" had commenced (Javaid 2020). This is likely to have been a final attempt on the part of the Maharaja to maintain control of the Jammu Province, having lost his grip on Poonch and Mirpur. This systemic slaughter of Muslims resulted in at least half a million deaths, and within the space of eleven weeks (ibid.), Muslims had gone from being a majority in the Jammu district to a minority (Chatta 2013). Furthermore, Ahmed (2014) describes the forced abduction of as many as 25,000 women from Jammu who were raped, killed, or taken to camps before being sent to regions across India.

On October 4, a group of the Muslim Conference leaders who had already left the state, gathered in Rawalpindi, Pakistan and declared themselves as the Azad Government of Jammu and Kashmir. Khawaja Ghulam Ahmed, the co-founder of the aforementioned RRP from Srinagar, became president, Ibrahim Sardar Khan—prominent in the Poonch Uprising—became the prime minister, and Chaudhry Abbas formerly of the Jammu YMMA took leadership of the Azad Jammu and Kashmir Muslim Conference Party. The new government stated: "With the end of the British rule, the Maharaja Hari Singh's claim to rule the state (by virtue of the Sale Deed of Amritsar) has also come to an end" (cited in Din 2009, n.p.).

Within just two weeks, militia from the neighboring North-West Frontier Province entered J&K *en masse*. Several authors within this volume discuss this event known as the "tribal invasion." Some lean toward the opinion that the tribesmen were a means for liberation, whereas others explicitly discuss them as a force for devastation, large-scale murder, and abduction.

Ahmed (2014) discusses accounts of how external militia from elsewhere in India had already entered J&K taking part in the aforementioned Jammu Massacre. In other words, the Dogra had already called upon external militia before the tribal invasion. However, Rehman (2011)

describes how massacres of Hindus and Sikhs took place in Muzaffarabad and Mirpur with the invasion of tribal gangs on October 22, whereas the Jammu Massacre took place nearly two weeks later. Furthermore, he claims that the Pakistani army had already entered Mirpur in September 1947.

Yet the contribution of the approximately 5000 tribal invaders appears to be overstated. According to Rehman (2011) this was to deliberately down play the internal grassroots mobilization and justify external involvement. He reminds us that there were at least 70,000 ex-military personnel from Poonch and Mirpur and only 9000 Dogra state forces, of which 2000 were Muslim. Snedden (2013b) discusses how as many as 50,000 of the ex-servicemen volunteered to form the first "Azad Army" to mobilize against the Dogra. Either way, by October 24, 1947, the Dogra army outnumbered and overwhelmed, lost Mirpur, Rawalakot (in Poonch), and Muzaffarabad to the newly founded Azad Kashmir, whose government had been reorganized with Sardar Ibrahim Khan as president. The AJK government wished to remain internally autonomous and positioned itself as the rightful successor government for the entire state of J&K (see the chapter by Mahmud in the present volume).

At the prospect of losing the whole state, the Maharaja was left with no option but to call upon India for military intervention. The Indian army, still controlled by the British under Lord Mountbatten, obliged, but only if Hari Singh agreed to sign an Instrument of Accession (IOA) to the Indian Union. Before doing so, the Maharaja insisted that certain conditions were agreed upon in order to ensure his state's autonomy, including the maintenance of the hereditary state subject rule. With the deal done, the National Conference was subsequently elected as the first government of Indian-controlled J&K, and Sheikh Abdullah became its prime minister.

Jammu & Kashmir was now divided, and the first war to establish territorial control over the state took place between India and Pakistan during 1947–1948. India's Prime Minister Nehru took the matter to the UN in January 1948. India argued that J&K's leader had signed the IOA, which meant that the entire state should, in theory, accede to the Indian Union. Pakistan's position was that the people of J&K would have chosen to accede to its republic if given the opportunity, based on the fact that the majority of the population were Muslim. In order to curb further military action between the two countries, the UN Security Council imposed

an immediate ceasefire line and ordered a free and impartial plebiscite be held in order for the people of J&K to decide upon their sovereignty.

Indian and Pakistani representatives signed a document known as the Karachi Agreement confirming a ceasefire.[3] It resulted in a temporary arrangement during which Azad Kashmir and Gilgit–Baltistan would be administered by Pakistan and the territory that had been under the Maharaja's control at the time of signing the IOA by India. This was deemed temporary until a plebiscite to decide on the state's accession to either was held, after which J&K would be reunified. Yet the possibility of J&K remaining an independent country with a democratically elected responsible government—as the majority of grassroots political activists had been working for—was never put on the table. Its people were given two choices—join either India or Pakistan.

As it became clear that no plebiscite would happen, large-scale resentment among the people and political leaders on both sides of J&K resurfaced. Both Pakistan and India had suspicions regarding J&K's leaders pursuing independence on their respective sides. By 1953, Nehru's once-close ally Sheikh Abdullah had not only been sacked but also imprisoned by the Indian government. In the same year, Sardar Ibrahim Khan, his counterpart in Azad Kashmir, was also dismissed, triggering angry demonstrations within AJK.

By 1951, a new pro-independence political organization had already been formed in Pakistan-administered J&K called the Awami (People's) Party, which deliberately moved away from a communal name, as used by its main opponent, the Muslim Conference. The sacking of Sardar Ibrahim Khan steered many pro-accession supporters toward the pro-independence camp. On the Indian-controlled side, Sheikh Abdullah—who by this point had garnered a reputation for dramatic U-turns— lost favor with his political friends in New Delhi. In 1955 the National Conference, under the leadership of Afzal Beg, established a movement called the Plebiscite Front, which demanded the referendum recommended by the UN. In his memoirs, Ansari (2014) describes an important turning point for a unified nationalist politics on the other side of the divided J&K also, when key political figures gathered in Mirpur in 1955 and established an organization named the United Front.

Despite strategizing on the part of key figures within the independence movement, it was Pakistan's plans to build a hydropower project known as the Mangla Dam that triggered the next wave of large-scale protests. Rehman (2011, pp. 102–3) writes, "the movement to resist the Mangla

Dam was another significant development that contributed in the rise of independence thinking in Azad Kashmir and then through the Azad Kashmiri diaspora in the UK and later in the USA, Europe and the Middle East."

The first mass public rally held since 1947 occurred in December 1960, when thousands of people gathered at Chak Haryam to protest against their pending forced displacement as a result of the proposed dam project. The demonstration was attended by so many people that the gathering spanned 4 miles, reflecting the scale of devastation that was about to befall district Mirpur (Ansari 2014). There were many arrests, and political activists were imprisoned in the infamous Dulai Camp in Muzaffarabad (ibid.).

The level of resentment among both residents of Mirpur and AJK's political leaders is summed up by a statement made by Ali Ahmed Shah the first defense minister and briefly, the president of Azad Kashmir, when he declared, "*Logo yeh dam naheen yeh damn fool hai* (O people! It is not a dam. It is a damn fool)" (cited in Rehman 2011, p. 103). Despite the protests, the people of AJK were no match for the Pakistani authorities. Ansari (2014) describes how by 1963, regardless of their internationally recognized legal rights as state subjects of Jammu & Kashmir, thousands of residents were displaced having no choice but to hand over ownership of their land.

In 1965, India and Pakistan went to war over J&K for the second time. With still no sign of a referendum in sight, a growing number of prominent figures across the J&K's political spectrum had decided to join forces to continue their demands for a united independent J&K with its own democratically elected government. A conference was held in Sialkot after which participants crossed the border and took an oath at Suchet Garrh in Jammu on April 4–5, 1965, during which several political movements, including the existing Plebiscite Front, the Awami Party, the National Students Forum and Kashmir Independence Committee, merged into a united Plebiscite Front (PF). Maqbool Bhat from the Kashmir Valley became its publicity secretary, Abdul Khaliq Ansari from Mirpur became president and Amanullah Khan from Astore in Gilgit–Baltistan, who had led the Kashmir Independence Committee, became its general secretary.

By 1966, Maqbool Bhat and Amanullah Khan had aired their opinions on the futility of lobbying for a plebiscite and instead proposed a separatist guerrilla approach to liberate and reunite J&K. Rehman (2011) discusses how Maqbool Bhat denounced the UN as a club of the ruling elites whose

decisions reflected the interests of the most powerful nations of the world. However, Ansari and several other key members of the PF did not support the proposal for an armed struggle, and as a result, Bhat and Khan formed a radical offshoot called the National Liberation Front (NLF).

Members of NLF had become active on the Indian-controlled side resulting in numerous incarcerations. In January 1971, two members of the NLF hijacked a passenger aircraft at Srinagar and diverted it to Lahore in Pakistan, where they demanded the release of thirty-six NLF prisoners held in Indian jails. However, Pakistan arrested the hijackers together with 150 NLF members, including Maqbool Bhat. Despite the arrests, only Hashim Qureshi was found guilty and given a seven-year prison term but released on his first appeal. In addition, Amanullah Khan was also arrested in Gilgit, where he was imprisoned for 15 months. Furthermore, in his memoirs, Abdul Khaliq Ansari describes being arrested in Rawalpindi.

From December 3 to 16, 1971, India and Pakistan had another military standoff over J&K—two major developments followed. Under the auspices of the UN, the CfL was now formalized as the LoC and citizens of J&K were no longer permitted to cross. Secondly, the UN now formally declared that the matter of the disputed state of J&K would be resolved between India and Pakistan through bilateral negations (see the chapter by Hayat and Ahmed in the present volume). They signed the Shimla Agreement in July 1972, cementing this arrangement. Not only had the citizens of J&K now been prohibited from movement within their own state, but they had also been officially removed from the decision-making process regarding their sovereignty.

After their release, both Abdul Khaliq Ansari and Amanullah Khan left for the UK, where they were supported by the now established diaspora from Mirpur, many of whom migrated due to their displacement after the aforementioned Mangla Dam. However, as discussed earlier, there had been significant mobilization in Mirpur and neighboring Rajouri and Mendhar prior to this. Nevertheless, Puri (2012) rightly highlights how displacement and migration from Mirpur provided continued impetus as well as finances for liberation politics in J&K.

It was in the UK among the diaspora that during May 1976, the PF merged with the NLF to create the Jammu Kashmir Liberation Front (JKLF), arguably the most successful movement in the post-Dogra J&K period to date (see the chapter by Khan in the present volume). Abdul Jabbar Butt became its founding president and Nazir ul Haq Nazish, the

organization's secretary general. However, Amanullah Khan would later take over its leadership until his death in 2016.

The organization quickly gained strong support bases in AJK and Indian-controlled J&K, as well as among diaspora communities across the globe. Rehman (2011) also points out that the JKLF provided important encouragement for members of the diaspora to engage with British politics. Some notable figures who were initiated into politics through the JKLF include the first-ever British Asian Mayor, Mohammed Ajeeb, and one of the first British Muslim members of the House of Lords, Lord Ahmed.

Rehman (ibid.) describes how, although an armed resistance was never on the agenda for the British wing of the JKLF, on February 3, 1984, a group of liberation separatists kidnapped a senior diplomat from the Indian Consulate in Birmingham. The kidnappers demanded the release of Maqbool Bhatt, who was at the time imprisoned in New Delhi. However, the diplomat was found dead, and Maqbool Bhat was hanged by the Indian government days later on February 11. The incident also led to substantial reputational damage for the JKLF.

The Birth of Armed Resistance in Indian-Controlled Jammu and Kashmir

In 1989 a wave of armed resistance rose in the Kashmir Valley. This period of insurgency began as an indigenous movement of young people who mobilized under the banner of the JKLF (Behera 2006). Bhatnagar and Chacko (2019) note the insurgency was a response to the Indian National Congress government rigging the 1987 elections in J&K to ensure they would not be defeated by the National Conference. The authors describe how "by 1990, the underground militant movement had won enough popular support to lead mass demonstrations against Indian rule." (Bhatnagar and Chacko 2019, p. 1498). This was part of the nationalist political struggle that had developed from 1951 onwards and had turned into what is commonly referred to as the "*azadi*" (independence) movement against the Indian state.

However, the initial phase gradually led to two competing agendas—one for an autonomous state and the other for accession to Pakistan. Rehman (2011) also discusses the shift in focus behind the insurgency when JKLF's leadership was accused of making covert deals with Pakistan in what he calls "an open secret first in Pakistan and AJK and later

across the world" (p. 115). This increased the distance between JKLF and other pro-independence groups in AJK and the UK. However, the JKLF continues to deny these claims. Furthermore, Puri (2012) argues that the diaspora mainly from Mirpur provided the initial financial support for the insurgency in the Kashmir Valley, which largely dried up once other organizations with different political agendas—namely, Hizbul Mujahidin militants—moved in on the ground.

Behera (2006) also discusses how the JKLF movement was followed by waves of smaller, well trained, and armed groups of militants whose squads were from outside of the state. Among these was the aforementioned Hizbul Mujahidin, who, it is frequently argued, was bought into destabilize the indigenous independence struggle (see the chapter by Khan in the present volume). Yet Swami (2007) describes various phases of similar underground activity in J&K before 1989, such as Al-Fatah operating from the late 1960s until the third India–Pakistan war in 1971. He argues that although the earlier groups did not pose a significant threat to the Indian authorities, they did pave the way for others to mobilize a larger scale armed resistance.

As well as ongoing periods of insurgency in the Kashmir Valley, two other areas on the Indian-administered side were heavily involved in armed activity. Hussain and Manchanda (2013) discuss how the geographic location of Rajouri and Poonch along the LoC made them more vulnerable to both military standoffs between India and Pakistan and being recruited by militants who covertly crossed the CfL. While discussing armed resistance in the region, the authors refer to Surankote as a hotbed of militants where many young people were swept up in the *azadi* wave (Bloeria 1999) Yet Hussain and Manchanda (2013) discuss how many of the youth who were involved in militancy were dual agents, also being paid by the Indian army to act as spies.

Resentment occurred between the Kashmir Valley and Poonch as it became clear the insurgency had turned into a money-making endeavor rather than a genuine struggle for *azadi* for some communities. The Indian side of Poonch was also known as the location from which the Indian-controlled infamously corrupt JK Special Operations Group, specializing in killing militants for handsome sums of money (Ganai 2020). Thus, to say that the original independence or *azadi* movement became muddied under the influence of financial gain and external political agendas is an understatement.

Singh (1999) argues that militancy was slow to develop in the Doda district of Indian-controlled J&K, but started making inroads into around 1987 through two Islamic movements—the Muslim United Front and Jamat-e-Islam. Later, militants from the Kashmir Valley would visit Doda and were able to recruit youth from the area for the *azadi* cause. The author rightly points out that given Doda's location, it had no close links to Pakistan, whereas Mendhar and Surankote are part of Poonch, which was divided across the LoC. However, Doda shares close cultural ties with the Kashmir Valley, and this—coupled with a religious affinity—led to large numbers of young people joining the insurgency movement in solidarity. In fact, in 2006, Doda was reported to have the highest number of active militants of all regions in J&K (ibid.).

Periodic insurgency has continued in the Kashmir Valley since 1989, and the last series of significant uprisings were triggered by the death of Burhan Wani in July 2016. Wani had joined the Hizbul Mujahidin as a result of the increasing number of Indian troops being deployed in the Valley. He had become a popular figure of resistance with a large social media following (Jaffrelot 2018). The Indian forces responded to protesters at demonstrations following his death with a rampage of indiscriminate mass blinding using Pellet guns.

The Most Dangerous Place in the World

Although India and Pakistan signed ceasefire agreements following three wars, low-level military standoffs, resulting in civilian injuries and deaths, have been a frequent feature since the division. Jacob (2017) explains how there is a clear correlation between bilateral tensions between the two nations states and the number of ceasefire violations (CFV) they commit on J&K's territory. For example, he describes how, in 2002, an astonishing 5800 CFVs were recorded. However, due to the governments' efforts for dialogue by 2004, this had dropped to just four. As relations declined again, CFV's renewed, with reports of approximately 2000 in 2011 (ibid.). In 2017, a combined reporting of incidents by both military forces recorded close to 3000 (Jaffrelot 2018). Both the frequency and devastation caused due to CFV's in J&K have made the LoC the most dangerous place in the world (Popham 2000).

Although it is clear that bilateral relations are the primary cause of CFV's, India's official position is that its military action along the LoC is to control "foreign" militants crossing over from AJK. Zia (2019)

explains how this is a misnomer, arguing how LoC crossers are not foreign because they are citizens of J&K, and the LoC is not an international border. Furthermore, Jacob (2017) points out that despite being shown as a neatly drawn line on the map, the LoC does not translate as such on the ground. The absurdity of the LoC is that it cuts through actual villages, and although its barbed wire fences are reinforced with electric shock mechanisms in some places, they are barely noticeable in others.

Nevertheless, crossing from the Pakistani-administered to the Indian-administered side has been prohibited by both administrators, other than for a short period from 2004, when the aforementioned dialogue between the two countries allowed trade to occur. Furthermore, in 2005 a bus service was initiated for those families who had been divided by the LoC. However, these initiatives were short lived. Zia (2019) explains how trade was difficult, not least because there was no common currency, yet its symbolic value was far greater for the people living along the LoC than any financial gain. Additionally, as India–Pakistan relations began to sour once more any such trade was viewed with suspicion by the Indian authorities adding to the narrative of foreign terrorism and smugglers (ibid.).

Rather than being viewed as a permanent divider, the presence of the fences and military posts act as a constant reminder to locals that the dispute is yet to be resolved (Zakaria 2017). However, there is no semblance of a resolution for residents who experiences periodic injuries, deaths, and destruction of property from cross LoC shelling and land-mines. The UN has a dedicated unit, the UN Military Observer Group in India and Pakistan (UNMOGIP), but it has not investigated the ongoing CFVs in any meaningful way. It would not be possible even if an exerted attempt was made, given that Pakistan will not allow unaccompanied visits to the LoC for safety reasons and India now rejects the UN unit's involvement. Nonetheless, the UN does keep records of CFV's despite not making them publicly available. It is, therefore, near impossible to get a true sense of the actual scale of the violations given they often remain unreported (Jaffrelot 2018).

A Crossroads in the Story of Jammu and Kashmir

J&K is currently experiencing another peak in CFV's, despite the lock-down occurring due to the global pandemic. Even the presence of

COVID-19 did not halt shelling, which was reported during most months of 2020 in the Neelum Valley and Poonch.

Tensions between India and Pakistan, both nuclear powers, increased in 2019 when India claimed that the Pakistani government had supported an attack by local Kashmiris against its armed personnel in Pulwama. Pakistan denied any involvement, and skeptics argued that the Modi government had conveniently used the event to gain pre-election popularity. However, the most significant development in recent years occurred in August 2019 when the government of India unilaterally revoked the special status of the J&K (based on the hereditary state subject rule and IOA signed by Hari Singh). India immediately imposed a large-scale military siege across all districts of the Indian-controlled side of J&K, with a strict curfew and complete communication blackout. Pakistan lobbied the international community to intercede, and although military action between the two did not go beyond LoC shelling tensions spiked and the possibility of a war was discussed during public addresses. Relations between the two countries were on the verge of exploding.

This has led observers to argue that the region is now at a crucial crossroads. Previous negotiations have culminated in catastrophic results for the people of J&K, who, by and large, have been unable to make decisions regarding their land, resources, identities, and sovereignty. Although the UN shelved the issue of self-determination in agreement with India and Pakistan, the people of J&K gave them no authority to do so. An illegal annexation remains, as does the responsibility of the international community to fulfill their promise to resolve the dispute.

The remainder of this book provides readers with an in-depth analysis of significant social and political developments within J&K and the discussion of contemporary challenges through case studies from across its regions and provinces. However, the chapters do not always employ a standardized use of terms, as authors define Jammu and Kashmir as they deem most appropriate for their contributions. As such, within a number of chapters, Kashmir and Kashmiris refer to the entire erstwhile state and all its citizens; some authors describe Azad Kashmir as Pakistan-administered Jammu & Kashmir, and others discuss Indian-administered J&K as Indian-occupied J&K. Thus, the volume whilst written for a global audience prioritizes voices from the ground.

Outline of the Volume

Part I on the History and Politics of Jammu and Kashmir begins with the chapter by Hayat and Ahmed, who detail three phases in the post-1947 era and conclude that the pursuance of the region as a bilateral dispute had left Kashmir hostage to the security calculus of India and Pakistan. In Chapter 3, Wani et al. provide a historical account of how the recently abrogated Articles 370 and 35A came into existence and discuss why they were so highly contested by India. Their analysis allows the reader to gain valuable insight into the implications of the removal of J&K's special provisions and why the move resulted in such intense political fallout.

Mahmud focuses specifically on the history and politics of Azad Kashmir in Chapter 4. He describes how, since its inception, the nomenclature and standing of AJK have remained confusing, as the state is neither a sovereign entity nor a constituent unit of Pakistan. The chapter investigates the rationale behind AJK's political trajectory over the last seventy years, contributing to an enhanced understanding of its struggle for political and economic empowerment. Chapter 5 on Gilgit–Baltistan discusses how—despite the region's association with the Kashmir dispute—very little is understood about its link with the state or its current relationship with Pakistan. Mosvi's chapter provides an insightful overview of the region before discussing key contemporary challenges associated with the unresolved nature of the status of Gilgit–Baltistan.

Part II on Social and Political Movements commences with Bashir's chapter on the establishment of the Muslim Conference and its shift to the National Conference. He argues that Abdullah's political trajectory, far from paving the way for a united front against the oppressive ruler, created deep cleavages and power struggles, contributing to the division of J&K. In Chapter 7, Khan discusses how the Jammu and Kashmir Liberation Front's iconic presence in the struggle for Kashmiri self-determination has galvanized support for its sovereign status irrespective of political, ideological, ethnic, or religious background. This, he argues, has resulted in the JKLF remaining the most influential and successful Kashmiri pro-freedom movement to date despite being officially classed as a terrorist organization by the Indian government. In Chapter 8, Ishaq explores the emergence of socio-religious movements, which, through their support for the "Kashmir struggle," have to varying degrees taken root in Azad Kashmir. Through both empirical findings within a contemporary setting

and analysis of historical accounts, he concludes that the indigenous spiritual traditions, long present in the Kashmir region as expressed through Buddhist, Shaivist, and Islamic customs alike, continue despite the potentially fertile ground the disputed identity of the region has offered for Islamic political movements to find space.

Part III presents case studies from the Jammu Province and Ladakh. In Chapter 9, Hussain and Rehman describe how although Mirpur was the third-largest center for trade and commercial activity in the erstwhile princely state, today it is best known as the origin of a large diaspora in the United Kingdom. The authors fill crucial gaps in Mirpur's migration history by demonstrating how economic migration from the region existed as a result of structural inequalities long before large-scale displacement in 1960, due to the construction of the Mangla Dam.

In Chapter 10, Kumar explores controversies that surround the use of statues in Jammu city. In doing so, she highlights the role of the state in choosing selective memories and inscribing them in the collective consciousness of the people vis-à-vis the frameworks of propagandist artworks. She demonstrates how statues in disputed territories like J&K can act as structures of power rather than merely cultural signifiers. In Chapter 11, Vasan draws upon findings from an ethnographic study conducted over several years with students from Ladakh in Delhi, as well as families and community leaders based in Leh. Her chapter reflects on intergenerational transformations within Ladakh and the remote region's negotiations of cultural citizenship within the Indian state.

Part IV offers case studies from the Kashmir Province. In Chapter 12, Zia demonstrates how rights given to Indians are rendered meaningless for Kashmiris under the Armed Forces Special Powers Act (AFSPA), a draconian law enforced in J&K. Chapter 13, Qutab draws upon empirical research to discuss the changing roles of women as a result of the Kashmir conflict. She argues that even when women transcend gendered boundaries by adopting new positions and greater access to public space, the intense military presence coupled with complete impunity given to security forces significantly increases the threat of sexual violence and thus hinders any meaningful gains.

In Chapter 14, Singh discusses how the impact of the partition in Jammu and Kashmir is almost entirely absent from mainstream academic study. Her chapter revisits this period through in-depth interviews with survivors from the Sikh community of Kashmir. It describes how shared

memories continue to reinforce and highlight the fact that Sikhs were and remain a numerical minority within the state.

The volume concludes with a short reflection from Abbas, who revisits the notion of J&K being on the brink of a new chapter in its history. Taking stock of the rich insights provided by the authors in this volume, it is evident that far from being passive victims and recipients of external agendas, the people of Jammu and Kashmir as they have done time and again, continue to mobilize, reorganize, and regroup.

Notes

1. The geographical details of the exchange were set out in Article 1 of the Treaty of Amritsar (1846) as follows: "The British Government transfers and makes over for ever in independent possession to Maharajah Gulab Singh and the heirs male of his body all the hilly or mountainous country with its dependencies situated to the eastward of the River Indus and the westward of the River Ravi including Chamba and excluding Lahol, being part of the territories ceded to the British Government by the Lahore State according to the provisions of Article IV of the Treaty of Lahore, dated 9 March 1846. All the hilly or mountainous country with its dependencies situated to the eastward of the River Indus and the westward of the River Ravi including Chamba and excluding Lahol" (cited in Gupta 2012, p. 387).
2. Between independence on August 15, 1947 and the establishment of the Republic of India on January 26, 1950 the country was referred to as the Union of India or, less frequently, the Dominion of India. During this period, India remained an independent dominion under the British Crown within the British Commonwealth of Nations.
3. The Karachi Agreement referred to here is not to be confused with the Karachi Agreement signed between the Azad Kashmir and Pakistani Governments, after which Pakistan took control of the external affairs and Gilgit–Baltistan.

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PART I

History and Politics of Jammu & Kashmir

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CHAPTER 2

The Kashmir Conundrum: Past, Present, and Future

Javaid Hayat and Raja Qaiser Ahmed

Introduction

As the British ended their colonial rule over the subcontinent in 1947, they ordered the Princely State of Jammu and Kashmir (J&K) to join either the newly founded Pakistan or independent India. Just after the British left, but before a decision was formalized, J&K was overtaken by its neighbors, which both laid claim to the territory. This marks the first phase of the Kashmir dispute. The international community declared the conflict to be one of self-determination, as the resolutions adopted by the United Nations on the matter illustrated (Lamb 1992).[1] The second phase occurred in 1971 when the international community shelved the issue following a war between India and Pakistan. The UN advised the two nations to resolve the Kashmir conflict bilaterally, which led to them signing an agreement known as the Shimla Accord 1972. A ceasefire line, known as the Line of Control (LoC), was formalized as a hard

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border diving J&K into two separate, impermeable administrative regions in 1987 (Mahapatra and Shekhawat 2007). There has been widespread despair and disappointment with the peace processes on the part of Kashmiris since the adoption of the LoC, a consequence of which has been an armed grassroots insurgency in the region (Widmalm 1997).

This deadly sway persists today, defining the broader contours of the Kashmir conundrum. The pursuance of the issue as a bilateral dispute between India and Pakistan has dwindled and dampened any prospect of its resolution. This has left the Kashmir conflict seemingly hostage to the regional security calculus of both nations, in which the plight of Kashmiris, many of whom seek their own independent state, remains unabated (Wirsing 1998). The culmination of this trajectory of events is more poignant and acerbic for the residents of the J&K, who report gross human rights violations. The 2018 UNHCR report on Kashmir detailed thousands of missing persons, ongoing accounts of physical and sexual abuse, arson, and pogroms carried out by military forces. What exacerbates the state of affairs is the unchecked powers awarded to the Indian army under the Armed Forces Special Powers Act (AFSPA). The AFSPA gives unprecedented authority to the Indian army deployed in Kashmir for law enforcement purposes (see the chapter by Zia in the present volume).

The result of such policies is the warlike operations India has declared in J&K (Schofield 2010). Adding to the dynamics are ongoing economic developments in the region, which guide the political and strategic interest of both nations controlling J&K. The Kashmir issue remains the key axiom that ladders diplomatic ties between India and Pakistan at both regional and international levels. The disputed territory of J&K is also at the geographical center of the very ambitious China–Pakistan Economic Corridor (CPEC), which controversially passes through the region of Gilgit–Baltistan, part of Pakistan-administered Kashmir (see the chapter by Mosvi in the present volume). As such, China has now joined India and Pakistan, in earnest, in exercising a strong grip on the state (Sharma and Kundu 2016).

On August 5, 2019, another development occurred, which has made the Kashmir conundrum ever more pressing. The Indian government announced that it had unilaterally decided to remove the special status of J&K provided by Articles 370 and 35A (see chapter by Wani et al in the present volume). These special provisions had been agreed upon between the Maharaja and India as a condition of accession. They allowed the state to maintain a level of autonomy and protected citizenship rights. Only

those who were state subjects in 1947 and their subsequent offspring had the right to own land and vote in J&K elections, a detail that would prove crucial in the event of a plebiscite.

At the time of writing, all Kashmir's political leaders have been detained, and a curfew imposed, together with a blanket lockdown of communication networks. It is fair to say that Kashmir is currently under siege by Indian military forces (Wani 2019), with evidence of torture and large-scale detention reported by the Western media (BBC 2019; *The Guardian* 2019). Pakistan's response has been one of diplomacy, revisiting the issue within the United Nations.

It is important to understand why both India and Pakistan appear to perpetuate their status quo positions on Kashmir, rather than work toward a resolution of the dispute. After all, both nations agreed to a referendum, thus allowing Kashmir's people to choose their future by voting, yet neither has revisited this option in a meaningful way (Snedden 2007). Despite this, the entire state has risen up several times demanding self-determination, with the last mass uprising in 2016. Even those areas thought to be dormant within the state have become hotbeds for street protests and youth mobilization (Zutshi 2017). These recent trends within J&K reflect the culmination of identity and nationalism, which characterize the current milieu.

The shifting modules of resistance are ubiquitous and are related to physical harassment but also denote another concomitant phenomenon of virtual surveillance (ANHAD 2010). Reactive channels among the high numbers of educated but unemployed youth in Kashmir are shaping a civil discourse. Moreover, the 2016 protests—sparked by the killing of Burhan Wani, a guerrilla leader fighting for an independent J&K—led to a total crackdown on vital channels of communication, such as local newspapers, television channels, Facebook, Twitter, and mobile messaging services by the Indian authorities (Ahmed 2017).

This chapter discusses three key phases in the history of the dispute in more detail by focusing on attempts to resolve the Kashmir conundrum. Firstly, it looks at how the dispute came about and the subsequent intervention of international agencies—namely, the United Nations. Secondly, it describes how the issue shifted to a bilateral one, to be resolved between India and Pakistan, and revisits solutions that were considered under this framework. Finally, the chapter discusses the current situation in J&K in which the status quo appears to be the preferred outcome for the two nations, despite a continuation of grassroots mobilization among Kashmiris.

The Kashmir Quagmire: A Genealogical Lineage

In 1947, the decolonization process in the Indian subcontinent resulted in the emergence of two dominions—namely, Pakistan and India. At the same time, it also triggered a crisis for the numerous princely states that were not part of British India (Lamb 1992). Among these was the Princely State of Jammu and Kashmir (J&K), which became a source of conflict between the nascent dominions. The partition plan of June 1947 was about the division of the Indian subcontinent based on the "Two-Nation Theory." Bose (2003, p. 30) explains how "with the lapse of British 'Paramountcy,' princely states were technically free to accede to either dominion or to become independent states." That the princely states had the option of independence during the period is supported by many accounts (Hussain 1998; Lamb 1992).

At the time of partition, the princely state of J&K had a Hindu ruler and a Muslim-majority population. The ruler, Maharaja Hari Singh, refrained from accession to either India or Pakistan, seeking, instead, to remain an independent kingdom. However, the Muslims of J&K had been mobilizing against the Maharaja's rule for political and civil rights since the early 1930s. By June 1947, a "no tax" campaign, which had been initiated in Mirpur some years earlier, was now fronted by the people of Poonch. This rapidly developed into an armed Muslim uprising led by the Sudhan tribe referred to as the "Poonch rebellion,"[2] and formed the people's resistance movement which fought for social justice and political freedom. The leaders of the movement demonstrated political maturity by inviting the Maharaja to Rawalakot, an important urban center in the Poonch district. During the meeting, they made their political and democratic dissent clear to the prince. However, when he left Rawalakot, his forces began a cruel and violent campaign against its residents, rather than working for a resolution by providing the local people with the basic human rights they requested. This active campaign against Poonch triggered the resistance movement, which had support in other districts across the state, including Mirpur in the southwest (Lone 2018).

By October 1947, armed tribal men from the North-West Frontier of Pakistan (now the Tribal Districts of Khyber Pakhtunkhwa) entered the state, presumably to bolster the indigenous Poonch rebellion. Backed into a corner, the Maharaja turned to India for support in the fight against the local revolt and the tribal invasion. India agreed, but on the condition that the prince sign the controversial "Instrument of Accession" (IOA).

Pakistan refuted the Maharaja's competence—or, indeed, *authority*—to sign the said document with India, on the grounds that the partition plan had ceded Muslim-majority areas to Pakistan. Furthermore, the Maharaja had fled the capital and was, therefore, no longer the ruler of Kashmir at the time of signing J&K over to India.

Researchers such as Bose (1997) claim that India and the Maharaja only agreed to a temporary accession and that at the end of hostilities, a referendum would determine the final status of Kashmir. However, others like Lavakare (1999) argue that the accession was unconditional, voluntary, and absolute. Yet, Lamb (1992), a renowned student of Jammu and Kashmir history, has raised serious objections about the originality of the IOA, as well as its applicability. Indeed, the authenticity of the IOA has remained contested in political debates within academic circles and the international community. The lack of consensus on the IOA has left it the main point of contention in the resolution of the Kashmir conflict.

Although Hari Singh promised J&K to India, a rebel government arising from the Poonch insurgency was declared on October 24, 1947. The "Azad Government of the State of Jammu and Kashmir" was announced one day before the Maharaja fled the capital. The new government claimed to be the legitimate successor to the departed Maharaja. However, neither India nor Pakistan, much less the international community, ever recognized the government or its claim to represent a sovereign state. Therefore, the official nomenclature "Azad Government of the State of Jammu and Kashmir" remains a paradox in the study of international relations. Currently, the former state of J&K is divided into two main parts, Indian-administered Kashmir (the Kashmir Valley, Jammu, and Ladakh) and Pakistani-administered Kashmir (Azad Kashmir and Gilgit–Baltistan).

The Internationalization of the Kashmir Issue

Shortly after the Maharaja was overthrown and the Azad government was formed, India and Pakistan had their first war over J&K. The Indian government put the Kashmir case to the UN Security Council in a complaint lodged on January 1, 1948. The Security Council passed a resolution on January 1, calling on India and Pakistan "to refrain from making any statement and from doing or permitting any acts which might aggravate the situation" (Wellens 1990, p. 325). In another resolution passed on January 20, 1948, a five-member UN Commission on

India and Pakistan (UNCIP) was appointed to investigate the dispute and mediate to ease tensions and prevent further hostilities.

On August 13, 1948, the UNCIP passed an important resolution comprised of three parts.[3] Part 1 dealt with a ceasefire, Part 2 with a truce agreement, and Part 3 with the determination of the future status of J&K in accordance with the "free and impartial will of the people" (Syatauw 2012). The Indian view of the dilemma is that Pakistan should be acknowledged as the aggressor in Kashmir, as per the original Indian complaint. Chandran (2001, p. 13) explained the consequences of this "remarkable UNCIP decision on August 13, 1948 [that] called for an immediate ceasefire and asked for the withdrawal of Pakistani troops and tribal invaders from the disputed area." However, Hussain (1998, p. 35) describes how it was "noteworthy that the Indian complaint was based on Article 35 of Chapter VI of the UN Charter which relates to 'specific settlement of disputes' and not Chapter VII, which deals with the act of aggression."

In both 1950 and 1951, UNCIP reported its failure to resolve the Kashmir issue to the Security Council. The UN then appointed Sir Owen Dixon, an Australian judge and diplomat, to provide a mediatory role between the two parties. After a detailed study of the dispute, he stated that a plebiscite, as proposed by UNCIP, could never be held in Kashmir and proposed the division of the state in three alternate ways. Both India and Pakistan rejected the Dixon Plan for different reasons. Two subsequent UN mediators also failed to develop a feasible solution. On April 30, 1951, the Security Council appointed Dr. Frank Graham, a US scholar and peace activist, as the UN representative for India and Pakistan. Graham understood the complexity of his role stating, "today the issue is more difficult to solve than it was at the outset, for in these three years, India and Pakistan have formulated their points of view into positions as fixed and unyielding as the ceasefire line itself" (Hilali 1997, p. 67). Graham visited India, Pakistan, and J&K, conducting negotiations with all parties over options for a plebiscite that would gauge the "free will of the people" of J&K. Despite his best efforts, he was unable to bring the conflicting parties to a mutually acceptable agreement (Singh 1990).

In 1954, the Constituent Assembly of Jammu and Kashmir (on the Indian-administered side) ratified the controversial accession to India. Two years later, it also passed an amendment to the Constitution defining the state of Jammu and Kashmir as an integral part of the Republic of India. India cited this as a justification for withdrawing support for a

plebiscite, arguing that the Constituent Assembly already represented the people of J&K. However, the legal authority of the Constituent Assembly and the ratification of accession remain in dispute. As Bose (2003, p. 166) elaborates, "the Security Council resolutions—notably those of March 1951 and January 1957—are unequivocal that such participation and representation could not be regarded as a substitute for an internationally supervised plebiscite."

In addition, the ratification of the accession by the constituted legislative assembly in Srinagar (the capital of Indian-controlled J&K) was rejected by a UNSC resolution adopted at its 765th Meeting on January 24, 1957. The Council resolutions reinforced the need for a free and impartial referendum conducted under its auspices to settle the status of the disputed territory. In so doing, they reemphasized the resolution of April 21, 1948, which clearly states that any viable resolution would have to address "both India and Pakistan's desire that the question of the accession of Jammu and Kashmir to India or Pakistan… be decided through the democratic method of a free and impartial plebiscite" (Suksi 1993, p. 87). What was also clear was the binary nature of the notion of self-determination—either joining Pakistan or India. The option of an independent J&K was not available.

Yet when comparing the two UN resolutions (drafted by the same conflict resolving mechanism viz. UNCIP), there is a crucial difference worth noting. The first resolution, passed on August 13, 1948, states, "the future status of Jammu and Kashmir is subject to the free will of the people of the disputed state of Jammu and Kashmir." This open-ended language was interpreted as allowing for the possibility of independence. However, in the second resolution passed on January 5, 1949, there was already a narrowing in the text. It spoke of "the question of the accession of the State of Jammu and Kashmir to India or Pakistan," thus implying a limitation of the people's choice to one or the other state.

However, as Hussain (1998) states, the right of self-determination is the right of people to choose their destiny, and "is one of the most confused expressions in the lexicon of international relations" (p. 141). More specifically, it is the right of people to determine their destiny without any forced external interference in order to develop their economic, political, and cultural systems. Shaw (1997, p. 480) explains that "self-determination became the legal principle that fueled the decolonization process, both obligating the colonial powers to grant independence (or other acceptable political status) and endowing the

territory in question with a special status and, thus, international legitimation." In a specifically political sense, the right to determine the future of one's state is the right of a nation to constitute itself as an independent state. This means the right to form a separate political entity if it so decides, enjoying the same rights as all other nation-states, or otherwise, to freely determine its mode of association with an existing state wherein it enjoys the same rights as the other constituent peoples of that state. In this sense, the right to self-determination covers a wide range of options from which a nation can choose (Shaw 1997).[4]

In the case of Kashmir, a singular notion promulgated in the legal context of the conflict raises a pertinent question. The UN resolutions adopted on January 5, 1949, which called for a referendum limited to joining either India or Pakistan, framed the Kashmir issue as an Indo-Pakistan one and played down the question of the people's "political" rights (Behera 2007). Parker (2000) contends that the UN decolonization injunction produced two distinct categories of self-determination—one arising from "perfect" decolonization (where metropolitan imperial powers ceded their overseas territories) and "imperfect" decolonization (where newly independent nations assumed "colonial" dominion over territories seeking independence, as in West Papua and Tibet). She considers Kashmir a case of "imperfect" decolonization, in which the failure to define the position of Kashmir legally means that it is not part of any nation-state.

Proposed (Bilateral) Solutions

Many solutions to the Kashmir issue have been proposed ever since 1947, and yet the dispute continues. There seem to be no apparent and sincere efforts to terminate the turmoil in J&K. India seeks to formalize the status quo of the LoC so that it becomes the accepted international boundary. However, Pakistan and those from within J&K refute Indian claims—Pakistan seeks more control, and locals demand more autonomy (Fair 2005).

Broadly speaking, there are five significant solutions that have been put forward, though none followed through. The first is J&K's accession to Pakistan, which is clearly favored by the Pakistanis, who believe that Kashmir's majority-Muslim population would vote for this option if given the opportunity. However, this assumption is farfetched and problematic for the Hindus of the Jammu Province and the Buddhists of the Ladakh

region, who have no desire to join Pakistan. Furthermore, plebiscite or not, India will never relinquish the region it administers to Pakistan, even were the people of J&K to decide this is what they want. The second option is Kashmir's accession to India. Such a solution would pave the way for large-scale instability since the Muslim inhabitants of J&K have never supported this option, not least of all those already on the Pakistan-administered side in "Azad" Kashmir and Gilgit–Baltistan. This solution would mean that the entire Kashmir struggle since 1947 would fall to pieces (Hingorani 2016).

The third solution is the creation of an independent J&K. A plebiscite favoring autonomy would face strong resistance from both India and Pakistan, and therefore neither country could be expected to administer a transparent referendum. It would also be unacceptable to those who are content with the status quo, including China, which has brokered a significant deal with Pakistan for the use of both land and water belonging to Gilgit–Baltistan (Scott 2011).

Perhaps the most compelling solution proposed to date was that of Pakistan's President Musharraf, who offered a four-point solution to the Kashmir issue in 2006. He proposed that borders would remain, but that Kashmiris would be allowed to travel across them freely. The self-governance of Indian- and Pakistani-administered Kashmir (rather than independence) would be ensured to boost the socio-economic development of the region through cooperation. Troops would be withdrawn from the state in phases, and a joint supervising mechanism would be chalked out for the execution of this roadmap for J&K (Kasuri 2015).

Musharraf's plan appeared to provide a viable solution for all parties. However, India had less to gain from the proposal. India claims that the IOA of 1947 gives it rightful rule over the entire state, and therefore any potential loss of authority is deemed disadvantageous. Furthermore, there was a risk that self-governance might ultimately pave the way for the independence of the region. Others have pointed out that the withdrawal of troops from Kashmir might see terrorist elements carrying out large-scale violence to strengthen demands for full autonomy (Prasad 2017). After all, similar strategies for gradually withdrawing troops elsewhere, namely Afghanistan, had not resulted in a reduction of bloodshed or violent attacks.

The Status Quo

Despite the evidence of ongoing human rights violations in Kashmir, the Modi government reported the absence of global criticism on the situation as an indication of effective Indian diplomacy (*The Wire* 2017). Yet, even though the UNHCR (2018) released a damning report on the conditions within Kashmir and the UNSC has passed twenty-five resolutions since 1947 the UN has not come any closer to protecting even the most basic rights of the people of J&K (Habibullah 2008). One must not forget that the UN Charter's primary purpose was to maintain worldwide peace and stability, something it has failed to do in the subcontinent. Furthermore, the UN Charter itself has articles protecting against genocide and ethnic cleansing. Yet India, by denying the implementation of these resolutions and deploying over 700,000 troops in J&K, is clearly violating international law despite being a signatory. Given these circumstances, it is not possible to discuss the Kashmir issue without legal consideration.

In 2018, the brutal kidnap, rape, and murder of an eight-year-old girl by Indian policemen highlighted ongoing atrocities in Kashmir within international media. Asifa, the murdered child, was drugged and held for days at a remote Hindu temple where she was gang-raped numerous times before being strangled. Despite the outcry of many human rights organizations, the local Hindu population protested the arrest of the perpetrators, and large demonstrations in Jammu demanded the murderers be set free without charge (*Irish Times* 2018). The very public intimidation of her family and those involved in trying to bring justice to her case is argued by some to be a strategy of the current Indian government to disempower the people of J&K, sending a message that they are unable to access any form of official protection within the state and beyond (*Times of India* 2018).

Asifa's case, no doubt, stands out as one of the worst examples of violence witnessed that year; however, this is not the only government-backed strategy applied to intimidate the Kashmiri people. In April 2017, an army major tied a Kashmiri man to a military jeep and used him a human shield against stone-pelting protestors. Rather than facing condemnation by his seniors or indeed the government, he was awarded the army chief's "commendation card" for sustained efforts in counterinsurgency operations (Al Jazeera 2017). In 2011, more than 2000 Kashmiri corpses were found buried in dozens of unmarked graves

(Makhdoomi 2013). Reports from thousands of tortured civilians go uninvestigated and unpunished because of the AFSPA and the Public Safety Act, which allow lawless detention and shoot on sight privileges to the Indian military. Arson attacks are also a common tool used against Kashmiris, with more than forty-seven schools set on fire in the space of four months in 2016 (Amnesty International 2019).

It should be noted that the disputed areas currently controlled and administered by Pakistan, namely Azad Kashmir and Gilgit–Baltistan, are perceived to be conflict-free by those on the India-administered side. However, the existence of powerless constitutional mechanisms and the consequent fragile institutions result in a cosmetic democratic structure (see the chapters by Mahmud and by Mosvi in the present volume). This has fostered widespread resentment among the inhabitants of these areas. Therefore, on both sides, the emergence of rights movements for genuine autonomy, ownership, and empowerment across the disputed J&K exist.

In light of the above, it is surprising that the international community has not revisited the Kashmir issue to hold India to account for its activity in the region. Let us not forget that it was India that called upon the UN to intervene in the first place. On November 2, 1947, the country's first prime minister, Jawaharlal Nehru, sent a telegram to Mohammad Ali Jinnah, premier of Pakistan, in which he wrote:

> We have declared that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given (and the Maharaja has supported it) not only to the people of Kashmir, but also to the world. We will not and cannot back out of it. We are prepared, when peace and order have been established, to have a referendum held under international auspices like the UN. We want it to be a fair and just reference to the people, and we shall accept their verdict. (Khan 2018, p. 113)

Furthermore, speaking in the Indian Parliament the following year, on June 16, Nehru said:

> If, after a proper plebiscite, the people of Kashmir said we do not want to be with India, we are committed to accept it even though it might pain us. We will not send an army against them. We will change the constitution if necessary. (cited in Hakeem 2014, p. 14)

Having involved the Security Council in the matter, India committed itself to allow the people of J&K to exercise their right to self-determination, however India has not upheld its side of the deal for a fair election (Chitkara 1996, p. 27). As mentioned, the UN, based on Security Council Resolutions 91 and 122, has rejected the Indian stance and reiterated that the matter of accession could only be resolved by means articulated in its resolutions. However, India's claim to J&K has not been legally challenged by the UN.[5]

A Way Forward?

Since the end of the Second World War, several territorial disputes have been resolved with the help of the UN and the involvement of major powers. The resolution of the Kashmir dispute also demands the involvement of international actors—not to mention clear will to act from both India and Pakistan. The robust contribution of indigenous Kashmiri people is also considered as a harbinger to a solution. Considering the aforementioned factors, a potential resolution will be explored at three levels: the macro level, the meso level, and the micro level.

The involvement of major powers like the United States of America and the United Kingdom, together with the involvement of the UN, is a macrolevel solution. The basic motive and function of the UN is to save future generations from the evils of war through resolving conflicts. As a bone of contention between India and Pakistan, the Kashmir issue is the credibility test of the UN's mediation power. Moreover, if the two nuclear-armed nations went to war again, it could have catastrophic consequences for the international community. As such, the reports of the United Nations Military Observer Group on India and Pakistan (UNMOGIP) should be taken into account by the UN Security Council, and their recommendations ought to be implemented accordingly.

After the Shimla Agreement in 1972, which concluded that all Indo-Pak issues should be resolved bilaterally, India gradually blocked UN military observers from visiting the most violent hotspots (Tahira 1990). In January 2013, after a significant LoC ceasefire violation, Pakistan demanded the UNMOGIP conduct an inquiry. However, India rejected the proposal and undermined the legitimacy of the observer group. It is pertinent to note that only the Security Council can terminate the UNMOGIP, nevertheless India unilaterally decided to remove its presence from J&K (White 1997).

Despite the UN resolutions described in this chapter, member states with the potential to put pressure on India and Pakistan have refrained from any meaningful involvement. The world is fully conscious of the importance of resolving the Kashmir issue for peace and development in South Asia. The Kashmir dispute has its root cause in the boundary commission between India and Pakistan, supervised by the last viceroy, Lord Mountbatten, during the departure of the British colonizers. It, therefore, remains the unfinished business of the British, as much as it does the subcontinent. In acknowledging their role in the ongoing conflict, former prime minister David Cameron apologized for Britain's historical contribution to the continuing tensions between India and Pakistan in a speech in 2011 (*The Journal* 2011). Yet despite the apology, the UK has yet to play a constructive role in resolving its decolonization agenda. As such, it has a responsibility to place every possible pressure on both countries to settle the issue peacefully.

At the meso level, a revised attempt for bilateral efforts is required by both India and Pakistan. Despite going to war over the region three times, the two powers have yet to demonstrate a proportionate response for cooperation on the issue. Instead, the Indian leadership raises political slogans over Kashmir to attract Indian votes, while Pakistan's military legitimizes its huge budget in order to fight on the eastern front against India. History illustrates that both states have tried to justify their de facto control to obtain all of J&K, although neither has managed to acquire the entire disputed territory. As such, both countries would benefit from a peaceful resolution. For Pakistan, the menace of terrorism would be significantly reduced, resulting in a sizable portion of its budget becoming free for human development and welfare, instead of spending it on military defense. India would like to obtain a permanent seat on the United Nation's Security Council with the potential to become a major world power. Therefore, tangible advantages for both Pakistan and India to revisit the Kashmir issue do exist.

Several factors are worth considering at the micro level. Elected, state-level Kashmiri leaders would do well to enhance the profile of the Kashmir conflict, particularly within international forums. The sizable Kashmiri diaspora could play a central role in highlighting the ongoing conflict for international support, not least because several members of the British Parliament also have their origins in J&K. There is certainly some evidence of diaspora campaigns being successful at local community

levels across the UK. Electronic, print, and social mediums are available to revive the Kashmir cause. Furthermore, academic writings and promotion of indigenous narratives both inside and outside of the region should be encouraged by human rights organizations. The diaspora is in a particularly strong position to exert pressure on India and Pakistan in order to open up the territory for international journalists and members of social and human rights forums. This is all the more necessary given the heavy restrictions and censoring imposed on such activism within the state.

Discussion

As a result of the developments of August 5, 2019, and the forced removal of Articles 370 and 35A, the situation in Kashmir has become of exigent need for review. The events led to the human rights violations being raised within the Security Council for the first time since 1965. However, after examining the various resolutions adopted by the UN Security Council on J&K, this chapter described how the Kashmir question morphed into an India–Pakistan question, resulting in any future plebiscite being restricted to accession to one or the other. Despite this, the universally accepted right to self-determination in the United Nations Charter of 1945, the Universal Declaration of Human Rights (1948) and the United Nations Declaration on the Rights of Indigenous People (2007) do not restrict Kashmiris to a limited choice of confined options.[6] Rather, they give the right to any subjugated nation or its people to express their free will in order to determine their future, particularly if the majority chose options outside of those offered. This chapter, therefore, asks why the UN has failed to support this position in the case of J&K. After all, if East Timor and Kosovo can exercise their right of self-determination and gain independence, why is Kashmir unable to?

With commitment and conviction, a timely resolution of the conflict is still possible if the right to self-determination under the auspices of the UN Security Council is undertaken. Many states across the globe have territorial issues, but these are not necessarily violent. Take, for example, Hong Kong's sovereignty issue between the UK and China and the issue of the Falklands Islands between the UK and Argentina. As a first step, the violence inside Kashmir must be mitigated, and only without the threat of a large-scale loss of life can its stakeholders move toward a meaningful resolution.

This chapter has attempted to demonstrate that the Kashmir issue is not bilateral in any way. Since independence in 1947, all efforts to resolve

the dispute have taken place without bringing Kashmiri leadership to the negotiating table. It seems illogical to decide the fate of a region without involving its inhabitants, yet it remains the case with J&K. Given the unequal power dynamics of India and Pakistan, with the former significantly outnumbering the later, it is unrealistic for the two to resolve the issue unless third party mediation is ensured. However, as Ahmar (2007, p. 24) explains,

> [I]n any realistic resolution of the Kashmir conflict, the larger interest of the Kashmiris must receive priority. For a long time, rather than being the focal point, they were simply regarded as a side issue. Yet, it is the Kashmiris who, for generations, have continued to suffer from decisions made about them without consultation.

The continued marginalization of the "true representatives" of the Kashmiri people perpetuates a sense of hopelessness, as they remain excluded from presenting their case in international forums. As such, what is currently offered to the people of J&K is unrealistic and unworkable—it cannot produce a sustainable and durable solution.

Two possible approaches for a sustainable resolution have been proposed most frequently. The first asks for the conflict to be negotiated in accordance with UN resolutions. The old and perhaps tired argument that a plebiscite needs to take place no longer seems feasible, given neither India nor Pakistan will administer a referendum (Snedden 2007). Furthermore, the resolutions on Kashmir were passed under Chapter VI of the UN Charter, which does not oblige the Security Council to act in order to force a plebiscite. This is in contrast to the case of East Timor, in which the Security Council passed a resolution under Chapter VII, which obliges action on its part. Given the dire situation in Kashmir at present, this ought to be revisited as a matter of grave urgency.

From a conflict resolution perspective, no immediate solution appears possible without all people from the divided J&K being part of the process. A realistic approach emphasizes ground realities while tackling the multidimensional character of the dispute. Therefore, in this view, a sustainable and durable solution can only come "from and within." Given decades of fruitless bilateral relations between India and Pakistan and the unwillingness (or inability) of the international community to prioritize a solution, it is clear that the only way left is to engage Kashmiris. They have both the most to lose from a continued conflict and the most to gain from it ending.

Notes

1. See the relevant resolutions, available at: www.un.org/documents/sc/res/1951/scres51.htmwww.un.org/documents/sc/res/951/scres51.htm, and www.un.org/documents/sc/res/1957/scres57.htm.
2. For more on the Poonch Rebellion, see the vivid description in Singh (1974, pp. 12–13).
3. The resolutions adopted by the UNSC under UNCIP can be searched by year online at: www.un.org/documents/scres.htmwww.un.org/documents/scres.htm.
4. See e.g. the Western Sahara case, ICJ Reports (1975) 12, at 33 and 68. See also Judge Dillard, ibid, at 122; 591LR 30. at 50. 85, 138. See also GA Res. 1541 (XV), 1960 and the 1970 Declaration on Principles of International Law.
5. No. 91 (1951) Document No.S/2017/Rev.I dated March 30, 1951; and Resolution No. 122 (1957).
6. These key UN documents are available online at www.un.org/en/documents/charter/intro.shtmlwww.un.org/en/documents/charter/intro.shtml, www.un.org/en/documents/udhr/index.shtmlwww.un.org/en/documents/udhr/index.shtml, and www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdfwww.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf. See, also, the International Covenant on Civil and Political Rights, available at www.hrweb.org/legal/cpr.htmlwww.hrweb.org/legal/cpr.html, and the International Covenant on Economic, Social and Cultural Rights, available at www.hrweb.org/legal/escr.html.

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CHAPTER 3

Article 370 and 35A: Origin, Provisions, and the Politics of Contestation

Aijaz Ashraf Wani, Imran Ahmad Khan, and Tabzeer Yaseen

Introduction

On August 5, 2019, the government of India revoked the autonomous status of Jammu and Kashmir (J&K) protected by Articles 370 and 35A of the Indian Constitution. J&K's special provisions had been in place since October 26, 1947, when its ruler, Maharaja Hari Singh, acceded to India through an Instrument of Accession (IOA).[1] The IOA handed responsibility for J&K's defense, foreign affairs, and communications to India. However, it contained two clauses (5 and 7) that protected the internal sovereignty of the Maharaja and allowed J&K to draft its own constitution. This ultimately resulted in Article 370 of the Indian Constitution, which provided J&K with "temporary, transitional and special powers." The article thus limited the powers of the Indian Parliament, ensuring all final decisions regarding J&K had to be taken by its state constituent assembly.

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Among the special provisions concerning J&K is the highly contested Article 35A, which empowers its legislature to describe a particular group of people as permanent residents of the state and define their rights accordingly. The J&K Constitution, adopted on November 17, 1956, defines a permanent resident as a person who was "a state subject on May 14, 1954, or who has been a resident of the state for 10 years, and has lawfully acquired immovable property in the state" (Government of Jammu and Kashmir 2003, pp. 3–4). In simple terms, an Indian citizen who hails from any other state than J&K was unable to acquire real estate nor be eligible for state government appointments.

The special status of J&K has, however, been highly contested since it acceded to the Union of India (Madhok 1987).[2] In more recent decades, the Jammu-based Praja Parishad Party founded by Balraj Madhok and patronized by the Bhartiya Jana Sangh—later morphing into today's Bharatiya Janata Party (BJP)—vehemently opposed granting any special position to J&K and demanded its full integration with the Union of India. The party commenced its campaign in 1954 with the slogan "*ek Vidhan, ek Nishan*, *ek Pradhan*" ("One Constitution, One Flag, and One President in One Country") (Madhok 1987, p. 31).

During the 2014 general elections, the BJP's candidate for prime minister, Narendra Modi, revived the Bhartiya Jana Sang's old position on the normalization of J&K's special status. In his *lalkar* (battle cry) rally, while addressing a large gathering in the M.A. Stadium in Jammu, he challenged those who criticized the BJP for its position on Kashmir and called for a debate on whether the articles had benefited or harmed the people of the state (*Times of India* 2013). His speech generated strong resentment both from mainstream regional parties as well as separatist organizations. However, the BJP continued to push its political agenda and included the abrogation of Articles 370 and 35A in its 2019 election manifesto.

On August 5, 2019, Amit Shah, India's home minister, informed the Indian Parliament of the government's decision to abolish Articles 370 and 35A and that the presidential order to this effect had already been issued. While there was resentment from the opposition parties vis-à-vis how the ruling was drafted and carried out, there was near unanimity on the appropriateness of the decision (Ratcliffe 2019). Furthermore, on October 31, 2019, J&K ceased to be a state and was bifurcated into two Union Territories (UT)—Ladakh (a UT without a legislature) and the

Union Territory of Jammu and Kashmir (a UT with a legislature) (*The Dawn* 2019). This was the first time in India's history that any state had been downgraded to a Union Territory (Machaiah 2019). The move was preceded by an unprecedented escalation of the military presence in J&K, a blanket civilian communication blackout, and the large-scale arrest of political leaders and youth in Kashmir (Al Jazeera 2019; Sharma 2019; Bhalla 2019).

While the BJP and its supporters, both within and outside the state, celebrated the decision as a step toward J&K's integration into the Indian union, the people of Kashmir, Kargil and Muslim districts of Jammu described a strong sense of humiliation, betrayal, and alienation (BBC News 2019; Majid 2019; Nabi 2019; The Wire Staff 2019b). The former chief minister of J&K, Farooq Abdullah, compared the unilateral revocation of Article 370 by the center as a "body being carved" and vowed to fight the decision in court (*Greater Kashmir* 2019). The move to downgrade J&K from a state to two UTs and the abrogation of Article 35A also received criticism from the Hindu population of Jammu (Zargar 2020). Furthermore, the Buddhist population of Leh demanded legal protection for their land and cultural identity as a result of the removal of the special status (Agarwal 2019). However, provisions to that effect have yet to materialize (Press Trust of India 2019a).

Although there has been significant domestic and international media coverage of the abrogation and subsequent military siege in Kashmir, there remains scant awareness regarding the significance of Articles 370 and 35A for the people of the state. This chapter provides a historical account of how the articles came into being and goes on to discuss why they were so highly contested. The hope is that the reader can thus better appreciate the implications of the decision to abrogate J&K's special provisions and why such political fallout has come in its wake.

Article 370: Origin and Provisions

The haste with which the partition of the Indian subcontinent took place in 1947 inevitably led to several complex problems—including the long-lasting impact on relations between India and Pakistan—and the numerous challenges within each state. The question of the princely states was one such issue leading to center–state tensions. Though partition led to the creation of the two separate states—India and Pakistan—it also transferred, at least theoretically, sovereignty back to the native

princes.[3] There was an expectation that they would choose from among the three options available to them—to accede to India or to Pakistan, or to remain independent. These options were articulated in the memorandum submitted by the 1946 British Cabinet Mission to India, which stated: "Legally speaking, the Princely States of India became fully independent with the lapse of British paramountcy on the coming into force of Indian Independence Act of 1947" (Agarwala 2015, p. 25). While the fate of the majority of princely states was sealed by their geography as well as the religious composition of their populations, several princes remained undecided till the day two dominions were created.

One such strategically important princely state was Jammu and Kashmir.[4] With a Muslim-majority population but ruled by a Hindu Maharaja, J&K was geographically contiguous to both India and Pakistan. Up until the day of the transfer of power, Hari Singh, its ruler, had not expressed his desire to accede to either dominion; it is believed that he harbored a desire to remain independent (Abdullah 1993, p. 89). However, J&K's geographical location—sandwiched between India and Pakistan—made amicable relations with both a matter of economic survival (Noorani 2013, p. 18). Before 1947, J&K's trade with the rest of the Indian subcontinent was conducted through three highways and four waterways,[5] all of which were part of the portion of Punjab that is now within Pakistan. The revenue generated from business activities through these trade routes amounted to tens of millions of rupees every year (Bazaz 2009, p. 416).

Despite clearly wanting to remain autonomous, the Maharaja was put under intense pressure to join one of the two newly created dominions. In order to maintain existing political and economic relations with the territories, he signed what is known as the Stand Still Agreement, a formal accord between the parties to allow normal relations to continue until a final decision about the future of the state was made. Although Pakistan did sign the agreement, India delayed doing so on the basis that it needed to have further discussions with the Maharaja's government. However, when Muslim tribesmen from Pakistan's North-West Frontier Province invaded J&K[6] on October 20, 1947, the Maharaja was left with no choice but to seek urgent military support from India. He sent a letter to Lord Mountbatten, the governor general of India, along with an IOA dated October 26, 1947, to protect his territory from the raiders. As mentioned, the Maharaja's IOA limited the transfer of sovereignty to India only in

respect to three areas—defense, external affairs, and communications—which was, in many ways, a typical federal government arrangement at the time.

In order to constrain the powers of the Indian Parliament, clauses within the IOA guaranteed the internal autonomy to the ruler, as illustrated by the following quote:

> The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947 unless such amendment is accepted by me by an Instrument supplementary to this Instrument. (Clause 5, IOA, 1947)

Furthermore, in Clause 7, the Maharaja established in clear terms the extent of Indian constitutional jurisdiction:

> Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future Constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution. (Clause 7, IOA, 1947)

Finally, Clause 8 reiterates:

> Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this state or the validity of any law at present in force in this State. (Clause 8, IOA, 1947)

This meant that the state of Jammu and Kashmir would have its own rules (i.e., a constitution) for the sake of internal governance (Clause 8) and another set for the sake of external governance wherein the provisions of the Indian Constitution would be made applicable. Any changes in this arrangement could be carried out only in concurrence with the ruler of the state (Clauses 7 and 8). Therefore, while the IOA linked J&K with India, it severely limited the control of the union center over the territory.

It is also important to note that in 1947, the state of J&K was already in the grip of a mass political movement against the hereditary rule of the Maharaja. The popular political leader Sheikh Mohammad Abdullah from the Kashmir Valley was highly influential within his region. When the aforementioned tribal raid over Kashmir took place, rather than aligning

with Mohammad Ali Jinnah's Muslim Conference Party and the newly founded Pakistan, Abdullah joined forces with India's prime minister Nehru—himself a Kashmiri, albeit a Hindu. Therefore, signing the IOA put the Maharaja and Abdullah on the same side in the power struggle between India and Pakistan. Abdullah became the head of the emergency administration in J&K on October 31, 1947, while the Maharaja remained the ruler of the state. This resulted in Abdullah becoming the prime minister of the interim government of J&K, with the final question of accession to India, left to the Jammu and Kashmir Constituent Assembly—to be elected based on an adult franchise under the interim government. Jammu and Kashmir, therefore, became the only state to have a say in negotiating the terms of the IOA. In other words, "other native states voluntarily lost their independence in internal administration by signing supplementary treaties with India and by accepting in totality the Constitution of India [which] was not so with Jammu and Kashmir" (Agarwala 2015, p. 26).[7]

The federal arrangement envisaged by the IOA made it incumbent to insert a corresponding article into the Constitution of India to be subsequently ratified by the Jammu and Kashmir Constituent Assembly (as and when it was established). In order to provide a legal framework for the IOA, parleys spanning five months took place between Nehru and Sheikh Abdullah. It was made clear by both the state and central leadership that the Jammu and Kasmir Constituent Assembly, representing the will of the people, should replace the powers of the ruler to make a final decision on the federal equation as stipulated under the IOA (Anand 1998, p. 103). Gopalaswami Ayyangar addressed the parliament on October 17, 1949, regarding J&K's special status (Noorani 2013, p. 561):

> We have also agreed that the will of the people through the instrument of the Constituent Assembly will determine the Constitution of the State as well as the sphere of Union jurisdiction over the State …. You will remember that several of these clauses provide for the concurrence of the Government of Jammu and Kashmir State. Now, these relate particularly to matters which are not mentioned in the Instrument of Accession, and it is one of our commitments to the people and Government of Kashmir that no such additions should be made except with the consent of the Constituent Assembly which may be called in the State for the purpose of framing the Constitution.

Accordingly, Part XXI of the Constitution of India entitled "370: Temporary Provisions with Respect to the State of Jammu and Kashmir" reads as follows:

(1) Notwithstanding anything in this Constitution,

a) The provisions of Article 238[8] shall not apply in relation to the State of Jammu and Kashmir;

b) The power of the Union 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 List as, with the concurrence of the Government of the State, the President may by order specify.

Explanation—For the purposes of this article, the Government of the State means the person for the time being recognized by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's proclamation dated the fifth day of March, 1948;

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 (i) or in the second proviso 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 a 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 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.

The IOA, therefore, became the precursor to Article 370 and the bridge that establishes the link between the Union of India and the state of Jammu and Kashmir. Upon careful reading of the text, one can identify six broad special provisions of Article 370 (Government of Jammu and Kashmir 2000, pp. 29–30):

1. The exemption of the state of Jammu and Kashmir from further governance of the provisions of the Indian Constitution by allowing the state to have its own constitution.
2. A restriction of legislative powers of the Indian Parliament to only three subjects mentioned in the IOA.
3. The requirement of the prior concurrence of the state government in case of applicability of other provisions of the Indian Constitution (other than those specified in the IOA).
4. The provisional character of the concurrence—to be ratified by the local constituent assembly.
5. The power of the state government to give concurrence is valid until the constituent assembly is convened—meaning, thus, that it is "an interim power." Moreover, the validity of any orders issued to extend union jurisdiction over the state also lasts until the first meeting of the Jammu and Kashmir Constituent Assembly (i.e., January 26, 1957), and after that, the extending powers of the president end entirely.

6. The power to abrogate Article 370 is given in sub-clause 3 of the same article and is executed via an order from the president. However, the order is subject to the recommendation of the Jammu and Kashmir Constituent Assembly.

Introducing Article 35A

The roots of the critical "permanent resident" and "state subject" concepts predate J&K's accession to India. In the late 1920s, the Kashmir Valley-based Kashmiri Pandits mobilized against a policy of employing those from outside of J&K in the state civil service (Bazaz 2009, pp. 115–19). Hundreds of Kashmiri Pandits had graduated from colleges intending to secure administrative positions within the Dogra government. These hopes were frustrated firstly by Punjabis coming into J&K to take up such positions, and secondly by Dogra Rajputs, who—as members of the ruling elite—controlled the state administration.

A well-organized agitation against this policy of the Dogras continued for approximately six years (Bazaz 2009, p. 122), via the Indian press, due to the heavy constraints on journalists within J&K itself. Pandits not only demanded employment within the state public services, but also called for a free press, the right to form associations, and the establishment of a representative legislature and proper, popular representation at the highest levels in the state administration. This movement came to be known as "Kashmir for Kashmiris" (Bazaz 2009, p. 123). Yielding to these demands, on January 31, 1927, Hari Singh introduced what is known as "hereditary state subject" status (Maharaja Government's Notification 1927), which defined who could and could not be a permanent resident (Bazaz 2009, pp. 122–23). Simultaneously a second notification was issued on June 27, 1932 (Maharaja Government's Notification 1932), which defined a "state subject" as a permanent resident. These two notifications barred non-state subjects from obtaining employment within the state civil service, as well as possessing any immovable property within J&K (Jamwal 2011, p. 22). The notifications of 1927 and 1932 defined permanent residents/state subjects of J&K as follows:

> Class-I: All persons born and residing within the state before the commencement of the reign of His Highness the late Maharaja Gulab Singh Sahib Bahadur, and also persons who settled therein before the commencement of samvat year 1942 [1885 CE] and have been since permanently residing therein;

> Class-II: All persons, other than those belonging to Class-I who settled within the state before the close of samvat year 1968 [1911 CE] and have since permanently resided and acquired immovable property therein;
> Class-III: All persons, other than those belonging to Classes I and II permanently residing within the state, who have acquired under a *rayatnama* [certificate of being a subject] immovable property therein or who may hereafter acquire such property under an *ijazatnama* [certificate permitting the holder to buy immovable property] and may execute a *rayatnama* after ten years continuous residence therein;
> Class-IV: Companies which have been registered as such within the State and which, being companies in which the government is financially interested or as to economic benefit to the state or to the financial stability of which the government, are satisfied, have by a special order of His Highness been declared to be State subjects.

The elected state leadership after 1947 desired to retain the state subject laws enshrined in the notifications of 1927 and 1932, which was agreed upon by the government of independent India. As such, the state legislature was empowered to define and regulate the rights and privileges of its permanent residents in matters of acquisition of immovable property and appointment to government services. The Basic Principles Committee, set up by the Jammu and Kashmir Constituent Assembly, presented its report on February 3, 1954, stating:

> All these fundamental rights should be subject to the overriding condition that: (i) no law of [J&K] relating to [J&K] subjects to be hereafter called "permanent residents" and regulating their rights and privileges; and (ii) no law hereafter to be made by the [J&K] legislature defining the permanent residents and conferring on them special rights and privileges in relation to acquisition and holding of property in [J&K] or in the matter of employment under [J&K] and imposing restrictions on citizens other than permanent residents for settling within [J&K], should become void on the ground that it is inconsistent with or takes away or abridges any of the rights conferred by Part III of Constitution of India. (cited in Noorani 2018, n.p.)

When the Constitution of India came into force in 1950, there were only two provisions that were made applicable to the state of Jammu and Kashmir—namely, Article 1 and Article 370.[9] However, commentators point out that Article 370 itself provided a mechanism for extending other provisions of the Indian Constitution to J&K. Clause 1 of subclause (d) of Article 370 allows for so-called "Presidential Orders" to be

issued by the president of India with the necessary concurrence of the state government (Jain 2003, p. 921). The Presidential Order of 1954 made it possible to apply numerous provisions of the Indian Constitution to the state of J&K, including Part III dealing with fundamental rights that guaranteed basic human freedoms to the permanent residents of the state (Anand 2016, p. 121). However, the application of Part III had the potential to set up a legal dispute between Article 13 of the Indian Constitution and the relevant state subject laws (Sethi 2005, p. 188).[10] In order to safeguard the state subject laws from challenge, on May 14, 1954, Article 35A was added to the rights mentioned in Part III of the Indian Constitution. It stated the following (cited in Noorani 2011, p. 268):

> Notwithstanding, anything contained in this Constitution, no existing law in force in the State of Jammu and Kashmir, and no law hereafter enacted by the Legislature of the State:
>
> (a) defining the classes of persons who are, or shall be, permanent residents of the State of Jammu and Kashmir; or
> (b) conferring on such permanent residents any special rights and privileges or imposing upon other persons any restrictions as respects—
> (i) employment under the State Government;
> (ii) acquisition of immovable property in the State;
> (iii) settlement in the State; or
> (iv) right to scholarships and such other forms of aid as the State Government may provide, shall be void on the ground that it is inconsistent with or takes away or abridges any rights conferred on the other citizens of India by any provision of this Part.

Accordingly, Article 35A, the Delhi Agreement of 1952 and the subsequent Presidential Order of 1954, became the basis for determining the permanent residents of the state enshrined in Part III, Sects. 6–10 of the Constitution of Jammu and Kashmir (defined by Article 6). It states that:

> [E]very person who is, or is deemed to be, the citizen of India under the provisions of the Constitution of India shall be the permanent resident of the State, if on the 14th day of May, 1954: a) he was a state subject of Class I or of Class II; or b) having lawfully acquired immovable property in the State, and has been ordinarily resident in the State for not less than ten years prior to that date. (Government of Jammu and Kashmir 2003, pp. 3–4)

Additionally, Section 6 (2) of the J&K Constitution acknowledged that:

> Any person who before the 14th of May 1954, was a State subject of Class I or Class II and who having migrated after the 1st March 1947, to the territory now included in Pakistan, [and has now] returned for resettlement ought to [be] considered a permanent resident of the State. (Government of Jammu and Kashmir 2003, p. 4)

Further, Section 6(3) stated that a "State Subject of Class I or Class II shall have the same meaning as it did in the State notification provided by the Maharaja as per no. I-L/84 dated 20th April 1927, read with State notification no. 13/L dated 27th June 1932" (Government of Jammu and Kasmir 2003, p. 4). The state legislature was also empowered to define or alter the definition of the classes of persons who are, or shall be, permanent residents of the state, and conferring on permanent residents any special rights or privileges, or regulating or modifying any special right or privilege enjoyed by the permanent residents (Government of Jammu and Kasmir 2003, pp. 4–5).

Therefore, Article 35A empowers the government of J&K in two matters—one, to define a particular group of people as constituting what is referred as "permanent residents" of the state and, secondly, to bestow on these permanent residents special rights and privileges concerning matters of public employment and acquisition of immovable property in the state. As can be seen, the articles discussed above provided special provisions that had already been in place under Hari Singh's rule. The state subject rights were fundamental to the people of J&K both before the IOA and beyond. These were not new provisions a continuation of a contractual agreement setting out clear conditions for accession between the ruler of J&K and India.

Political Contestation

Ever since its inclusion in the Constitution of India, Article 370 (and subsequently Article 35A) has been a subject of intense debate and controversy (Wani 2019, pp. 24–43). A compelling argument for its abrogation is that it was only meant to be a short-term measure, pointing to the fact that the term "temporary" was included in the title of the article itself (India Today Desk 2019; *Financial Express* 2019). However, as discussed above, the reason for the inclusion of the word "temporary" was that the precise relationship between the Indian union and the

state of Jammu and Kashmir was awaiting determination by plebiscite, as promised by Lord Mountbatten[11] (Teng et al. 1977, p. 230; Jones 2002, p. 64), Prime Minister Nehru[12] (Akbar 2002, pp. 113, 124; Kessing's Contemporary Archives 1947, p. 8931), and the UN Security Council (Noorani 2013, Vol I, pp. 24–25; Koithara 2004, pp. 35–36; Snedden 2017, pp. 182–87).

Another view is that Article 370 was specified as temporary to allow the Jammu and Kashmir Constituent Assembly to determine the final ratification of the relationship between the state and the Indian union (Noorani 2013, pp. 561–62; Government of Jammu and Kashmir 2000, pp. 103–4). This is because the assembly had the right to eliminate, retain, or amend Article 370, and until a final stance was agreed, it was to remain temporary. However, once the assembly did decide to retain it, Article 370 became permanent. This much is clear from Sheikh Abdullah's address to the assembly on August 11, 1952:

> Here I would like to point out that the fact that Article 370 has been mentioned as [a] temporary provision in the Constitution does not mean that it is capable of being abrogated, modified, or replaced unilaterally. In actual effect, the temporary nature of this Article arises merely from the fact that the power to finalize the Constitutional relationship between the State and the Union of India has been specifically vested in the Jammu and Kashmir Constituent Assembly. It follows that whatever modifications, amendments, or exceptions that may become necessary either to Article 370 or any other Article in the Constitution of India in their application to the Jammu and Kashmir State are subject to decisions of this Sovereign body. (Government of Jammu and Kashmir 2000, p. 104)

Abdullah's position has also been upheld by the judiciary despite several challenges. In a landmark judgment in *Sampat Prakash v. State of Jammu & Kashmir (1969)*, the Supreme Court of India refused to accept Article 370 as a temporary provision, and the five-judge bench stated that "Article 370 has never ceased to be operative" (Mustafa 2019). More recently, during the Kumari Vijayalakshmi case of 2017, the High Court of Delhi rejected a petition based on Article 370's temporary status despite its title. Furthermore, during a case filed in 2018, the Supreme Court of India continued to uphold the permanence of the article despite seventy years having passed and with no prospect of a plebiscite (ibid.).

The main questions raised in the contentious debate over Articles 370 and 35A are whether they i) deter development by creating barriers to outside investment, ii) the extent to which they hamper the integration of the people of J&K into India, and more specifically, iii) the degree to which they promote separatism and militancy. These have certainly been the justification of right-wing nationalist parties for the abrogation of the articles, who argue that they create a psychological barrier between people of J&K and the rest of India. Although the Indian National Congress (INC) and other secularist parties did not back the complete abrogation of Article 370, there was ample evidence that their policies led to its erosion, even during Nehru's rule. In a debate on the "erosion of Article 370" in the Lok Sabha, the lower house of India's bicameral parliament, on November 27, 1963, Nehru stated:

> Article 370 is a part of [a] certain transitional provisional arrangement. It is not a permanent part of the Constitution…we feel that [there is] this process of gradual erosion of Article 370 is going on … [and] we should allow it to go on. We do not want to take the initiative in this matter and completely put an end to Article 370. The initiative, we feel, should come from the Kashmir State Government and people. We shall gladly agree to that. That process is continuing. (cited in Noorani 2013, pp. 303–5)

The BJP argues, therefore, that the process of abrogation was initiated by the NC through a series of presidential orders and as such, their decision was the inevitable culmination of prior moves.

Conversely, however, the mainstream political parties of J&K, particularly the J&K National Conference and People's Democratic Party (PDP), fiercely opposed any corrosion of the article. They argued that all amendments were in fact illegal and as such the article needed to be restored to its original position (Government of Jammu and Kashmir 2000, pp. 128–29). It was on this premise that the National Conference won the elections in J&K in 1996 (the first election following the armed uprising in the Valley in the 1990s). Farooq Abdullah, who led the government, published the State Autonomy Report in January 2000, which suggested the full restoration of autonomy to J&K and the Constitution of Jammu and Kashmir as it existed on November 17, 1956.[13] The report was, however, never discussed by the Indian Parliament.

Political commentators such as Khosla confirm that Article 370 has enabled extensive revisions to J&K's status by presidential orders, stating

how it has led to an "asymmetric in the opposite sense to that intended as it has given the Indian union greater powers over Kashmir than it has over other states" (Khosla 2002, p. 75). Tillin (2016, p. 546) explains that while the Presidential Order of 1954 extended fundamental rights to J&K, it also placed therein a caveat that allowed the suspension of special provisions in the interest of "security" and without judicial review. This implies that any law passed by the state legislature, which violates the freedoms granted by the Indian Constitution, is considered constitutional. For example, she describes how—in order to extend the President's rule beyond one year in Punjab—the central government had to have the Fifty-Ninth, Sixty-Fourth, Sixty-Seventh and Sixty-Eighth Constitutional Amendments passed, but that the same was done in J&K merely by invoking Article 370.[14]

Duschinski and Ghosh (2017, pp. 15–16) underline three significant points of departure between the fundamental rights enacted in the Indian Constitution and the fundamental rights extended to J&K by presidential order in 1954:

> First, whereas the Indian Constitution outlines reasonable restrictions on the universal freedoms of association, mobility, and expression under Article 19, the presidential order specifies that restrictions on these universal freedoms would be determined by the "appropriate legislature," rather than applying a normative standard subject to judicial review—which means that any law validly passed by the state legislature that violates these freedoms guaranteed by the Indian Constitution would be considered constitutional. The presidential order specified that this would be the case for 5, later extended to 25, years. Second, the presidential order stipulates that preventive detention laws can only be passed by the J&K state legislature and not by the Indian Parliament as in other states. And third, the presidential order inserts Article 35(C) into the Indian Constitution to protect preventive detention laws in J&K from judicial review.

It is against this backdrop that Mustafa (2019) argues that Article 370 was more useful for the Indian center, which has used it at least forty-five times in order to extend provisions of the Indian Constitution to the state of J&K.

Unlike Article 370, which has been at the center of controversy right since its inception, Article 35A has only recently become a cause for serious debate. Those who support removing the article argue that it was clandestinely inserted in the Constitution of India by the Presidential

Order of 1954. It did not come as a constitutional amendment under Article 368, which required a two-thirds majority within both houses of parliament for its approval, and it was never a part of the original constitution (Jaitley 2019).

However, its supporters point out that 35A was presented to and debated by the Jammu and Kashmir Constituent Assembly in 1954. It was then sent to the Indian Parliament as per protocol and subsequently inserted into the Constitution of India and made applicable to the state of J&K. It is in this context that (Noorani 2018, n.p.) has observed:

> Article 370 of India's constitution records a compact between the center and Kashmir, so does Article 35A; Articles 370 and 35A form an inseparable whole … Article 35A is not a mere executive order under Article 370 but is itself a constitutional provision, a compact recorded in both constitutions. No court can ignore this.

In this view, if the article is dismissed, then all the presidential orders that extended central laws and powers to the state also come under question.

Article 35A is also criticized for being discriminatory in nature as it provides special privileges to permanent residents of the state of J&K over other citizens of India. It bars nonresidents of the state from purchasing or owning land in J&K, which became particularly problematic for women from J&K who, if married nonresidents, disinherited their right to purchase additional property in the state (Jaitley 2019; Press Trust of India, 2019b). However, this ruling was annulled by the High Court of Jammu and Kasmir in its landmark judgment on October 7, 2002, in which it was made clear that a female citizen of the state would maintain permanent residency upon being married to a non-state subject, and thus not lose her property rights as a result (Drabu 2019).

Another common complaint regarding the discriminatory nature of the article is that citizens of India are prohibited from applying for certain jobs and scholarships, which are specifically safeguarded for the residents of J&K. Furthermore, Article 35A does not allow anyone from outside of the state to contest the assembly and local elections in J&K. However, it must be noted that such regulations are not unique to J&K, and under Article 371D of the Domicile-based Reservation Policy of India, such practices exist within several federal states such as Himachal Pradesh (Mustafa 2019). Thus, to single out Article 35A as being discriminatory in nature is to misunderstand Indian federal politics and policies in general.

Another key argument forwarded by the protagonists of abolition of J&K's special status is that the articles hamper economic development within the state (Jaitley 2019). Prohibitions on the purchase of land or property by nonlocals are considered to be a significant deterrent for outside investors. This, combined with the local government's limited resources, has resulted in high unemployment rates within J&K, which for 18–29-year olds is 24.6%, almost double the national unemployment rate of 13.2% (Akmal 2019, pp. 1–10). Furthermore, lack of investment by nonlocals is highlighted as the primary cause for the poor health and education facilities in the state, resulting in an inevitable brain drain and loss of local capital as residents are forced to leave the state and take up employment or avail health facilities in India (Jaitely 2019).

However, Drabu (2019) explains how there is another side to the J&K development narrative. The popular "land to the tiller" land reforms initiated in 1950 would have been illegal under the Indian Constitution. Furthermore, it was Article 35A which prevented the Jammu and Kashmir Big Landed Estates Abolition Act (1950) to be declared null and void under the then Article 31 (Right to Property) of the India Constitution. Both interventions made it possible for rural lives in J&K to be dramatically transformed. As a direct result of the above-mentioned land reforms, landless labor rates in J&K are 2% compared with 23% nationally (ibid.).

The impact of this can be witnessed across several measures, for example, the average Human Development Index (HDI) for J&K is 0.68, which is far better than the states like Bihar, Andhra Pradesh, and Gujarat. Despite being a conflict region experiencing wars and militancy, the share of the population living below the poverty line in J&K is 10.35%, less than half the India-wide rate of 21.92% (Krishnan and Sen 2019). Similarly, income distribution is equally spread across the population of J&K, which makes it the most egalitarian economy in India, with the lowest inequality coefficient for rural households at 0.221 (Drabu 2019). The national debt stands at 31.44% of GDP, but in J&K, it is 12.67%. The debt-to-asset ratio of J&K is 0.64 as compared to 3.23 at the national level (ibid.). Given the above, it is understandable why those from J&K view Article 35A as an important asset that produced economic dividends at the grassroots level rather than a hindrance.

Challenging critics even further, Drabu (2019) also highlights how many external companies have been successfully trading in the state for decades without requiring the purchase of property. For example, the

Birla Group established the Chenab Textile Mill in J&K in 1963. Likewise, the Hotel Grand Lalit has been in operation in Srinagar since the 1990s. Many private hospitals have also been established in the state, as have educational institutions such as Biscoe-Mallinson, DPS, and GD Goenka. Although Drabu (2019) acknowledges that large-scale private investment has not taken place in J&K, he attributes this to the region's conflict status rather than Article 35A, which he argues is an easy scapegoat for the current government to blame. Despite this, the BJP's current "development" narrative as a means to improve the conditions in Kashmir is far from novel and has been pushed by successive governments since 1947 (Wani 2019). However, despite grand plans forwarded by one political party or another, in the absence of addressing the impact of conflict on the economy, New Delhi's initiatives have hitherto failed to meaningfully improve the development prospects for the people of J&K.

Conclusion

The circumstances under which the state of J&K acceded to India necessitated a special relationship between it and the Indian union. This was legalized through Articles 370 and 35A and resulted in J&K having its own constitution, flag, prime minister, and Sadar-i-Riyasat (head of state). It also limited the powers of the Indian Parliament to legislate over the state, while ensuring provisions for state subjects. The contestation over the special status of the state was also born along with the articles. A vigorous agitation by right-wing groups both within the state and in other parts of India started immediately after power was transferred to the popular government headed by Sheikh Mohammad Abdullah, which intensified with time (Korbel 1954, pp. 226–31; Behera 2006, pp. 109–24; Bazaz 2009, pp. 479–505; Beek 2004, pp. 193–218). Though most of the provisions of Article 370 were eroded clandestinely by the central government from time to time, Articles 370 and 35A formed an essential part of the identity of the population, especially Muslims, who consider them crucial for preserving the demographical characteristics of the only Muslim-majority state of India. However, on August 5, 2019, the central government took the fateful decision to abrogate the articles and divide the state into two UTs. Narendra Modi and Amit Shah described Article 370 as "little more than a weapon in the hands of Pakistan," hailing its abrogation as the beginning of a new era of development and better governance (The Wire Staff 2019a) furthermore, they saw the move as

a sine qua non for ending militancy in Kashmir (Greater Kashmir Desk 2019, p. 6).

As changes in affairs are currently being finalized, the situation in the Kashmir Valley continues to remain uncertain (Bashir 2019). A blanket communication blackout continues at the time of writing, six months later (Salam 2019). On January 10, 2020, the state government asked the Supreme Court of India to review the curbs immediately, given that internet access is a fundamental right under Article 19 of the Indian Constitution (Greater Kashmir 2020). In addition, prepaid mobile phones continue to remain suspended, and most senior mainstream leaders, including three former chief ministers, as well as thousands of youth and the entirety of the separatist leadership, continue to be incarcerated (Aaron 2019).

Kashmir based mainstream parties described the abrogation of Article 370 and the division of the state as "aggression against people" (Maqbool 2019, p. 1), while some commentators termed it as the "final betrayal of Kashmir" (Jah 2019). Despite this, the BJP-led central government claims there is "normalcy" in Kashmir (Jain 2019). Yet as reports from the ground continue to demonstrate, for the people of J&K, the situation is anything but normal (Ganai 2019).

Notes

1. The original copy of the IOA is available in the National Archives, New Delhi, indexed in National Archives Register No. R.R. 271, page no. 27 and preserved in file no. P-I/20/47, Year 1947. Readers can consult a copy online here: https://thewire.in/history/public-first-time-jammu-kashmirs-instrument-accession-india. Accessed May 8, 2020.
2. The Union of India was the official name of the country between independence on August 15, 1947 and the establishment of the Republic of India on January 26, 1950. During this time, India remained an independent dominion under the British Crown within the British Commonwealth of Nations.
3. It is pertinent to mention that for the purpose of administrative feasibility, the Indian subcontinent was divided into two units under British colonial rule. British India was ruled directly or under the direct suzerainty of the British crown while the "native" or "princely states" (around 560 in number) were ruled by local princes.

4. The state has a very central geopolitical location, bordering as it did the USSR, Afghanistan and China on the one hand, and India and Pakistan on the other.
5. The four waterways were the Sind, the Vitasta (Jhelum), the Chenab and the Ravi rivers. The three highways were the Jhelum Valley Road, from Srinagar to Kohala via Baramulla and Dome, Banihal Road, from Srinagar to Sialkot via Banihal and Jammu, and Abbotabad Road, from Domel to Abbotabad via Ramkot. With the partition of India and the subsequent dispute between India and Pakistan over Kashmir, all these commercial routes were closed, and with it the state lost a vast market and traditional trade centers extending from the North-West Frontier Province through western Punjab to Sind. The roads still exist but except for one recent half-hearted initiative, the traffic on them across the border has remained at a standstill. The closure of borders also affects the seasonal migration. The favorite destinations of Kashmiri laborers were invariably Rawalpindi, Gujrat, Gujranwala, Lahore, Sialkot, Layalpur, Amritsar and Ludhhiana (Bazaz 2009, p. 433).
6. This was followed by a war between India and Pakistan in which Pakistan captured a significant portion of Kashmir and today's J&K. The territory as it existed at the time of partition thus stands divided between India, Pakistan and China (a part of the territory was gifted by Pakistan to China). The Line of Control (LoC) divides the two parts of J&K as an unofficial but de facto border.
7. Article 238 of the Indian Constitution governed the "Part B states" later abolished in 1956 when the new states were created on the recommendations of the States Reorganization Commission of the Indian Parliament.
8. Sub-section (c) of Clause 1 of Article 370 provides: "The provisions of Article 1 and of this Article shall apply in relation to that State."
9. Sub-section (d) of Clause 1 of Article 370 provides: "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."
10. Article 13 provides that: "(1) All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void (2) The State shall not make any law which

takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void."

11. In the letter to Maharaja Hari Singh accepting the accession decision dated October 27, 1947, the then viceroy Lord Mountbatten wrote "it is my government's wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invader, the question of the state's accession should be settled by a reference to the people" (For the text of the letter see: Lakhanpal 1965, p. 57).
12. Nehru told the Indian Parliament on November 25, 1947: "[W]e don't want a mere accession from the top but an association in accordance with the will of the people." Promising a UN-supervised plebiscite he said: "In order to establish our bona fides, we have suggested that when the people are given the chance to decide their future, this should be done under the supervision of an impartial tribunal such as United Nations Organization" (cited in Akbar 2002, p. 124).
13. The committee was appointed via Govt Order no. 1164-GAD of 1996 dated November 29, 1996 with Dr. Karan Singh as the chairman of the committee. Sh. Ghulam Mohi-ud-Din Shah, Sh. Abdul Rahim Rather, Sh. Abdul AhadVakil, Sh. Bodh Raj Bal, Sh. Piyaray Lal, KushokThiksay and MaulviIftikhar Hussain Ansari. Shri Tej Singh was the member and convenor of the Committee. However, on July 31, 1997, Dr. Karan Singh resigned as chairman and Ghulam Mohi-ud-Din was appointed in his place by the state government.
14. Kashmir remained under presidential rule from 1990 to 1996 after the emergence of militancy.

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CHAPTER 4

Azad Jammu and Kashmir's Quest for Empowerment

Ershad Mahmud

The Emergence of Azad Jammu and Kashmir

Azad Jammu and Kashmir (referred to as AJK or Azad Kashmir) emerged in its present form as the result of a long and tedious process. When the AJK government came into being in October 1947, no one could have imagined that this small strip of territory 400 kilometers long and in places as few as sixteen kilometers wide, and comprising a mere 13,297 square kilometers, would still be on the map 72 years later. Not only has the territory remained but—as the successor to the government of Maharaja Hari Singh's Jammu and Kashmir—the state has kept intact all the ingredients of a sovereign state, such as a constitution, flag, a national anthem, a president, a prime minister, a legislative assembly, an upper house (the Kashmir Council), a supreme court, and an election commission.

This constitutional, political, socio-economic, and administrative development has long been tied to the idea of the independence (*azadi*) of the entire state of Jammu and Kashmir as it existed until August 15, 1947,

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when the suzerainty of the British Crown lapsed under the Indian Independence Act. Historically, the state of Jammu and Kashmir enjoyed deep geographical, religious, social, and defense linkages with the territory now part of Pakistan.

It is not surprising then that Jammu and Kashmir, the Pakistan movement, and the Two-Nation Theory, which would divide the subcontinent into a separate nation-state for its Muslim minorities and one for its dominant Hindu majority, heavily influenced the Muslims of Jammu, Poonch, and Gilgit–Baltistan. However, the Maharaja (prince) did not support the idea of the state acceding to Pakistan, which resulted in an internal battle. All entry and exit points to and from Pakistan were sealed by the Maharaja's forces, and reinforcement was made in strategic places, for instance, along the Jhelum River in the Mirpur and Poonch districts (S. M. Khan 1990). He committed massive atrocities in order to humiliate the population and subdue its aspirations and potential for revolt against his 100-year dynastic rule.

The Poonch region of J&K was home to over 60,000 war veterans who had fought alongside the British in World War II and had turned into a military garrison well before the partition of India. The people of Poonch began organizing themselves against the Maharaja politically as well as militarily (Snedden 2013). This resulted in the emergence of a purely indigenous movement in which local political leaders and ex-servicemen joined hands. A low-key guerrilla war erupted in several parts of Poonch during the third week of August, just days after the partition, and was gradually spread to other parts of Jammu and Kashmir. A large area of Poonch and a small strip of Muzaffarabad were liberated, until mid-October 1947, when the Maharaja's forces retreated. However, people from the neighboring Punjab and Tribal Areas of the North-West Frontier province began pouring into help with the struggle against the oppressive regime. Further north, in Gilgit–Baltistan, the local people revolted against the authorities and arrested the Maharaja's governor in collaboration with the Gilgit Scouts—a paramilitary force of the Gilgit Agency, formerly commanded by British officers (see the chapter on Gilgit–Baltistan by Mosvi in the present volume).

Parts of the state—namely, Mirpur, Muzaffarabad, and most of Poonch—broke free of the Maharaja's grip, and on October 24, 1947, the provisional Azad Government of Jammu and Kashmir was established under the leadership of a young barrister named Sardar Muhammad

Ibrahim Khan. There was jubilance at the arrival of this moment, as the long-suffering people of these areas were finally *azad* (free). Meanwhile, on October 26, 1947, as things were heating up and he was clearly losing control, the Maharaja left Srinagar, the seat of government in Kashmir for Jammu, where the Hindu population was in the majority and right-wing groups, particularly the Rashtriya Swayamsevak Sangh (RSS), played an instrumental role in mass killings and the exodus of the Jammu Muslims (Puri 2012).

Initially, the headquarters of the government of Azad Kashmir was set up in Rawalpindi (in the neighboring Potohar region of Pakistan), before being shifted fifty kilometers to Panjar, in Kahuta, on the Azad Pattan Road. By the end of November 1949, the entire Poonch region, except its main city area, which remains under Indian control, was liberated. As a result, the AJK government subsequently moved its headquarters back inside the freed part of the state of J&K. Jinjalhell, twenty kilometers away from Palandri city along the River Jhelum, was declared the first capital of Azad Kashmir. However, the location was deemed vulnerable to air attacks by India. Furthermore, it was difficult to access by road. Hence, in 1949 the capital was shifted to its current location, Muzaffarabad, which was well connected to Rawalpindi in Pakistan (Abbasi 2008).

The government of Pakistan, unlike that of India, did not officially claim Kashmir as its integral part. Instead, Article 257 of the 1973 Constitution of Pakistan maintains that "when the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and that State shall be determined in accordance with the wishes of the people of that State." The relationship between the government of Pakistan and AJK has evolved over the following years primarily on this basis, and as indicated by the constitutional acknowledgment, it sees Kashmiris as the principal party to the whole dispute.

The Formative Years: 1947–1959

Shortly after the creation of Azad Kashmir, there was a 13-month war between India and Pakistan over the state. The United Nations successfully brokered a ceasefire between the two countries on January 1, 1949. It proposed several steps such as demilitarization and a free and fair plebiscite for all the people of J&K to decide on accession, including those remaining under the rule of the Maharaja, who had already acceded to India.

The ceasefire established stability and drew AJK's boundaries, at least temporarily. It provided an opening for discussion about the future course of action. The leadership of AJK, however, apprehended that the ceasefire would eventually become a permanent solution for the Kashmir dispute by dividing the state into two. This would result in the Indian-controlled side never being allowed to choose its own fate. Chaudhary Ghulam Abbas, who was an important political figure in the freedom movement (see the chapter by Bashir in the present volume), participated in a cabinet meeting in Karachi, where he expressed his reservations about the ceasefire agreement. He urged the government of Pakistan not to accept the deal; however, his concerns were ignored. Leaving the meeting disappointed, he famously stated "the Kashmir problem has now been resolved!" (Hussain 1976, pp. 163–64). A few months later, AJK's president Sardar Ibrahim echoed the same apprehensions and stated in a public meeting in Karachi that the ceasefire agreement was a mistake, and India had shown no intention to hold a plebiscite (ibid., p. 240).

Institutionalizing the Relationship with the Government of Pakistan

On the eve of the formation of the AJK government, the Pakistani government appointed a senior officer, Qazi Zaheer-ud-Din, as its Secretary-General. The position was subsequently renamed "chief secretary" in 1969, to handle local administration in collaboration with the newly appointed President of AJK and his cabinet. The Secretary-General acted as a liaison officer between the two governments and brought other officers from Pakistan, known as "Lent Officers," to establish police and finance departments in AJK. The AJK government also recruited civil servants who had migrated from Jammu as refugees (Saraf 1977). Meanwhile, the Pakistani army moved into AJK to repel Indian military advancement in the wake of the Maharaja's accession described above.

As it soon became evident that the process of holding a plebiscite was taking longer than expected, the Pakistani army also entrenched its positions along the ceasefire line to defend AJK along with the Azad Kashmir Regular Force (AKRF), trained by World War II British Indian Army veterans. Within AJK debates regarding its future relationship with Pakistan and its role in championing the cause of Kashmir internationally were already taking place.[1]

Initially, the president of AJK and a section of the Pakistani leadership were of the view that the United Nations would recognize Azad Kashmir as the successor to the government of the Maharaja Hari Singh, but the Indian government raised serious objections. Based on the United Nations Commission for India and Pakistan (UNCIP) recommendation, Sardar Ibrahim Khan insisted that the Pakistani government demand de facto recognition be given to the Azad Kashmir government if a de jure recognition could not be accorded to it (S. M. Khan 1990, p. 125). Therefore, the United Nations Informal Consultative Process found a compromise position by categorizing the AJK government as one of the "local authorities" to be placed under the nominal surveillance of the United Nations (ibid.).

This development caused a paradigm change in the Kashmir policy of Pakistan, which took three major steps in consultation with the Kashmiri leadership, particularly the president of the Muslim Conference, Chaudhary Ghulam Abbas, who had migrated to Pakistan in March 1948 and became the Supreme Head of the Azad Kashmir Government (Saraf 1977, p. 1291). Firstly, on March 20, 1949, merely three months after the ceasefire, Pakistan established the Ministry of Kashmir Affairs and Northern Areas (now the Ministry of Kashmir Affairs and Gilgit–Baltistan) to oversee matters relating to AJK (Snedden 2012).

Secondly, Pakistan and AJK formally entered into an agreement in April 1949 to legitimize Pakistan's presence in AJK as well as its campaign for the cause of Kashmir in the United Nations on behalf of all the people of the former state of Jammu and Kashmir. Therefore, a document, known as the Karachi Agreement[2] was signed between the two governments. The following responsibilities were entrusted to Pakistan: (1) Defense; (2) The foreign policy of Azad Kashmir; (3) The issuance of currency and coinage; (4) Negotiations with the UNCIP; (5) Public relations in foreign countries and Pakistan; (6) Coordination for a plebiscite; (7) All activities within Pakistan regarding Kashmir, such as procurement of food, civil supplies, transport, running of refugee camps and medical aid; and (8) All affairs of Gilgit and Ladakh under the control of an appointed political agent (Saraf 1977, pp. 1293–94).

This agreement formally established the AJK government's legality to act on behalf of the people of Jammu and Kashmir. Besides, it provided the government of Pakistan legal cover and the right to speak for the people of Jammu and Kashmir in international forums as well as to defend the region (Hussain 1976). Interestingly, this agreement also paved the

way for Pakistan to take the administrative control of Gilgit–Baltistan. The area is still under Pakistan's control but is considered a part of the erstwhile state of Jammu and Kashmir (see the chapter by Mosvi in the present volume).

Secondly, this agreement also devised the role of the AJK government, which is limited to running local administration without any restriction or limitation. Although its nomenclature represents it as a replacement of the Maharaja Hari Singh's government, the Karachi Agreement reduced its status to that of a local government, which is not entitled to engage with the United Nations.

The Teething Years of the AJK Government

Since its commencement, the form of government in AJK was presidential with a small cabinet to deal with the running of day-to-day affairs. It derived its powers from the government of Pakistan as the financial resources, and administrative control of the region remained in the hands of Pakistan's powerful Ministry of Kashmir Affairs, which had played an instrumental role in shaping the initial setup of AJK.

In 1950, the first-ever Rules of Business (regulatory protocols) were formulated, which provided the foundations for the AJK government to function in the same way the four official provinces within a constitutional framework of Pakistan (namely, Punjab, Baluchistan, Sindh, and Khyber Pakhtunkhwa) but as a quasi-autonomous state. Before this, AJK had essentially been functioning without any proper setup or standard operating procedures (SOPs). The government defined itself as a "War Council" formed with the sole objective of liberating the parts of J&K that had remained under Indian control. The executive, as well as the legislative authority, were vested in the president.

The Courts and Law Codes were enacted in 1948 to run the judicial administration. Some laws implemented in the Punjab province were adapted for AJK while certain laws of the former princely state of Jammu and Kashmir were allowed to continue in operation (Mahmud 2006). The government of Pakistan recognized the supremacy of Chaudhary Ghulam Abbas and his working committee as the only legitimate leadership. Significant administrative powers were given to Chaudhary Abbas including the right to appoint the president and other members of the Council of Ministers, who were collectively answerable to him, while he was the Muslim Conference's head, which was the ruling party at the

time. Consequently, he grabbed almost all major administrative powers, such as the appointment of ministers and judges, and even cabinet decisions were subject to his final approval. Therefore, contrary to the democratic spirit of governance that was sought in the now Maharaja-free government of Kashmir, he was not accountable to any forum for his decisions. This style of politics made Chaudhary Abbas a controversial politician in the region, instead of assuming the status of the father of AJK (Abbasi 2008, p. 113).

The above made Sardar Ibrahim Khan a lame-duck president in AJK, which incited an unending power struggle and resulted in a paradigm shift in the political structure (Hussain 1976, p. 265). Unfortunately, two separate power entities emerged in Azad Kashmir, as the two stalwarts of the state—Chaudhry Abbas and Sardar Ibrahim Khan—were unable to get along. This had a disabling effect on developing a democratic setup in AJK.

The Struggle for Democratic Rights

The first major political turmoil erupted in AJK in May 1950 when the government of the founding president of the region, Sardar Ibrahim Khan, was sacked. His un-ceremonial dismissal caused a considerable uproar across AJK and among Kashmiri refugees settled in Pakistan. It gave birth to a popular movement, revolving around the slogan "government through the ballot," as well as "no taxation without representation" (Abbasi 2008, p. 113). Massive demonstrations took place across Azad Kashmir, where people opposed the undemocratic departure of Sardar Ibrahim Khan, who was a popular leader at that time.

However, according to Dr. Sarwar Abbasi, a senior leader of the Muslim Conference, the Sardar Ibrahim Khan government was fired at the behest of the prime minister of Pakistan and the Ministry of Kashmir Affairs (Abbasi 2008, p. 114). Resentment against the Ministry of Kashmir Affairs had already begun to set in within AJK and in order to nip any opposition in the bud they deemed it appropriate to replace the president. Consequently, the Muslim Conference was split into two factions, now headed by the two opposing leaders—namely, Chaudhary Abbas and Sardar Ibrahim Khan. Analyzing this situation, the renowned historian Yousaf Saraf writes that the "Abbas group was straining every nerve to deprive the Azad Government of as much power as possible. It also seemed to suit the convenience of the M[inistry] [of] K[ashmir] A[ffairs]" (Saraf 1977, p. 1290).

Ghulam Ahmad Pandit, another historian, echoed the same view and underlined that, instead of cooperating with and supporting the AJK government, the Ministry of Kashmir Affairs appeared to be its biggest rival. He argues that its myopic approach has deprived the AJK government, even today, of the right to represent the Kashmir cause in international forums. When the UN termed the AJK government a local authority, the Ministry of Kashmir Affairs was handed the perfect opportunity to reduce its status even further to that of a municipality (Hussain 1976, p. 266). This move on the part of the UN was also used to suppress dissenting voices through the use of force. Tariq Naqash, the *Dawn* newspaper Bureau Chief in Muzaffarabad, described how a retired judge of the AJK Supreme Court named Basharat Ahmed Shaikh revealed that in the early days of AJK's establishment, even demanding better treatment for its citizens, equal salaries for its officials or asking for better physical infrastructure, was considered an anti-state activity (Naqash 2015).

The Ministry of Kashmir Affairs took advantage of the growing wedge between the key political stakeholders and muscled into the local socio-political landscape. In 1952, the so-called Rules of Business were revised, drastically reducing local autonomy in order to ensure the Ministry of Kashmir Affairs gained full control over all administrative and financial matters. It also clipped the powers enjoyed by Chaudhary Abbas. For example, the joint secretary of the Ministry of Kashmir Affairs was appointed as the chief adviser to the AJK government (S. M. Gilani 2008). The authority to select the president as well as all other important positions—i.e., the chief justice, judges of the High Court, the chairman and members of the Public Service Commission—was allowed only after consultation with the Ministry of the Kashmir Affairs (S. M. Gilani 2008). Furthermore, the AJK cabinet could only make or amend laws with the prior approval of the Ministry, which also had the concluding say on disputes over legislation.

These steps reduced AJK's political parties and their leadership to gutless bodies and mere rubber stamps. It also triggered permanent political instability in the region and, hence during the first nine years, seven presidents were appointed and removed without seeking any public mandate. The Ministry of Kashmir Affairs and the region's only political party, the Muslim Conference, called all the shots, with zero participation from the local people in the matters of governance. For almost thirteen years, AJK was ruled by the whims of a few individuals who used their powers arbitrarily to install and topple successive presidents, paying little heed to public sentiments.

It promoted a "master and client" relationship between Islamabad, the capital of Pakistan and Muzaffarabad, the capital of AJK. Thus, a political class that drew its power from the ruling party in Islamabad rather than the people of Azad Kashmir was created. In the following years all administrative and constitutional developments faithfully followed this tradition, showing no care for public aspirations.

The Dawn of the Democratic Era

In late 1958, Pakistan came under its first military regime, led by General Muhammad Ayub Khan. Wanting to establish a stable and progressive government in AJK, he consulted with Fatima Jinnah, the sister of the founder of Pakistan, Muhammad Ali Jinnah. K. H. Khurshid—who had previously served as Jinnah's private secretary—was subsequently appointed as new President of AJK in May 1959. The Basic Democracies Act of 1960 was introduced in Azad Kashmir as it had already been across Pakistan. This allowed local communities to elect representatives who would subsequently cast votes for a president on their behalf (Mahmud 2006, p. 113). The election campaign was run across AJK as well as in Kashmiri refugee settlements in Pakistan—refugees, as state subjects of Jammu and Kashmir, could also vote in the AJK elections. K. H. Khurshid vowed that if elected, he would seek the recognition of the AJK government from other countries, which was approved by the overbearing Ministry of Kashmir Affairs. His opponents—namely, Chaudhary Abbas, Sardar Ibrahim Khan, and Sardar Qayyum—differed in their mandates, promising instead to facilitate an armed resistance in Indian-held Kashmir if elected (Azad 2016).

The federal government-backed candidate, K. H. Khurshid, won the elections with little effort. This was not least because his main competitors, including Chaudhary Abbas and Sardar Ibrahim Khan were disqualified by a tribunal that cited charges of corruption (Mahmud 2006, p. 113). A 24-member State Council was elected, which became an advisory body wherein all matters related to administration and legal affairs were discussed. This ended the monopoly of the Muslim Conference, its supreme head, and to some extent, of the Ministry of Kashmir Affairs, on the political life of the region. It provided an opening for citizens to participate in state affairs and generated a much-needed new crop of leaders who shaped the local political culture in the years to come (Azad 2016, p. 347).

Efforts to Enhance the Status of AJK

In addition to ensuring economic development and the establishment of new educational institutions, President Khurshid tried hard to create a separate identity for AJK. His pursuit of the recognition of its government in international platforms was not a political stunt but a serious attempt to change realities on the ground. Most of the Kashmiri and Pakistani leaders had become disenchanted with the Western powers and their support for the Kashmir cause.

The Soviet Union, for instance, made the plebiscite on Kashmir redundant by vetoing successive UNSC resolutions to that effect. As a result of this stalemate, new options were being explored to garner international support, which included involving Azad Kashmiris themselves. The government of Pakistan tasked the barrister Saman Khan to explain whether the Azad Jammu and Kashmir government met the basic requirements of being a successor to the entire state according to international law. He reviewed the legal aspects of the matter and opined that it did fulfill all the conditions of a recognized state. This recognition, according to the historian Mahmood Azad, led the then foreign minister of Pakistan, Manzoor Qadir, and the chief secretary of AJK, Iqbal Masood, to believe the AJK government would provide greater legitimacy and thus clout for demanding the freedom of Indian-controlled Kashmir (Azad 2016, pp. 353–54). However, the Muslim Conference and its senior leader Chaudhary Abbas not only opposed this idea but also canvassed for accession to Pakistan as the only viable option available to the people of Kashmir. In an ironic twist, *azadi* was no longer preferable for the likes of Abbas after all. Of course, there is a good chance that his opposition to the AJK government's new approach to empowering the state through international recognition was due to the loss of his seat of power.

In August 1964, the Khurshid-led government was dismissed with no reason offered to the people of AJK. Although Khurshid became a powerful president during the initial years of his tenure with unprecedented support from Pakistani president Ayub Khan, the troublesome officials of the Ministry of Kashmir Affairs were not willing to cede their grip on authority and found him far too assertive for their liking. During his stint in power, he encouraged broad political consciousness among the masses through the establishment of a political party called the Jammu and Kashmir Liberation League, which challenged head-on the post-1947 Muslim Conference practices within Azad Kashmir. He remained an

opponent of the policies which had ultimately disempowered the people of AJK until his demise in March 1989.

Twenty-Three Years of Undemocratic Rule

Having fought a war against the Maharaja to dislodge an autocratic and repressive regime, the people of AJK once again, found themselves in a period of history tainted with power struggles, meddling, conspiracies, and lust for power. During this period, no less than ten different presidents served the region. The Rules of Business were also amended five times—in 1950, 1952, 1958, 1964 and 1968. However, contrary to the core objectives of the freedom struggle in 1947, no democratically elected government had been established in the region on the principle of universal adult franchise. This resulted in a concentration of power and authority in the hands of the federal government while reducing the status of AJK almost to a municipality. As mentioned before, this can be gauged from the fact that no government or body was allowed to pass a law without the prior approval of the chief adviser, who was a civil servant within the Ministry of Kashmir Affairs.

This situation discussed above eventually forced AJK's politicians to rise above their party differences and work together in order to formulate a constitution, representative government and an elected assembly. In 1969, all the major leaders of the region put joint pressure on the government of Pakistan to end the traditional system of governance and revoke the arbitrary role of the Ministry of Kashmir Affairs. In a joint statement issued by three former Presidents of AJK, Sardar Ibrahim Khan, Sardar Qayyum Khan, and K. H. Khurshid, the federal government was urged to restore the AJK government's role as the successor to the Maharaja Hari Singh's government (Hussain 1976, p. 408). This triggered mass mobilization, which pushed for democratic rule by ending the culture of authoritarian decision-making at the top level. The public ire was aimed directly at the meddling Ministry of Kashmir Affairs. The protests and persistent demands resulted in the enacting of the AJK Government Act 1970, which served as the constitution until 1974 (Hussain 1976, p. 366). The Act allowed an unprecedented move on the part of the government of Pakistan, which delegated its ruling authority to the AJK government and assembly, making it a semi-autonomous entity within Pakistan's federal constitutional framework.

In October 1970, presidential elections were held wherein three major political parties—the Muslim Conference, the Azad Muslim Conference, and the Liberation League—participated, led by Sardar Abdul Qayyum Khan, Sardar Ibrahim Khan and K. H. Khurshid, respectively. The first-ever election campaign was conducted across the region, and its citizens enthusiastically took part. Sardar Qayyum Khan was declared president; however, other leaders also bagged reasonable votes (Hussain 1976, p. 371).

In addition to the powers given to the government of Pakistan by the Karachi Agreement, the AJK Government Act 1970 delegated all the legislative, administrative, and financial powers to the Legislative Assembly of AJK and the president (Centre for Peace, Development, and Reforms 2011, p. 2). This meant that the assembly and the president were the final authority to make decisions regarding the approval of the annual budget as well as its disbursement. Unlike previous governments, the assembly was also entitled to make new laws without seeking prior approval from the Ministry of Kashmir Affairs (Hussain 1976, p. 366). Together with these newly granted powers and the dynamic leadership of then-president Sardar Abdul Qayyum Khan, the elected government carried out tremendous developmental work with infrastructure and education as key priority areas (Hussain 1976, p. 371).

The End of a Glorious Journey

In the 1970s, the Pakistan People's Party (PPP), headed by Prime Minister Zulfiqar Ali Bhutto, was in power. He introduced the 1973 Constitution and the parliamentary system of governance. The PPP gradually made inroads into AJK and attracted a huge number of active political workers as well as local politicians into its fold. The top guns of regional politics, such as Sardar Ibrahim Khan, not only joined the PPP but also rose to the top of the leadership. Several assembly members quit the ruling party and joined the emerging PPP's rank and file. The PPP campaigned to replace the presidential form of government with the parliamentary system in AJK, in line with Pakistan (Hussain 1976, p. 388).

In 1974, a new constitution amendment called the Interim Constitution Act 1974 was introduced in AJK, which in reality, discarded the AJK Government Act 1970 rather than altering it. Its major changes drastically eroded the concept of self-governance and once again allowed the

Ministry of Kashmir Affairs to control all aspects of the socio-economic and political compasses of the region. The AJK presidential government was axed and replaced by a new body called the Azad Jammu and Kashmir Council (or the Kashmir Council), with the prime minister of Pakistan as its chairman. The Kashmir Council was entrusted legislative, executive, and financial authority over 52 subjects, while the elected government of Azad Kashmir had no jurisdiction over the Council. The Ministry for Kashmir Affairs and Gilgit–Baltistan ran the entire show making all major policy decisions (Hasan 2006). Thus, ironically, the prime minister of Pakistan who headed the Council was accountable neither to Azad Kashmir's judiciary nor its legislative assembly. Likewise, decisions made by the Council were final and not subject to judicial review.

All major subjects of any importance fell under the jurisdiction of the Kashmir Council, such as electricity, hydropower generation, tourism, banking, insurance, the stock exchange, telecommunication, planning for economic coordination, highways, oil and gas, and industrial development (Centre for Peace Development and Reforms 2011). The Kashmir Council deducted 20% of the income tax generated from the AJK territory as well as entire license fees collected from the telecom companies operating in AJK. The remaining 80% of income tax was given to the AJK government as a grant (Naqash 2015). With this 20% of the total amount, the Council ran—from Islamabad—a parallel government in AJK. Billions of rupees collected from taxpayers in AJK were spent on several developmental schemes arbitrarily without the consent of the region's government or any accountability. Initially, the stated rationale for creating the Kashmir Council was to establish a forum where the leadership of AJK could interact with the prime minister of Pakistan and other senior officials. However, it turned out to be an undemocratic institution that drastically reduced the legislative and executive authority of Azad Kashmir's elected government and assembly.

The Campaign for Constitutional Reforms

The way the Pakistan-based Kashmir Council and the Ministry of Kashmir Affairs treated the AJK government created deep-seated discontent among its people and politicians. Widespread criticism and public protests took place several times across the region against the role of the Kashmir Council, yet the Council's bureaucrats refused to budge

from their policies. Even the appointed prime minister of AJK, Chaudhary Abdul Majeed, staged a sit-in in Islamabad against the federal government's attitude, demanding the removal of the federal Minister for Kashmir Affairs from his position. The protesting lawmakers also accused the federal government of using funds from the Kashmir Council for pre-poll rigging (*Pakistan Today* 2016).

In 2010, Pakistan's 1973 Constitution was again amended, resulting in the decentralization of powers and the granting of greater authority to its four provinces. The move triggered a debate in AJK regarding the removal of the Council and the possibility of obtaining similar powers for Azad Kashmir. Civil society groups and political leaders began calls for the devolution of power and for an elected government of AJK to be given real authority.[3]

A process of constitutional reforms was initiated in 2012, led by a sitting minister of the PPP government, involving all the political parties in Azad Kashmir. The government of AJK constituted several committees, with the inclusion of senior ministers and officials, to review and prepare a draft of the proposed reforms to the Interim Constitution Act 1974. A consensus document consisting of the recommendations for amendments was prepared and approved by the AJK legislative assembly in June 2015. Although the federal government also held several meetings to scrutinize various options about delegating powers to AJK, it essentially rejected the demands. Finally, in June 2018, the government of AJK amended the 1974 Act and approved the Azad Jammu and Kashmir Interim Constitution Act with the consent of the federal government. The amended constitution clipped all legislative, administrative, and financial powers of the Kashmir Council, entrusting significant powers to the AJK government and the legislative assembly once again.

The people across AJK celebrated the devolution of power from Islamabad to Muzaffarabad, viewing it as a hard-earned victory. Obtaining fiscal and administrative autonomy from the federal government was indeed a painstaking and meticulous task. The then prime minister of Pakistan, Nawaz Sharif and senior politician, Shahid Khaqan Abbasi, had demonstrated a personal interest in the matter and thus against all the odds the federal cabinet, in a very late night session, allowed the proposed amendments to pass.

What Has Changed?

The relegation of the Kashmir Council to the secondary role of an advisory body has given AJK significant fiscal autonomy. The consolidated fund of the Kashmir Council has been merged into the AJK government's fund, and its employees, assets, and liabilities have been transferred to the AJK government. For example, the Accountant-General's Office now comes under the AJK government's authority, and all taxes, including land revenue, are collected by the AJK authorities (Mahmud 2018). In fact, most revenue-generating departments, such as tourism, income tax, and social welfare, now operate under the supervision of the AJK government. It has also become compulsory to obtain prior permission from the AJK assembly to initiate development projects as a way of preserving the region's natural resources (for a discussion on the use of natural resources in AJK, see the chapters by Hussain and Rehman and by Mosvi in the present volume). Only thirty-two subjects remain exclusively under the jurisdiction of the government of Pakistan, which mainly relate to defense, international trade, and foreign affairs.

Learning, Reflection, and the Way Forward

As discussed, the people of AJK experienced a long and grueling journey in order to attain their political goals. This involved much lobbying, advocacy, individual meetings with policymakers, as well as the use of media and public dialogues. Yet direct conflict did not occur except for brief incidents in the 1950s when people in Poonch were violently confronted by the state authorities for protesting and making political demands for a democratically elected government (Saraf 1977, pp. 1306–7).

Despite the Azad Jammu and Kashmir Interim Constitution Act 2018, contradictions in the constitution persist. These must be rectified in order to provide a level playing field for all political shades of opinion and to ensure respect for basic human rights. The amended constitution retains Part II of Sect. 7, which states: "No person or political party in AJK shall be permitted to propagate against or take part in activities prejudicial or detrimental to, the ideology of the State's accession to Pakistan."[4] Likewise, under Section 5 (2) (vii) of the AJK Legislative Assembly Election Ordinance 1970, a person is disqualified from service for propagating any opinion or action in any manner prejudicial to the ideology of Pakistan, the ideology of AJK's accession to Pakistan, or the sovereignty

and integrity of Pakistan. Similarly, without signing an affidavit of allegiance regarding Kashmir's accession to Pakistan, no one is allowed to take part in state elections (cited in Mahmud 2006, p. 119). The issues mentioned above have not only been heavily criticized in political circles locally but also forcefully raised by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in two recent reports. The OHCHR stated that these laws are in contravention to the international standards of the rights to freedoms of expression and opinion, assembly, and association (OHCHR 2018, p. 43).

In a way, these laws are also contrary to Pakistan's own constitutional position on Jammu and Kashmir. Article 257 of the 1973 Constitution holds that "When the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and the State shall be determined in accordance with the wishes of the people of that State." It is also inconsistent with Islamabad's commitment to the right of self-determination and its demand to implement the UNSC resolutions on Kashmir, which do not bind the people of Kashmir to join any particular country.

In addition to the OHCHR reports mentioned above, AJK has been flagged by other human rights organizations. Human Rights Watch, a US-based watchdog, published a detailed report wherein Islamabad's treatment of AJK was criticized (Hasan 2006). Likewise, Baroness Nicholson, Rapporteur on Kashmir appointed by the European Union Parliament's Committee on Foreign Affairs, ripped apart the myth of AJK being a prosperous and content region (European Parliament 2007; Mahmud 2019). Yet the unfair legal approach employed by the federal authorities does not imply that the people of AJK (and Kashmiri refugees settled in Pakistan) also face similar attitudes within the wider society. The government of Pakistan has allowed AJK to retain its identity, enjoying at the same time all the privileges in Pakistan, such as purchasing of land, running businesses, joining the armed forces, and even contesting elections for the parliament. This approach has led to an amicable relationship between the people of Pakistan's provinces and Azad Kashmir.

Conclusion

Given the historical relationship between Pakistan and the government of AJK discussed in this chapter, political parties must mindfully maintain a cooperative relationship in order to ensure the 2018 constitutional

amendments remain favorable for Azad Kashmir. As we have seen in the past, the tables can turn instantly, and power can be given or taken away by the federal government depending on the cabinet members and prime minister of the day. Furthermore, although there have been huge strides since the 2018 amendments, more efforts are required to uphold the principles of human rights and freedom of expression or association for Azad Kashmir.

Finally, although it is tempting to compare the relationships between the government of Pakistan and AJK with India's treatment of Indian-held Kashmir, doing so is unlikely to yield any meaningful conclusions. Both sides have experienced different historical trajectories since their division, demonstrated by their own journeys for empowerment and emancipation. The chapter here provides an overview of what this has entailed in the case of AJK. Only after a 70-year-long effort has Azad Kashmir finally began to head in a direction envisioned by those who fervently fought for its freedom in 1947.

Notes

1. Civil and Military Gazette. 1947. October 25: 1 & 6.
2. Not to be confused with the Karachi Agreement signed (also in 1949) between India and Pakistan, in the wake of the first Indo-Pakistan war over Kashmir.
3. See the website of the Centre for Peace Development and Reforms, accessed July 1, 2019: http://cpdr.org.pk/index.php?option=com_content&view=article&id=571:impact-assessment-cpdr-work-on-governance-issues-in-azad-jammu-and-kashmir&catid=103:governance&Itemid=439.
4. The most recent version of the AJ&K Interim Constitution (as amended up to June 2018) is available online from the Azad Jammu and Kashmir Law, Justice, Parliamentary Affairs and Human Rights Department at: https://law.ajk.gov.pk/assets/lawlibrary/2019-02-13-5c645034ade141550078004.pdf.

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CHAPTER 5

Gilgit–Baltistan and the Ongoing Politics of Ambiguity

Syed Muhammad Abbas Mosvi

Introduction

The region of Gilgit–Baltistan is often discussed in relation to the Kashmir dispute, yet very little is actually understood about its historical link with the state of Jammu and Kashmir or its current relationship with Pakistan. The surprising move on the part of the Indian government to abrogate Kashmir's special status in August 2019 caused much dismay. However, Pakistan suspended Gilgit–Baltistan's Special Subject Rule (and associated rights) decades ago, in 1954, despite Azad Jammu and Kashmir (AJK) retaining these privileges (A. Khan 1999).

Situated in the north of Pakistan, Gilgit–Baltistan borders China, India, and Afghanistan and other Central Asian states are located nearby. China is arguably the world's most important emerging economic power and has engaged in an ambitious project with Pakistan called the China–Pakistan Economic Corridor (CPEC). CPEC will allow export goods to travel to Gilgit–Baltistan, then through Pakistan, in order to reach the Port

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of Gwadar in Baluchistan, for shipment to international markets (Hong 2012). India, too, is a major power in the region and has ongoing, multi-faceted disputes with Pakistan, including a claim over Gilgit–Baltistan's territory as part of the erstwhile Princely State of Jammu and Kashmir. Furthermore, the Central Asian states in the region have some of the highest potential oil and gas reservoirs, which means Gilgit–Baltistan may become the geographical link between the energy fields of Central Asia, China, and Pakistan. Even before these recent developments, Keay (1979, p. 15) wrote,

> The point of Gilgit now, as always, is strategic. High above the snowline, somewhere midst the peaks and glaciers that wall in the Gilgit valley, the long and jealously guarded frontiers of India, China, Russia, Afghanistan and Pakistan meet. It is the hub, the crow's-nest, the fulcrum of Asia.

Despite its undeniable strategic importance, the region has been neglected over the last 72 years, as a result of neither being officially treated as a disputed territory nor a constitutional part of Pakistan. In fact, the region's governance setup is unique in the world, in that it is controlled by a nation-state (Pakistan), without ever having had its constitutional status as part of that nation-state declared. This means that the question about whether the people of Gilgit–Baltistan reside in a constitutional part of Pakistan or a disputed territory remains unanswered. This chapter argues that a key consequence of such ambiguity has been the presence of an underlying sub-nationalism (see Gellner 1983) in Gilgit–Baltistan, influenced by a sense of deprivation and marginalization among its people.

This chapter provides a historical overview of the region that lays out its relationship with Jammu and Kashmir, and subsequently, Pakistan. In so doing, it offers a framework for discussing some of the region's key contemporary challenges, which are associated with the unresolved nature of the status of Gilgit–Baltistan. In particular, it describes how the ongoing political ambiguity has led to an increase in sectarian divisions and exploitation of natural resources through the construction of hydropower plants and the illegal use of land. As a political activist from the region, I reflect on these issues by drawing upon my experiences on the ground and the admittedly scarce scholarly and policy literature on Gilgit–Baltistan.

Historical Background

This section provides a historical overview of how it was that Gilgit–Baltistan became part of the erstwhile Princely State of Jammu and Kashmir and, subsequently, part of the conflict over its status after partition. Control of Gilgit, known as Sargin and Gilyt during ancient times, was frequently fought over by its neighbors within the region. In the first half of the nineteenth century, the Rajas (i.e., kings) of Hunza, Nagar, and Yasin ruled over Gilgit at different intervals. All three territories were economically self-sufficient, fully independent, and had their own heads of state. First, Suleiman Shah, the ruler of Yasin, invaded Gilgit, followed by Izzat Khan, the ruler of Puniyal. It was then forcibly taken by Tahir Khan, the ruler of Nagar. After his death, his son Sikander Khan succeeded him, but Gohar Aman, the Raja of Yasin, conquered Gilgit and thus established his authority.

In response to losing Gilgit to Aman, Kareem Khan, the brother of Sikander Khan, sought the support of Sikh rulers in Punjab and received military assistance from them, under the command of Nathu Shah. In 1842, Shah, along with 1000 soldiers, attacked Gilgit, occupied the area, and established a government led by Kareem Khan together with the accompanying Sikh troops. It was a result of these events that the Sikh occupiers were able to gain a foothold during the British colonial period when the area officially became known as Gilgit. The defeated Gohar Aman returned to Yasin in order to regroup and prepare for retaliation against the Sikh aggression.

Meanwhile, an Anglo–Sikh war broke out in 1845, during which the British destroyed the Sikh Kingdom of Punjab. The British colonizers had already sold Kashmir to Gulam Singh, the head of the Dogras, one of the ethnic tribes from the Jammu province. By this point, Nathu Shah had transferred his and his Sikh troops' services to the Dogra ruler. In 1848, Gohar Aman attempted to invade Gilgit again. However, it was recaptured shortly afterward by Gulam Singh's forces. Four years later, in 1852, Aman struck the Dogra's forces once more, and this time defeated them at Parri. Gohar Aman once again gained control over Gilgit, ruling until his death in 1860.

Upon news of Aman's demise, the new Maharaja of the Dogras, Ranbir Singh, began arrangements to invade the region under the command of Col. Devi Singh Naraina. Mulk Aman, who had succeeded Gohar Aman, sought help from the neighboring kings of Darel, Tangeer, Chitral, and

Hunza, which was promptly dispatched. The combined strength of Mulk Aman mobilized to secure Gilgit, but the Dogras were large in number and once again, Gilgit fell to foreign invaders. Yet the Dogras seemed content with ruling from a distance, and in 1866, they established a *wazarat* [agency] in Gilgit under Raja Ali Dad Khan, the grandson of Kareem Khan.

In 1895 Russian troops moved toward the great Pamirs to minimize the British monopoly over global trade. Fearful that Russia would encroach upon India, the British sought control over the high passes of Gilgit, which would act as a vital barrier between their empire and any Russian adventurism (A. Khan 1999). A lease agreement of 60 years was signed between the Dogra Maharaja of Kashmir and the government of British India that saw control of the Gilgit region handed directly to the colonizers. Dani (2001, p. 88) provides an excerpt from correspondence between E. J. D. Colvin and L. E. Lang, the British Resident (i.e., consul) in Kashmir, which demonstrates the strategic importance of Gilgit:

> The imperial consideration relating to the safety of India as a whole which necessitated the establishment of agency in Gilgit in the latter half of the century has materially changed and the danger of the foreign invasion of India from that direction has been considerably minimized, or indeed, ceased to exist.

As Britain decided to liberate its colonies after World War II, Lord Mountbatten, the last viceroy of British India, canceled the lease agreement of the Gilgit subdivision, in a pre-emptive move, despite it being valid until 1995 (F. M. Khan 2002, p. 47). As scrambles for power were taking place across South Asia, the entire Gilgit–Baltistan region was handed over to the Maharaja of Jammu and Kashmir, Hari Singh. However, it should be noted that the agreement between the British and the Dogra was only for the Gilgit *wazarat*, which forms not even one-eighth of the region (Dani 2001). Nonetheless, on June 3, 1947—without consulting the local people or chieftains—the entire Gilgit–Baltistan region was put under the control of the Maharaja Hari Singh.

The sheer lack of regard shown on the part of the British toward the people of Gilgit was interpreted on the ground as a deliberate strategy to secure Britain's ongoing foreign interests in the region after departure. The decision would forcibly annex Gilgit to India through the Dogra

Maharaja, whom they assumed would opt for accession to India, rather than Pakistan, because of his Hindu background. Thus, the liberation of Gilgit from the British colonial powers was a *mala fide* for the region, which had become part of a political ploy to carve out a new South Asia in a way that would continue to create challenges for its indigenous people.

The right to self-determination for the people of Gilgit was violated in the truest sense, and after the June 3 announcement, a new governor, Brigadier Ghansara Singh, was appointed to administer the region. Yet, due to religious and ideological similarities, the locals and the leaders of Gilgit opted to join Pakistan after independence rather than remain under Dogra rule or accede to India. They were therefore left with no choice but to revolt against the foreign Maharaja, in whose hands their fate had been placed by the British (Brown 1998).

The revolutionary Council of Gilgit commenced an underground movement to stage a coup in the event that the Maharaja decided to accede to India. On October 26, 1947, Hari Singh did just that, and the subsequent revolt resulted in Brigadier Singh surrendering to local forces on the morning of November 1, 1947. In his book,[1] Singh described how November 3, he signed a document surrendering the whole administration over to the Provisional Government of Gilgit (cited in Dani 2001). The question arises, therefore, as to why Gilgit was still considered a part of Kashmir if Ghansara Singh confirmed the transfer of power back to the provisional government.

This historical event remains most relevant to the people of Gilgit today—precisely because of this ongoing imposed political and territorial link with Kashmir, they neither gained the right to autonomy nor became a province of the state of Pakistan. The limbo faced by Gilgit–Baltistan is because it is considered part of a defunct state and together with Jammu, Kashmir and Ladakh, has been categorized as a disputed territory by the United Nations. However, the argument made here is that once the document had been signed by the Dogra representative, Gilgit was handed back to its indigenous leaders and was thus no longer part of the princely state and thus no longer subject to the territorial dispute over it.

Gilgit–Baltistan and Its Relationship with Pakistan

It should be stated up-front that the people of Gilgit–Baltistan overwhelmingly wanted to join Pakistan at the time of independence in 1947.

This has not changed. Full integration as a province into Pakistan—with the same rights and privileges other Pakistani citizens enjoy—remains the desire of the vast majority of the population. However, decades on Gilgit–Baltistan continues to be placed in the margins because of its ambiguous political relationship with Pakistan (Barcha 2013).

As described, in 1947, Gilgit rebelled against the Dogra Maharaja in a liberation effort led by Col. Mirza Hassan Khan (Dani 2001). Once free of the oppressive ruler, the region was declared as the independent state of "Islami Jamahiriya Gilgit." However, after only 15 days of independence, Khan requested that Muhammad Ali Jinnah integrate the region into the newly founded state of Pakistan. The status of Gilgit was not at all ambiguous at the time of accession. However, it was made so after annexation by Pakistan due to a bureaucratic mishap during negotiations with the UN Security Council (F. M. Khan 2002, p. 181). According to Article 1(2) of the Constitution of Pakistan, Gilgit–Baltistan is not a part of Pakistan due to the Kashmir dispute, which remains under consideration at the United Nations. Therefore, after the accession of the Maharaja, the Indian part of Jammu and Kashmir followed a democratic path as per the inclusion of Article 370 of the Indian constitution (see the chapter by Wani et al. in the present volume). In contrast, the realm under Pakistani control was bifurcated into AJK and the "Northern Areas"—the official designation of Gilgit–Baltistan at the time.

Furthermore, in 1949, the founding president of Azad Jammu and Kashmir (AJK), Sardar Ibrahim Khan, signed an agreement with the government of Pakistan to extend administrative control over Gilgit–Baltistan to the Pakistanis rather than for it to remain with AJK. This infamous accord is known as the "Karachi Agreement."[2] It was formalized with no say from the people of Gilgit–Baltistan (Snedden 2012, p. 90). In contrast, AJK kept its autonomous status as agreed by the legislative assembly of Pakistan in 1947. The decision, like many that followed, was made without the proper consultation of local leaders in Gilgit–Baltistan. This led to widespread resentment—not because their territory had been signed over to Pakistan, but because the political elites of Kashmir made the decision without popular consultation. Thus, the leaders of AJK had effectively given the Northern Areas to Pakistan as per the Urban Center Agreement of April 28, 1949.

This went against the vision of Gilgit–Baltistan's leaders in their historical struggle for independence from Dogra rule. It had been the hope of the people of Gilgit–Baltistan that the transformation would herald autonomy and a new era of freedom for the region. However, as a result

of both the UN Security Council meeting and the Karachi Agreement, Gilgit–Baltistan was dragged into an era of constitutional limbo, which significantly undermined efforts for self-determination. To add insult to injury, Pakistan implemented the "Frontier Crime Regulations" in Gilgit–Baltistan, drawing on draconian and barbaric laws developed under the British Raj to maintain order. The colonial powers developed such regulations to suppress crime and control the fiercely independent tribes of the Northern Areas. Thus, the Pakistani administration was—paradoxically—treating Gilgit–Baltistan in the same way the British had treated its colonies.

This primordial and eccentric law remained in force under the orders of Pakistan from 1947 until 1972. During this time, due to cordial Indo–Soviet relations, Pakistan and China established a robust alliance. This resulted in Pakistan transferring the territories of the Shimshal and Raskam valleys to China in 1963, under the Sino-Pakistan Border Agreement, without consulting the people living in those areas.

In 2009 the government introduced political reforms, and the Northern Areas officially became known as Gilgit–Baltistan, in recognition of local indigenous identities. The "Gilgit–Baltistan Empowerment and Self-Governance Order 2009" allowed the region an elected administration, chief minister, and—for the first time since independence—the right to elect a Provincial assembly. Furthermore, it empowered the Supreme Appellate Court of Gilgit–Baltistan, the highest judicial body of the region, whose decisions cannot be challenged by the Supreme Court of Pakistan. However, the measures fell drastically short and were nowhere near on par with the competences exercised by Pakistan's four official provinces, nor did they provide the autonomy enjoyed by AJK. The consequences of this ongoing state of affairs were summarized by Afzal Khan, a former Federal Minister of Kashmir Affairs and Northern Areas. During a speech on August 11, 1996, in the Pakistani Parliament, he noted

> Azad Jammu & Kashmir, through self-government, made tremendous socio-economic progress, whereas the Northern Area is still backward.[3]

As such, 72 years on, Gilgit–Baltistan is yet to become a fully fledged province of Pakistan, nor does it have representation in the National Assembly or Senate. Therefore, although Pakistan has granted at least

nominal autonomy, which includes Gilgit–Baltistan having its own constitution, final authority remains with the central government. This is due to Pakistan's continued insistence that the region remains part of the disputed state of Jammu and Kashmir. The Pakistani position is strategic. If ever a plebiscite were to take place to decide the accession of the erstwhile state, the entire population of Gilgit–Baltistan would also be able to weigh in on the vote, increasing the odds in Pakistan's favor. Yet the likelihood of such a referendum occurring is slim. This leads to even more resentment among the people of the region, who are forced to sacrifice their liberties for an event that will never take place. This has all culminated in the constitutional status of the region remaining dependent upon a resolution of the Kashmir conflict with no end in sight (HRCP 2005). The remainder of the chapter discusses how key challenges have arisen within the region as a result of this perpetual state of ambiguity.

The Consequences of Political Ambiguity

The UN Security Council resolution has never impeded the government of Pakistan from providing a political, administrative, and constitutional setup in Gilgit–Baltistan, similar to that of the country's other provinces. Although Pakistan has introduced many reforms (see Table 5.1) in order to control the area administratively, they have typically stalled or been wound back and have not led to meaningful structural changes. This has resulted in a steady stream of discontent among locals.

Among the handful of documents produced in English about Gilgit–Baltistan is an online report by the Institute of Policy Studies, based in Islamabad, titled "Northern Areas of Pakistan: Facts, Problems and Recommendations" (Institute of Policy Studies 2004). The report reviews the governance mechanisms within the region since 1947 and provides recommendations for improving these. However, it concludes by stating that the only viable long-term solution for resolving the criticisms of the current administrative setup is to resolve the Kashmir issue, given the link between Gilgit–Baltistan and Kashmir.

In 2007, the International Crisis Group (ICG) published a report titled "Discord in Pakistan's Northern Areas." They approached the issue as a neutral observer and, having provided a detailed analysis of the region's legal aspects, recommended that Pakistan grant meaningful autonomy to Gilgit–Baltistan. The report warned that if grievances over civil and political rights mounted, Pakistan could risk losing its control within the

Table 5.1 Political reforms introduced by Pakistan in Gilgit–Baltistan, 1947–2009

Reforms	*Year*
The affairs of the Northern Areas are brought under the administrative control of Pakistan's Ministry of Kashmir Affairs and Northern Areas, where they remain de facto until the passing of the Gilgit–Baltistan Empowerment and Self-Governance Order 2009	1950
The Ministry appoints a Resident to oversee central control, although the position is based in the capital city of Pakistan, and not Gilgit–Baltistan	1952
The position of the Resident is substantially reformed, with justice and revenues also brought under his jurisdiction	1967
Elections in Northern Areas conducted for the first time and a local representative assembly of sixteen members created	1970
Further administrative reforms are introduced, and the position of Resident is changed to Commissioner, with Gilgit and Baltistan being accorded the status of districts	1972
Prime Minister Bhutto announces further administrative reforms, including establishing Ganchi and Ghazar as new districts and abolishing Hunza statehood	1974
General Zia-ul-Haq imposes Martial Law across Pakistan. Northern Areas are designated as a separate zone compared to the federal states, thus underscoring the exclusion of the region from Pakistan's constitutional system	1977
Central government appoints a designated prime ministerial adviser for the Northern Areas for the first time	1988
"Reform package" for the Northern Areas enhances the size of the locally elected assembly, guarantees universal adult suffrage, and introduces significant changes to the judicial system	1994
Constitutional reform order announced that promised significant devolution and the establishment of responsible government in Gilgit–Baltistan. Reforms stalled by the October 1999 military takeover	1999
Pakistan's government creates a Northern Areas Court of Appeals as the highest appellate court for local cases, effectively giving the region significant judicial autonomy	2005
President Pervez Musharraf proposes a legal framework to address unresolved issues, including devolving administrative and financial powers from the Ministry of Kashmir Affairs and Northern Areas to local agencies	2007
The Gilgit–Baltistan Empowerment and Self-Governance Order 2009 passes, granting effective self-rule to Gilgit–Baltistan and giving the region de facto province-like status while still excluding it constitutionally from Pakistan's federal system and providing no representation for locals in federal decision-making bodies	2009

Source Institute of Policy Studies (2004) and Hong (2012)

region. Conciliation Resources, a UK-based NGO, also published a report titled "Unheard Voices: Engaging Youth of Gilgit–Baltistan" in January 2015. The authors, who collected data from young people in the region through group discussions, surveys, and interviews, compiled the document. Despite reporting several differing grievances as well as divergent views over the association of Gilgit–Baltistan with the Kashmir conflict, the majority of respondents strongly favored becoming a province of Pakistan (Ali and Akhunzada 2015).

In 2007, Baroness Emma Nicholson in her role as Rapporteur on Kashmir for the European Parlaiment, submitted a report examining the situation in the three parts of the erstwhile state—namely, Indian-controlled Kashmir, AJK and Gilgit–Baltistan. Her account raised severe concerns about the lack of fundamental rights for freedom of expression, freedom of association and freedom of religious practice in both Gilgit–Baltistan and AJK. Furthermore, she demanded that human rights associations such as Amnesty International and Human Rights Watch be given full access to the regions. Due to the international pressure that followed Nicholson's report, which echoed the demands of the local people in other documents cited above, the prime minister of Pakistan under the chairmanship of the Minister of Kashmir Affairs and Northern Areas, constituted a high powered committee to discuss the previous reform orders and the present status of the region.

As a way of upgrading the status of the area and redressing the grievances of the locals, the committee informally engaged members of the Northern Areas Legislative Assembly to draft the new reforms, through the aforementioned "Gilgit–Baltistan Empowerment and Self-Governance Order 2009." Yet the 2009 order did not resolve key issues—namely, the continued exclusion of the territory from Article 1 of the Constitution of Pakistan that defines the federal structure, and the lack of representation of local people in Pakistan's federal decision-making bodies, including the National Assembly and the Senate. It confirmed that the locals of Gilgit–Baltistan cannot invoke the jurisdiction of Pakistan in any critical situation given they continue to lack representation within critical decision-making bodies (Hong 2012) despite being "citizens of Pakistan."

Another criticism was that Pakistan's government could annul the 2009 order at any time, as per provisions provided in Article 81 of the Constitution of Pakistan related to presidential orders (for more discussion on presidential orders see Wani et al. in the present volume). The

status and fate of the region thus remained as uncertain as it was before 2009, where the Pakistani government could revoke the powers granted to the Gilgit–Baltistan Assembly at will, and often did, as the long list of administrative "reforms" demonstrates.

An emerging local leadership vocalized its distrust of Pakistan's continued approach in Gilgit–Baltistan at the time the order was being developed. Such leaders argued that it was a unilateral development that only furthered Islamabad's imposition on the region and its people, which they claimed as a clear violation of the resolutions of the United Nations concerning Jammu and Kashmir. For example, Shafqat Inqalabi, a member of the Balawaristan National Front, stated

> Pakistan did not consult anyone in Gilgit–Baltistan for this package. The provision for chief minister and governor is illegal because this is not a province of Pakistan. (Inqalabi 2008)

The Gilgit–Baltistan United Movement (GBUM), termed the provisions as "eyewash." Manzoor Hussain Parwana, chairman of the GBUM, in his reaction to the package noted, "the supposed provincial setup is fraudulent and a blackmailing that is being provided by the federal government in order to hide the political atrocities and brutal colonial management on the folks within the occupied region" (IDSA 2011, p. 18).

The elections that followed the 2009 developments were merely a cosmetic exercise as in reality, the legislative assembly and Council had little authority under the strict management of the Ministry of Kashmir Affairs and Gilgit–Baltistan, which operates from Islamabad. This was confirmed in a report by the Institute for Defense Studies and Analyses (IDSA) published in 2011, which described gross irregularities within the electoral method in the region. Nevertheless, the order succeeded in introducing new democratic and political elements into the region, including a legislative assembly, a chief minister, a governor, and public service and elections commissions. Yet the people of Gilgit–Baltistan are still unable to gain representation in the federal parliament, nor can someone from Gilgit–Baltistan become, for example, chief justice of the Supreme Court of Pakistan, or head of the Pakistani military.

Thus, those such as Singh (2013) argue that the 2009 reform act was more an experiment of basic appeasement on the part of the government, without actually improving democratic mechanisms and civil rights in any meaningful way. Growing dissatisfaction with the status quo has

led to two key ongoing tensions within Gilgit–Baltistan. One is the sharpening of divisions between the religious sects, and the other has been the exploitation of national resources.

Sectarian Divisions

As well as being ethno-linguistically diverse, Gilgit–Baltistan is home to four major religious groups. The largest sects are Sunni, Shia, Ismaili, and Noorbakhshi, as seen in Table 5.2. The major ethnic groups are the Sheen, the Yashkun, the Brosho, and the Balti.

Due to the geographical concentrations of the different sects, local election results are heavily influenced along sectarian demarcations. The region is also multilingual, which has led to cleavages between communities. Shina is spoken in Gilgit, Astore, and Diamer, while Balti is spoken in Ghanche, Skardu, Kharmang, and Shigar. Furthermore, Broshaski is the main language in Hunza and Nagar. Khawarn dominates in parts of the Ghizer district. Wakhi is also spoken in upper Ishkoman and the Hunza Valley.

However, the demographic composition of the region has undergone a significant shift since 1947. At the time, the region was majority Shia. However, because of the suspension of the "Special State Subject Rule,"

Table 5.2 Religious sect by district (percentage of the local population, 2011)

		Sect			
		Shia (%)	*Sunni (%)*	*Norbakhshi (%)*	*Ismaili (%)*
District	Gilgit	60	40	0	0
	Hunza	–	–	–	100
	Nagar	100	–	–	–
	Puniyal	–	–	–	100
	Yaseen	–	–	–	100
	Ishkomen	–	–	–	100
	Gupas	–	–	–	100
	Chilas	–	100	–	–
	Darel	–	100	–	–
	Astore	90	10	–	–
	Baltistan	96	2	2	–

Source Feyyaz (2011)

which prohibited non-Gilgit–Baltistan residents from purchasing property (as was the case with Indian-controlled Jammu and Kashmir up until August 2019), there has been a notable change in the makeup of the population today. In 1954, the government of Pakistan revoked the rights provided under the special status given to the people of the erstwhile state. However, many within Gilgit–Baltistan welcomed the move, not least its Sunni minority, which saw this as a crucial way to increase their population numbers through the in-migration of Sunnis from the rest of Pakistan. This led to a large influx of settlers from the neighboring Khyber Pakhtunkhwa Province (KP). Furthermore, traditional routes into the rest of the subcontinent via Kashmir were closed off, and the only way to reach the rest of Pakistan has been the Karakorum Highway via KP. The move cut off crucial historical routes for Gilgit–Baltistan as well as its contact with the rest of the Kashmir region.

There was a peak in sectarian violence within Gilgit–Baltistan during the late 1980s, which some observers believe to be state-sponsored as a way for Pakistan to control the local dynamics through a divide and rule strategy. Perhaps the bloodiest events took place in May 1988, during the last days of former President Zia-ul-Haq's rule. Sunni zealots, primarily from rural areas of KP, set upon Shia villages with the assistance of local Sunnis from Chila Daril and Tangeer. The attacks lasted three days, during which local authorities sat back and watched. After much looting and plundering, which resulted in millions of rupees worth of property destroyed, hundreds of Shias injured, and at least 150 killed, contingents of the paramilitary frontier constabulary were eventually sent in.

An ICG report titled "The State of Sectarianism in Pakistan" (2005, p. 10) describes how Shia communities within the region were purposefully "alienated by the state's continued support of Sunni orthodoxy." This had tremendous consequences for the regions, as illustrated by sectarian riots, which engulfed Gilgit–Baltistan and claimed 700 lives. The report states that Zia-ul-Haq deliberately manipulated the local population to settle political scores and gain favor through marginalizing Shia and other minority communities. The ICG's 2007 reported noted that "state and non-state actors have manipulated the divisions there since the 1980s, sowing the seeds of sectarian discord" (International Crisis Group 2007, p. 15). Both the changes within the demographic characteristics of Gilgit–Baltistan through migration of Sunnis into the region, together with the period of sectarian violence described above, have been a direct

outcome of Pakistan's strategy to garner greater influence within what was the only Shia dominated region under its control.

Economic Exploitation

Although Gilgit–Baltistan has abundant natural resources including minerals, gems, water and forests, Pakistan has exploited them for over 70 years without paying royalties or compensation to the local people. The region has vast deposits of precious and semi-precious stones, including some of the highest quality rubies and marble in the world. It also has abundant water resources. The Indus and its tributaries, which flow through Gilgit–Baltistan, and AJK, offer tremendous potential for the production of hydroelectric power, with existing Dams in Mirpur and Muzaffarabad generating 55,440,000 MWh in 2018 (Qadir et al. 2019). The water resources of Pakistan-administered Kashmir are the primary reason for China's growing investment in the region, as well as India's continued battle to claim it for their own. Thus, the key motivation for India, Pakistan and China to control the region is to gain control over its water. In other words, whoever controls the entire region of Kashmir, controls the source of the waterways into the subcontinent and their immense potential for hydro-generated energy.

Pakistan has thus reaped resources from its side of Kashmir with little tangible gain for the local population. For example, in AJK, the huge Mangla Dam project in the Mirpur District, built during the 1950s, internally displaced hundreds of thousands of villagers who lost their most fertile land and livelihoods (see the chapter by Hussain and Rehman in the present volume). This was just the beginning of the Pakistani grab for water within AJK and Gilgit–Baltistan. The Diamer–Bhasha Dam project, in Gilgit–Baltistan, is another more recent example. Although the dam lies in Diamer (in Gilgit–Baltistan), the power generator is to be placed in the neighboring KP. As KP is a fully fledged province of Pakistan, the government can legitimately argue that the energy generated from the plant, and thus its revenue, belongs to it. The locals living in Diamer have rightly requested royalties. Not only are they affected by the construction of the dam, but the source of its water is in Gilgit–Baltistan. Their demands thus far remain unmet.

As mentioned earlier in the chapter, Gilgit–Baltistan's location makes it particularly valuable for Pakistan. It leads to the Wakhan passageway of Afghanistan and further to the west to the Republic of Tajikistan

and the Xinjiang province of the People's Republic of China to the north. As mentioned, in 1963—under the Sino-Pakistan Border Agreement—Pakistan transferred the territories of the Shimshal and Raskam valleys to China without consulting the people living in the areas. The two governments subsequently built the Mustagh Road, otherwise known as the Karakorum Highway, to link China to Pakistan via Pakistan-administered Kashmir. This resulted in manifold inflation of the political significance of the Kashmir dispute. As the road provides a crucial point of entry into the Central Asian Republics and their growing markets, the "value" or, rather, the strategic currency of Pakistan-administered Kashmir has skyrocketed.

Not only has the mighty Karakoram Highway enhanced the control of Pakistan over Gilgit through easier access from its capital Islamabad, but it also allows China to reach the warm waters of the Indian Ocean. China has established naval bases in the Persian Gulf, and Gilgit–Baltistan provides a safe and secure route to access them. In 2015, Pakistan and China agreed to construct the Gwadar Port on the mouth of the Persian Gulf in order to ship Chinese goods to Africa and Europe. This increased the geo-strategic importance of Gilgit–Baltistan, as the only region linking China with Pakistan and thus the Gwadar Port. Part of the ambitious CPEC plan is to build oil and gas pipelines and a railway line through the Karakoram Highway. In order to sustain the economic development, China aims to transform the highway into an expressway, which means oil, uranium, cotton, and gas resources will take hours instead of days to get from Uzbekistan, Turkmenistan, and Kazakhstan. Thus, the Kashgar–Gwadar Port link will act as the economic backbone for both Pakistan and China.

The government of Pakistan has also attempted to declare common land in Gilgit–Baltistan as state land, despite this being legally impossible. The Land Revenue Act grants the government use of 20% of the common land, leaving 80% to the people. This loophole and ambiguity of legal terminology with regards to Gilgit–Baltistan provides a way for land to be grabbed for the construction of multiple state-sanctioned projects without any compensation to the locals. However, we must be mindful that the constitutional definition of state land, to which the Land Revenue Act would apply, means the land would have to have been acquired by annexation, or through an agreed compensation or have been deemed as wasted land. None of these three conditions applies to Gilgit–Baltistan, and despite the lack of any legal backing, the government has resorted to the forceful acquisition of the common land of the people of the area.

Despite all the development described above, the people of Gilgit–Baltistan have had little to no say in what has been agreed between Pakistan and China, nor have they been consulted or compensated for the use of their land. It is, therefore, not difficult to understand how the ambiguity as a province/disputed territory only adds to confusion and frustration regarding rights and ownership. This uncertainty ensures that the civil rights of the locals remain equally ambiguous—any claim over their land and resources thus becomes bound by meters of red tape. Although there has been monumental investment in the region by the Chinese through CPEC, it has also enhanced the sense of vulnerability within Gilgit–Baltistan by taking even more decision-making power away from the local population. After all, now that China has such heavy financial stakes in Gilgit–Baltistan, any grassroots pleas for greater autonomy are even less likely to be granted by Pakistan.

Conclusion

As discussed in the sections above, despite the people of Gilgit–Baltistan remaining overwhelmingly loyal supporters of joining Pakistan, they have yet to be granted their fundamental entitlement to recognition as a federal state—with all the rights that flow from this. However, this has not deterred the nation's successive governments from making full use of our region's resources. Thus, this chapter argues that Pakistan has taken advantage of Gilgit–Baltistan's tenuous links to Kashmir for its own ends (A. Khan 1999), while local people sit on the sidelines waving the national flag. Even at the time of writing this chapter, the government of Pakistan had proposed a new Lands Reform Act, which, if passed, would further erode indigenous autonomy over resources. Yet it does not have any legal rights to do so until a firm decision is made about the status of Gilgit–Baltistan.

During a public meeting organized by the Gilgit–Baltistan Bachao Tehreek (Save Gilgit–Baltistan Movement) and the Rawalpindi Arts Council in 2019, I gave a speech that covered several of the points outlined in this chapter. Having spent time with local people on the ground in Gilgit–Baltistan, I am aware that there is remains a sense of continued marginalization. As such, I reiterate here a statement I made at the event:

> A new social contract between the people of Gilgit–Baltistan and Pakistan on the basis of democratic norms is inevitable to resolve the simmering constitutional issues of Gilgit–Baltistan and restore the trust of the people in the state.

The outdated "State Subject Rule" is, in my opinion, obsolete and has no place in a modern Gilgit–Baltistan. We must instead urge Pakistani rulers to revisit their policies and include the people of the region as part of a tenable solution so that they can work meaningfully and collectively for the development and progress of the region.

Notes

1. The title of the book in Urdu is *Gilgit 1947 say pehly by she baz barch*, which translates as *Giglit Before 1947*.
2. Not to be confused with the Karachi Agreement signed between India and Pakistan at the conclusion of the first Indo-Pakistan war over Kashmir in 1947.
3. The quote is from a speech given by Afzal Khan in 1996, recorded in the archives of Pakistan's National Assembly.

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PART II

Social and Political Movements

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CHAPTER 6

From Muslim Conference to National Conference: Sheikh Abdullah's Quest for Secularism

Yasir Bashir

Introduction

The historiography of the genesis of the Kashmir conflict has mostly focused on the events of 1947. In so doing, it has highlighted the legality (or otherwise) of the Instrument of Accession (IOA), the "tribal invasion," the United Nations resolutions, and the pending plebiscite. These events inform the dominant narratives of the dispute. However, what is often overlooked when discussing the division of the state of Jammu and Kashmir is the role played by the popular Kashmiri leader, Sheikh Abdullah. The All Jammu and Kashmir Muslim Conference was an indigenous movement established in the state to mobilize against Dogra rule. The Maharaja and his Dogra kinsmen were notorious for their autocraitically wayward methods of administration and religious intolerance (Rai 2004). Bakshi summarizes the state of affairs of the period as, "the masses of Kashmir, largely Muslims, lived in squalor, penury and in a state of terror" (Bakshi 1997, p. 248). The killing of a cow was a

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cognizable offense, punishable with seven years' imprisonment. There was a special tax on the slaughter of goats and sheep, sacrificed by Muslims once a year as part of a religious ritual. Although Hindus were a numerical minority, they played a formidable role in politics, and the deliberate policy of structural inequality under Dogra rule protected their monopoly on power, resources, identity, and culture (Pampori 2011).

Among the privileges afforded to the Maharaja's Hindu Dogra Rajput kinsmen were the lion's share of civil service positions (some 80%) and easy access to schools and colleges, which were purpose-built in neighborhoods with higher Hindu populations in Srinagar, Jammu, and Mirpur. The Hindu Rajputs were unbridled landlords who were given hundreds of thousands of acres of land on which the Muslim peasantry subsisted as serfs, with forced labor a common practice.[1] They were also exempted from obtaining a license for guns and swords under the Arms Act, and taxation was arbitrary and collected by extortionist methods. However, any Hindu converting to another faith lost these privileges and even forfeited all inherited property.

Given the stark divisions of disadvantage experienced by the Muslim-majority population of the state, it was no surprise that the Muslim Conference movement gained momentum and support across Jammu and Kashmir. However, this chapter discusses how Sheikh Abdullah's anxiety regarding the accommodation of the religious/cultural "other" led him to convert the Muslim Conference into the National Conference. During the second convention of the Muslim Conference held in Mirpur in 1933, he stated that it was not just Muslims who were suffering at the hands of the ruling elites. Furthermore, he acknowledged that there were some Muslims among the rulers—the Muslim Jageerdars (feudal lords), for example. Hence for Abdullah, the movement was not primarily a question of religion but about the oppressors and oppressed (Rehman 2013). Yet the shift from the Muslim Conference to the National Conference ultimately sowed the seeds of alienation among the Jammu province's Muslims, leading, thus, to the division of Jammu and Kashmir.

This chapter acknowledges that Abdullah was one among a multitude of political voices within the state at the time and that the Muslim trajectory would have shifted merely on his say-so alone seems inconceivable. In so doing, it focuses on his emergence as the central and leading figure in the politics of secular nationalism. More concretely, the chapter traces Abdullah's journey from being the leader of the Muslim Conference to his decision to forge links with Nehru and the Delhi-based Indian National

Congress Party. As a result of wanting to promote similar ideological visions, Abdullah formed the National Conference and, by doing so, changed the focus of the indigenous movement, which had been developed through grassroots support among Muslim communities. Here it is argued that his decision had four major consequences, which ultimately led to the division of Jammu and Kashmir.

Firstly, I argue that despite the utopian dream of Sheikh Abdullah, non-Muslims (namely Hindus and Sikhs) did not join the National Conference *en masse* for a composite and joint struggle against Dogra rule. Secondly, the entire Jammu region, under the leadership of Chaudhari Abbas, went against Sheikh Abdullah and revived the parent organization, the Muslim Conference, in 1941. Thirdly, nationalism and secularism, two key ideals promoted by the Indian National Congress Party and espoused by Sheikh Abdullah in Jammu and Kashmir, failed to gain traction as Muslims were more inclined toward Muhammad Ali Jinnah's Muslim League, which argued for the separate Muslim state of Pakistan. This led to a fourth outcome—namely, the division of the Muslims of Jammu and Kashmir into two camps. The first followed Abdullah's vision toward Delhi; the second remained to support the indigenous struggle as set out by the Muslim Conference. The consequences of these two dominant Muslim camps significantly contributed to the division of the state of Jammu and Kashmir.

This chapter, therefore, centralizes the events of 1939 and their immediate aftermath. In so doing, it offers a better understanding of the territorial dispute and provides an alternate historical reading to the dominant representations/narratives on the division.

From "Muslim" to "National" Conference

It was not until the late 1920s that signs of political consciousness against the oppressive Raj began sprouting in Kashmir (Ganai 2007). There was widespread, deep-rooted resentment among Muslims as a result of the oppressive, dictatorial, and communal character of Dogra rule. The autocratic nature of governance, combined with a lack of political consciousness within the Muslim community of Jammu and Kashmir (J&K) and an absence of any solid support from any external powers, made it difficult to organize against the regime. However, between 1930 and 1932, the formation of a political alliance with the formal support of Muslim leaders from across the state, led to the creation of the "All

Jammu and Kashmir Muslim Conference" on October 16, 1932. This became known simply as the Muslim Conference, and Sheikh Abdullah, a valley-based leader, was chosen to head the party in the fight against the oppressive Dogra Raj.[2]

From the first day of the party's formation, its leaders publicly declared the non-communal nature of the conference and invited non-Muslims to join. The following excerpt from the presidential address at the first session of the Muslim Conference makes this amply clear:

> Our movement is not directed against the minorities. I assure all of my countrymen, be they Hindus or Sikhs, that we shall always try to redress their grievances, but they must also respect our just rights. (Hussain 1985, p. 222)

The primary demands made by the Muslim Conference right from its formation were purely economic in nature rather than religious. Undoubtedly, the leaders of the party came forward under the banner of the *Muslim* Conference, but their program and manifesto were as broad as any other progressive political party in India (Para 2019).[3] The conference fought against exploitation, regardless of the religion of the exploiter. In all its sessions and presidential addresses, the conference stressed Hindu–Muslim unity and cooperation (Hussain 1985), which certainly began to influence and impress even staunch Hindu communalists.[4]

However, Sheikh Abdullah's quest for the explicit secularization of the party's position began in July 1932, when he met Prem Nath Bazaz at Chashma Shahi Garden to popularize the establishment of a new (Dogra-free) government (Bazaz 1954).[5] In 1934, Abdullah met with Indian National Congress leaders in Delhi, which had a significant influence on his decision to change the image of Kashmiri politics to one promoting secularism and socialism above communal needs.[6] He announced his decision at a press conference at the residence of Dr. Saifuddin Kitchlew (a prominent leader of Congress), declaring the following:

> The communal tension in Kashmir is, to a great extent, the result of the propaganda of Punjabi communal leaders. We want the people of Punjab not to interfere in our matters. My future program will be to act according to the principles of Congress. After returning to Kashmir, I will lay the

> foundations of an organization that will serve national interests. (cited in Taseer 1968, pp. 227–28)

Abdullah's speech was interpreted as a direct criticism of the very same Muslim leaders from Punjab who had been previously asked to fund the movement to support the oppressed Muslims of J&K.

Several Hindu (Kashmiri Pandits) facilitated links between Sheikh Abdullah and Indian politicians in order to support his composite nationalism. D.P. Dhar,[7] who promoted a famous cricket club in Kashmir, was one such mediator.[8] Dhar had met communists at Lucknow University, the connections among whom Radhe Nath Kaul had helped to forge. Janki Prasad Kachru, who worked as part of Nehru's Muslim mass contact drive during 1937, also supported the idea of the Muslim Conference being rebranded into a non-communal "National" Conference. Furthermore, there were members of the Congress from mainland India, such as M. N. Roy and Dr. K. M. Ashraf, who were deputized by Nehru himself to encourage Kashmiri leaders to abandon communal politics. Several supporters from India visited Kashmir during 1937–1938, including two Moscow-trained party workers, Prof. Abdullah Safdar and Fazal Ellahi Qurbaan, to promote public opinion in favor of Sheikh Abdullah (Taseer 2005).

B. P. L. Bedi,[9] a staunch Marxist, also visited the state and won the sympathies of key figures such as D. P. Dhar, Mahmooda Ali, G. M. Karra, Girdhari Lal Dogra, Gh. Mohammad Sadiq, and Sheikh Abdullah himself (Taseer 2005). Abdullah forged forward with his plans, which included the formation of secular local socio-political organizations such as the Kashmir Youth League, the Peasants Associations, and the Students Federation, which played a prominent role in gaining support for a joint nationalist approach. The establishment of Urdu weekly *Hamdard* was one such venture by Sheikh Abdullah and Prem Nath Bazaz, promoting a secular socialist ideological stance (Bazaz 1954).

During the annual meeting of the Muslim Conference held in Jammu on March 25–27, 1938, Sheikh Abdullah proposed the party follow a similar nationalist approach to that of the Indian National Congress. However, Chaudhari Abbas dissuaded him from making any public address on the topic, stating that both the needs of and inequalities between the two communities at the larger level were too stark in J&K for Abdullah to gain any meaningful mass backing. Secondly, Abbas argued that non-Muslims would inevitably support the Dogra government, given

it was the source of their privilege.[10] Having been influenced and supported by the Muslims of Punjab, Abbas was unable to see how their struggle could progress unless the empowerment of the long-suffering Muslim masses of J&K was prioritized. Furthermore, the Muslims of the Jammu province had been far more politically active compared to those of the Kashmir Valley (Maini 2012), as a result of both their links with Muslim movements in British India and their exposure to workers rights while serving in the military under the British. This is illustrated by the Poonch uprising and demonstrations in Mirpur (see the chapter by Hussain in the present volume). As such, Sheikh Abdullah was just one among a multitude of political voices within the state at the time, and to shift the Muslim trajectory on his say-so alone seemed inconceivable.

Abdullah left Jammu without any real support and headed back to his home territory. The Muslims of the valley, who were confined by the high mountains, spoke an entirely different language to those of Jammu and were politically stunted in comparison to them (Abbas 2001). Without any other prominent leader in the valley, it is easy to understand why they supported Abdullah's position to include non-Muslim Kashmiri Pandits within a joint movement against the Dogra rule. After all, it was argued that Pandits were numerically insignificant and an entirely different ethnic group to the Hindu Dogras. However, although they did indeed only comprise 2% of the population, Kashmiri Pandits were the most influential class in the Kashmir Valley.

Furthermore, as Hindus, not being part of the ruling Dogra ethnic group did not pose any real challenges for them as they also benefited from the Maharaja's strategy to maintain control over the Muslim masses (Rai 2004). He maintained that the secular nationalist approach for a national inclusive movement against the tyrannical rule of the Maharaja was the best way forward. Though Sikhs had two seats in the Praja Sabha,[11] they were far less powerful than the Hindus. Furthermore, the Buddhists of Ladakh were geographically isolated, and the movement had not yet reached the northern border areas of the state.

Despite his initial defeat, Sheikh Abdullah continued to push his political views within the ranks of Muslim Conference leadership (Abdullah 1985). On June 28, 1938, he formally proposed to change the name and mandate of the Muslim Conference in order to encourage wider participation before the Working Committee (Bazaz 1954). The resolution stated:

> Whereas in the opinion of the Working Committee, the time has now come when all the progressive forces in the country rally under one banner to fight for the achievement of responsible government. The Working Committee recommends to the General Council that in the forthcoming session of the conference, the name and constitution of the organization be so altered and amended that all such people who desire to participate in this political struggle may easily become members of the conference irrespective of their caste and creed. (cited in Bazaz 1954, p. 169)

The meeting of the committee lasted for fifty-two hours, and heated discussions were exchanged regarding the proposal (Abdullah 1985; Bazaz 1954). At one stage, Bakshi Ghulam Muhammad and Mirza Afzal Beg cooperated with Chaudhari Abbas, Maulvi Abdullah Vakil, and Khawaja Ahmad-ud-Din Banihali to express strong opposition. However, most of the committee members were in favor of his proposed amendments, and the resolution was eventually passed with a majority vote (Bazaz 1954). Those who had not supported the move were asked to resign, which they refused to do (Taseer 1968).

In order to gain public support for changing the nomenclature of the party, a manifesto called the "National Demand" was prepared and published on August 27, 1938, with twelve signatories, which included both Muslim Conference and Pandit leaders (Abdullah 1985). Notably, no Muslim leaders from any of the regions across the Jammu province added their names to the document. Therefore, in the truest sense, it was far from a "national" demand as it lacked representation from Mirpur, Kotli, Poonch, Rajouri, and Jammu. It stated the following:

> The goal of this movement is the achievement of complete responsible government under the aegis of His Highness the Maharaja Bahadur. But, as sponsors of this National Movement, we feel that it is our bounden duty to acquaint our countrymen as also others who are interested in it, of the immediate objective we have in view.[12]

Sheikh Abdullah was arrested by the Dogra regime on August 29, 1938, and lodged at the Kuthua Jail. He wrote in his autobiography that during his imprisonment, he studied the Tarjuman (translation and interpretation) of the Quran by Maulana Azad, which he said further influenced his nationalistic tendencies (Abdullah 1985). He also described how the philosophy of Ahimsa and Satyagraha of Gandhi had a deep impact on him and inspired him throughout his political career (Lockwood 1940). He made some controversial claims about this period; for example, he

wrote that during Jinnah's visit to the valley, he had asked him to assure all communities were included in the Muslim Conference struggle. Moreover, Sheikh Abdullah claimed that in 1937, he received similar suggestions from Dr. Allama Iqbal about the formation of a united political front. However, this is highly questionable, not least because in 1930, seven years earlier, Dr. Iqbal had participated in a Muslim League session at Allahabad and had adumbrated his theory of Pan-Islamism and a separate state for the Muslims of the subcontinent. Furthermore, Iqbal had already voiced his feelings about the role of a single party for the Muslims of Kashmir in 1933, when he stated,

> I appeal to Muslims of Kashmir to beware of the forces that are working against them and to unite their ranks. The supreme need of the moment is a single party representing all Muslims in the State. (Taseer 1968, p. 297)

Therefore, there is no question that Dr. Iqbal would have advised anything of the sort. As Abdullah never provided any letters exchanged between he and Iqbal to evidence such claims, it is likely to have been a tactic to garner support for his proposal to amend the nomenclature and constitution of the party among the Muslims. Given Dr. Iqbal died before Abdullah formally made his claims, it was not possible to confirm or dispute his story either way.

After Abdullah was released from prison, he met Jawaharlal Nehru at Tripura in February 1939, where he was invited to participate at the annual session of the Indian National Congress the following month. There is little doubt that Nehru saw this an opportunity to win over the Muslims of Kashmir for Congress' own ends. After receiving funds from the Congress and being promised an office in the All India States Peoples Conference (AISPC),[13] Abdullah returned to preach Nehru's politics in the Kashmir Valley (Bhat 2004). On June 10–11, 1939, an open session of the Muslim Conference was held at Mujahid Manzil, and 176 delegates participated. The chairman of the reception committee, Maulana Masoodi, introduced the following resolution:

> The Special Session of the Jammu and Kashmir Muslim Conference approves the Working Committee Resolution No. 5 of June 24, 1938, for the change of the name of the conference and for bringing about the necessary amendments and changes in its constitution, which was confirmed by the General Council in its session, held on April 27, 1939. The conference,

> therefore, decides that it shall henceforth be named as All Jammu and Kashmir National Conference and every citizen of Jammu and Kashmir, whether male or female shall, irrespective of his religion and race, be entitled to become the member of the conference provided he undertakes in writing to strive for setting up of a responsible government and secure individual liberties as his political goal.[14]

The representation of Muslims from Mirpur, Kotli, Muzaffarabad, Poonch, Reasi, Kishtwar, Doda, Bhaderwah, Udhampur, and Kathua was notably low because of the direction the Muslim Conference had been heading under Abdullah's steer. Given most political and faith leaders from these areas had a strong affinity with the ideology of the Muslim League, it was no surprise that they opposed his pro-Indian National Congress offshoot within J&K. The evident lack of representation from highly populated Muslim regions was indicative of the tensions brewing between the Muslim leadership within the princely state.

In order to promote the new explicitly secular nature of the Muslim Conference, many non-Muslims were also invited to attend the session. These included Jiya Lal Kilam, Prem Nath Bazaz, and Kashyap Bandhu,[15] who became part of the Working Committee of the newly rechristened National Conference (Bhat 2004). Abdullah and his supporters (both Muslims and non-Muslims), mostly from Srinagar, had set the stage for the dissolution of the Muslim Conference (Pampori 2011). Some delegates from Jammu—including the aforementioned Chaudhari Abbas, A. R. Sagar, Sheikh Muhammad Amin, and Abdul Majid Qureshi—expressed their fears about the future of the movement once the change was effected, declaring that the "Millat [nation] came first, and politics came later" (Saraf 1977, p. 524). It was believed that by opening up the membership, Nehru and his Congress Party would gain influence in J&K among the political ranks, despite this clearly not reflecting the will of the people on the ground.

Chaudhari Abbas did, however, back the move to change the Muslim Conference to the National Conference and stated multiple reasons for doing so. Yet his decision was primarily based on a belief that it would be suicidal to cause disruptions within the Muslim ranks at such a crucial time. In other words, he accepted the National Conference model rather than splitting the Muslims of Jammu and Kashmir between two separate parties. Abbas wrote about this period in his book *Kashmkash*:

> In [the] course of negotiations with the Abdullah group, Sheikh Abdullah and Bazaz were questioned as to whether the religious, political and administrative grievances of Muslims against the Kashmir Government—which included cow slaughter, restrictions on change of religion, encouragement of Hindus, unjust treatment in the matter of service provision, and the like—could be treated by Pandit Nehru as reasonable and worthy of attention. In this connection, I said just by the way that even nationalists like Nehru were, in fact, against Muslims, and it was impossible that he would support the above grievances. Upon this, it was agreed that Nehru's opinion on all these matters be obtained through correspondence. (Abbas 2001, p. 177)

Nehru did indeed respond, and much to Abbas' surprise expressed his support for their grievances and condemned the Dogra government's repressive and discriminatory laws against Muslims. During deliberations, the following conditions were settled upon between Abdullah and Abbas which has been given very little attention by historians on the National Conference, who have thus arguably misunderstood its formation:

a. Clause 1 affirms that it will be in the objectives of the National Conference to struggle for the religious, economic, political, and administrative grievances of the Muslims.
b. Clause 3 reads that the ideology of the Indian National Congress would not be taken forward in the state of Jammu and Kashmir by the National Conference.
c. Clause 4 says that as the Muslim League, being the single representative organization of the Indian Muslims, will not be opposed in any way in the state of Jammu and Kashmir. In other words, this could be interpreted as saying the Muslim League will be free to propagate its ideas and program in the state (Abbas 2001, p. 169).

Abbas also describes the position of his supporters in his book,

> They joined [the] National Conference under an agreement [i.e., between Abbas and Abdullah], and they made a final decision [about allegiance] only after watching the attitude of the standard-bearers of nationalism. Consequently, it was after every possible precaution that they joined the National Conference. The Hindu press unanimously opposed the formation of the National Conference because, in their view, the above

> conditions had turned it practically into a communal organization. (Abbas 2001, p. 178)

Interestingly Sheikh Abdullah made no mention of this agreement in his autobiography *Aatish-i-Chinar*. Yet as stated in the quote above, it was only on these assurances that Abbas agreed to provide his backing and, consequently, many leaders from Jammu—including A. R. Saghar, and Hakim Muhammad Hussain—supported the Working Committee's resolution (Saraf 1977). This is not to say that they had bought into the pro-Indian National Congress ideology being propagated by Abdullah. However, they had become open to ascertaining whether joint efforts between Hindus and Muslims could be possible based on political motivations.

Chaudhari Hameedullah, however, remained vocally opposed, as did many other notable figures at the time, including Maulvi Rafi-ud-Din, Ghulam Haider Gori, Maulvi Muhammad Abdullah Advocate, Sheikh Ahmad Din Banhali, and Khawaja Ghulam Ahmad Ganai of Bhadarwah. In vocalizing his reasons for disputing the resolution, Hameedullah said:

> Whatever has been gained by the Muslims so far has been due to the efforts of the Muslim Conference. National Conference will not be able to able to work for Muslims; Muslims are at present backward and less organized than others; therefore, by changing from Muslim Conference into National Conference, other people will take undue advantage from the backwardness of Muslims.
>
> The politics of Kashmiri Pandits is confined to services alone. It is, therefore, futile to expect cooperation from them. Those who are joining our ranks do not command the confidence of their community; it is no wisdom to give them all things that our house possesses.
>
> There can be no unity between the weak and the strong. They cannot march together. In Jammu, we have Hindu moneylenders, while Muslims constitute the poor peasantry. Unity among them is impossible. Rajputs pride themselves to be rulers; they do not, therefore, feel any need for unity. That is why no other nation is coming forward even by an inch. How then are you going ahead by changing your own organization?[16]

The reservations expressed by Hameedullah and others regarding the influence that Nehru would have over Kashmir did indeed materialize. Sheikh Abdullah publicly joined hands with the Indian National Congress, and the National Conference became a sister organization of

All India States Peoples Conference by forwarding their agenda in Jammu and Kashmir.[17]

This was seen as a betrayal by many Muslims who had supported Abdullah, and as Prem Nath Bazaz recounts, it is understandable why they felt this way:

> A meeting was held in which Sheikh Abdullah, P. N. Bazaz, and Chaudhari Abbas Khan discussed all these doubts and fears. Chaudhari Abbas and his supporters feared that National Conference would become [the] handmaid of [the] Indian National Congress. But Sheikh Abdullah, P. N. Bazaz, and Chaudhari Abbas solemnly declared that it would be most harmful and dangerous to bring the Kashmir freedom movement under the influence of some outside organization. It was decided that the organization would keep aloof from Congress as well as the Muslim League. (Bazaz 1954, pp. 170–71)

Post-Conversion Consequences

Disappointed with the way the National Conference had become a mouthpiece for Nehru's Congress, in 1940 Chaudhari Abbas, a veteran leader resigned and joined hands with Mirwaiz Muhammad Yusuf Shah and the increasing numbers of Muslim youth who had been public in their resentment of the conversion of the Muslim Conference into the National Conference. Abbas reestablished the Muslim Conference in 1941 and gained the widespread support of Muslims from across the Jammu province (Taseer 1968). Therefore, there is no doubt that the conversion pushed by Abdullah led to deepening disunity among the Muslims of Jammu and the Muslims of Kashmir.

Perhaps the primary motivation for Abdullah to convert the long-awaited Muslim Conference into the National Conference was to promote joint Muslim–Hindu activism. Yet this utopian vision remained a distant dream on the political front. Non-Muslims at the grassroots level were aloof to the ideals of the National Conference (Bazaz 1954). During the anti-Imperialist Quit India Movement, members of all communities were mobilized against foreign colonial rule, and within Jammu and Kashmir, the Pandits had vocally challenged the Maharaja when his policies supported the British and vice versa (Saraf 1977). During the Quit India Movement in 1942, most of the Congress' leaders were imprisoned

by the British. Despite being behind bars, the political atmosphere was changing rapidly both within and outside of J&K. However, the political environs in which the National Conference emerged were somewhat different, and the ideas behind the Two-Nation Theory, which promoted an independent India and a separate Muslim state, were now gaining support across the subcontinent. Therefore, perhaps the dearth of cross-community mobilization, for which Abdullah had been hoping, was a matter of unfortunate timing. The National Conference came into existence in 1939, and it was during the early forties that most of its Hindu leaders parted ways with the movement. In other words, any initial zeal for joint community action against the Maharaja seemed to wane.

Moreover, religion had played an indirect role in the rise of Sheikh Abdullah as a popular leader of the Kashmiri Muslims. Yet shortly after the formation of the National Conference, some non-Muslim party members began to encourage him to change the methods of mass mobilization adopted from the Muslim Conference days—such as reciting the Holy Quran in public meetings (Bazaz 1954). Furthermore, Hindu leaders objected to the use of slogans like "Nara-i-Takbir" (a religious call common within Muslim religious congregations, which means God is great) during National Conference meetings to acknowledge the secular character of the movement (Abdullah 1985). It is understandable that non-Muslims, including Kashmiri Pandits, were unable to identify with such sentiments and mobilization strategies. However, it was the very use of these familiar Islamic idioms that had allowed mobilization of the lay masses to form a state-wide movement.

When the disgruntled Muslim Conference leaders organized an Eid-ul-Milad gathering in 1940, Abdullah, too, decided to celebrate the festival as a way of maintaining his legitimacy among the Muslim masses (Saraf 1977). However, the Pandit members of the conference did not appreciate this, and Pandit Jai Lai Kilam and Kashap Bandhu, two leading Hindu members from the Working Committee of the National Conference, resigned (Taseer 1968).

At the behest of the Maharaja, the then prime minister, Gopalaswami Ayanger, passed an order authorizing two official scripts—Devanagari was introduced alongside the established Persian script. The order was to be implemented within government schools, meaning that all teachers would now be forced to read Hindi to be employed by the Education Department. Many Muslims charged the government with ignoring the recommendations of a competent committee of experts and taking

a calculated step to endanger the future of the Urdu language—and thus their culture—within the state. Unlike the Muslim Conference, which clearly opposed the move, the National Conference was internally torn over the decision. However, under intense public pressure,[18] the National Conference was forced to oppose the introduction of the double script (Bazaz 1954). Their unqualified condemnation[19] of the government orders alienated Prem Nath Bazaz, another Pandit member of the Working Committee, who resigned from the National Conference on November 28, 1940. Some Pandit leaders also raised objections against the observation of Martyrs Day,[20] as, in their opinion, the martyrs had laid down their lives exclusively for a Muslim cause. As such, they argued that commemorating the day went against the secular character of the National Conference (Saraf 1977).

The Quit Kashmir Movement

By 1944, the political climate of the subcontinent had become intensely anti-colonial. Jinnah, who was campaigning for a separate Muslim land, spent two and a half months with locals in J&K, acquiring a large following. Furthermore, in the same year, the National Conference spearheaded the New Kashmir movement, approved and presented under the presidentship of Sardar Budh Singh of Mirpur. The movement recognized Kashmir as a multilingual and multireligious state with Maharaja Hari Singh as the figurehead. The National Conference and other Congress-sponsored Praja Mandals[21] in the princely states had been advised by Nehru to lobby for responsible government under the aegis of their princes. Seemingly supportive of the Congress proposal, the Maharaja added two new ministers to his cabinet, one from Jammu and the other from Kashmir. He initially appointed Mirza Afzal Beg, who resigned and was replaced by another National Conference leader, Mian Ahmad Yar Khan. However, Ahmad Yar had left the party, and Abdullah was infuriated when he heard the news of his promotion to the cabinet.[22] Sheikh Abdullah subsequently sought an appointment with the Maharaja and traveled to Bombay to meet him in person. However, the Maharaja refused his request.

By 1946, it had become clear the British were determined to vacate the Indian subcontinent. Anticipating a political vacuum in J&K as a result of the uncertainty of what would follow once they left, Abdullah upped the ante for grassroots support among Muslims. He feared that Jinnah would

gain the backing of the masses. That, coupled with being monumentally snubbed by the Maharaja, saw Sheikh Abdullah begin a very vocal campaign against the prince, thus bringing into fruition the Quit Kashmir Movement. Abdullah argued that the Dogras had no rights over Kashmir, stating, "*Kashmir Chod do, Bainama Amritsar tod do*" ("Quit Kashmir and abrogate the Amritsar Treaty"). The treaty, which marked the beginning of Dogra rule, was signed in 1846 when the Maharaja's grandfather purchased Kashmir for 7.5 million rupees from the British East India Company.[23] Abdullah, threatened by Jinnah's support and furious with the Maharaja's rebuke, found a way through the Quit Kashmir Movement to gain the backing of Muslim leaders and the educated class, who were opposed to the Maharaja's rule but had become alienated from the Muslim leadership in the Kashmir Valley. In the Jammu region, there were some pockets in Mirpur and Poonch where youth groups, as well as some National Conference leaders like Raja Mohammad Akbar and Ghulam Qadir Banday (Sher-i-Poonch), had protested against the Maharaja and were sympathetic to demands for removing the monarchy.

Abdullah gave a series of speeches in May 1946, during which he denounced the very foundations of the Dogra regime in the state and asked the Maharaja to leave Kashmir with the following words:

> "I announce it to the world," roared the Sheikh on May 14, that the descendants of Gulab Singh have no right to rule this land. We were not even asked at that time when the British sold this land to him. Now, when the British have to quit India, we tell Hari Singh to quit Kashmir. We will collect fifty lakhs [5 million] by contribution & tell him to vacate this land. (cited in Hasnain 1988, p. 133)

The response to the Quit Kashmir Movement, both from inside and outside of the state, was mixed. The political parties within the state remained aloof, and in May 1946, Abdus Salam Yatoo, the president of the Kisan Mazdoor Conference, asked workers not to participate (Bazaz 1954). The All-State Kashmiri Pandit Conference also denounced "Sheikh Abdullah's fascist and communal program." They also resolved to resist the agitation launched by Sheikh Abdullah and supported by Nehru until the last drop of their blood.[24] The Kashmiri Pandit National Conference leaders criticized Sheikh Abdullah for not consulting the members of the National Conference Working Committee before launching the movement.[25] In reality, they feared that Sheikh's "efforts in due course

would transfer all political power into the hands of the state's Muslims."[26] Thus the expedient association of Pandits was exposed.

The Muslim Conference was quick to condemn the Quit Kashmir Movement and accused the National Conference, in league with Congress, of dividing Muslims in order to continue a Hindu regime under Nehru in Jammu and Kashmir (Abbas 2001). On May 30, Chaudhari Abbas issued a statement from Lahore and declared that "the agitation had been started at the behest of the Congress leaders and that the object was to restore the lost prestige of the Nationalists" (Bazaz 1954, p. 257). Jinnah also dismissed the movement as the brainchild of the "lumpenproletariat" instigated by foreign elements (Copland 1991, p. 235).

The National Conference had not yet passed the quit Kashmir resolution during a formal session, and it was also said to have gone against the National Congress' official position regarding the princely states. In fact, Acharya J. B. Kripalani, as president of the Congress, disassociated himself with the demand for the abolition of the monarchy, emphasizing the need for a responsible government under the aegis of the Maharaja.[27]

Abdullah was arrested near Baramulla on his way to Delhi.[28] Large-scale protests and demonstrations followed in Srinagar, Sopore, Islamabad, and Pampore.[29] Twenty people were killed in the space of three days due to police firing, and hundreds of workers and common people were arrested.[30] As a result of the repression enforced by the state, the Quit Kashmir Movement began to die down. Nehru did, however, come to the aid of Abdullah. In court, he argued that the movement was not against the Maharaja personally but opposed to the institution of autocracy (Isaaq 2014). Perhaps he was more farsighted and saw that gaining the consent of the people for accession to India was more important than appeasing the prince who ruled over them.

The valuable support that Nehru offered Sheikh Abdullah and his party at this time helped legitimize the quit Kashmir resolution, which had now been passed formally by the National Conference. Although the people of Jammu also passed the motion, it was not of any real relevance to them either way because it only challenged the Maharaja's right to rule over the Kashmir Valley. Abdullah did not seem to care one way or another about whether "autocratic" rule remained for them.[31] Many were arrested during the Quit Kashmir Movement, including members of the National Conference and all the leaders of the Muslim Conference. Sheikh Abdullah was the only leader released at the behest of Nehru, Patel, and

Gandhi in order to facilitate the process of Kashmir's accession to India. Here I argue that had the leaders of the Muslim Conference also been released, Abdullah would not have dared to endorse the accession openly, and the outcome would have been very different. This is substantiated by the fact that the Muslim Conference had already passed a resolution on July 19, 1947, in favor of acceding to Pakistan (Rasool 2013).

Conclusion

This chapter has described Sheikh Abdullah's mission to transform the Muslim Conference into the National Conference in order to create a common platform against Dogra autocracy. It argues that the National Conference failed miserably at becoming a well-established cross-community movement within the freedom struggle. Its Pandit leaders wanted the National Conference to follow in the footsteps of the Congress in all its matters and policies, whereas Muslim leaders in the party, like Maulana Masoodi, were unhappy with this outcome and revolted (Bazaz 1954). Conversely, some Hindu leaders who had left the organization earlier, such as Pandit Jai Lai Kilam, Shiv Naraian Fotedar, and Kashap Bandhu, returned to the National Conference in June 1943 (Taseer 1968). However, this does not indicate that the goal behind the conversion was achieved. Instead, what transpired is that the leaders of the party coerced masses of followers—who, in good faith, believed they were fighting for a free government of Jammu and Kashmir—to deliver it into the hands of Nehru's Indian Union.

It was the changing of the name of the Muslim Conference into the National Conference in 1939 that eventually created a large gulf between the Muslim League supporters and the National Conference. This very course of action led to what became two very stubborn political camps, leaving the Muslims of Jammu and Kashmir without a common leadership and vision. This vulnerable position at the time of partition can be evidenced by the massacre of half a million Muslims in Jammu by the Dogra forces (Stephens 1964) and the invasion of Pashtun tribesman who wreaked havoc within areas of the state. The Muslims of Mirpur and Muzaffarabad aligned with the Muslim Conference leaders belonging

to the Sudhan tribe of Poonch, who declared the "Azad Government of Jammu and Kashmir." Ironically, Abdullah had been actively campaigning for a responsible, Maharaja-free government, but now that the time had come to establish one, he grasped hands with Nehru, sided with the Dogra ruler and looked forward to his Delhi-endorsed seat of power.

Notes

1. Reported in an article published in *The Statesman*, Calcutta, April 1, 1890.
2. *The Weekly Alfazal*, Qadian, dated October 25, 1932.
3. This could be analyzed through the policies laid down by the Muslim Conference. The policies were such that that the benefits secured by the people of Jammu and Kashmir through the struggle of the conference—the establishment of the legislative assembly in 1934, the granting of proprietary rights, and the abolition of the grazing tax—helped not only Muslims but also Hindus, who made no contribution toward that end. For instance, the conference did not work for the unity of the Muslim community alone but laid down policies aimed at fighting for the issues common to all the communities living in the state of Jammu and Kashmir, irrespective of religion.
4. See All India States Peoples Conference File No. 91 (NMML, New Delhi), 38 for documentation of discussion to this affect.
5. Bazaz (1954) details the background to these meetings that took place between himself and Sheikh Abdullah (unbeknown to the Muslim population and the Muslim leadership) in his book.
6. Sheikh Abdullah met Nehru in 1937 and accompanied with him to the North-West Frontier Province. During this tour, as Sheikh Abdullah acknowledges, Pandit Nehru exercised tremendous influence on his thinking. He also met Khan Abdul Gaffar Khan whose views and ideas also influenced him. During their tour to the North-West Frontier Province, Pandit Nehru posed various questions to Sheikh Abdullah about the nature of Kashmir movement. No doubt the latter acquainted Pandit Nehru with the secular character of Muslim Conference. But the Congress leader suggested him to enlarge the sphere of Kashmir freedom movement in a way that the non-Muslims feel no hesitation in joining it. By doing so, no room would be left for Hindu communalists and their press to publish any propaganda against the Kashmir freedom movement by declaring it communal (Abdullah 1985, pp. 226–27).
7. D. P. Dhar was born in Srinagar in 1918. He was one of the negotiating members who worked on Sheikh Abdullah to get the nomenclature of the conference changed from "Muslim" to "National." He was a minister

in both Srinagar and New Delhi, and, as a close aide to Indira Gandhi, served as India's Ambassador to the Soviet Union. He died in 1975.

8. P. N. Jalali, Oral History Transcript Accession No. 834 (New Delhi, NMML).
9. B. P. L. Bedi and his wife drafted the "Naya Kashmir Manifesto" in their Model Town hut in Lahore. Dr. M. D. Taseer and Dr. Asif Ali contributed to planning and drafting. After Sheikh took over as chief emergency administrator in 1947, he invited B. P. L. Bedi and his wife Freda to Kashmir to help him in the smooth functioning of the government. B. P. L. Bedi was made adviser-in-chief to Sheikh Abdullah. Afterwards, he worked as the in charge of the counter propaganda department of Jammu and Kashmir. His wife was made a member of the committee preparing textbooks for the schools. She also taught English at Maulana Azad College in Srinagar.
10. The Muslims of Jammu and Kashmir lived differently from the Hindus throughout the centuries. They never married with each other, nor did they share food, dress, culture and customs with them. It was Hindu oppression against Muslims that reigned from the beginning of Sikh rule. The Hindus used their dominance of roles like soldier, money lender, administrator, and government spy to implement this repression.
11. The first legislature of the princely state of Jammu and Kashmir was called the Praja Sabha, and was established by Maharaja Hari Singh in 1934. It was a seventy-five-seat legislative assembly. Of its sixty non-official representatives, only thirty-three—twenty-one Muslims, ten Hindus, and two Sikhs—were elected based on communal representation. The Maharaja had the majority, but not the electorate. Nothing could become a law without the Maharaja's consent and his discretion was beyond challenge. The assembly had no powers to its disposal. For more, see the Praja Sabha Deliberations, October–November 1934, Jammu and Kashmir Archives.
12. AISPC File No. 92 (New Delhi, NMML).
13. In fact, the office of AISPC was established in 1938 only in the headquarters of the National Conference at Mujahid Manzil, Srinagar. Bakshi Ghulam Muhammad was made in charge of the AISPC office, which kept in touch with the central leaders of the conference. See more in AISPC File No. 91 (NMML, New Delhi).
14. Resolution presented by Maulana Masoodi and other leaders before the special session of Muslim Conference on June 10, 1939. A.I.S.P.C. File No. 91 (NMML, New Delhi).
15. L. Kilam and Kashyap Bandhu launched Roti agitation that tried to broadcast the news of Hindu–Muslim riots in Srinagar in the summer of 1932 in the aftermath of the Glancy recommendations.
16. *The Weekly Islah*, Lahore, dated June 16, 1939.

17. The leadership under the banner of Muslim Conference—particularly Sheikh Abdullah—could not understand Bazaz's language. They themselves got trapped in the net laid by Bazaz in league with Nehru so that the fate of Kashmir was linked with India. In a way, Bazaz was acting like a bridge between Sheikh and Nehru so that Kashmir's freedom movement ran along Congress' lines. There is also the possibility that, after having received much influence and popularity in Kashmir, Sheikh Abdullah got tempted by the wider field of activity and influence that association with Nehru might offer in the subcontinent. This was unfortunate for the Kashmir movement, but this is what happened. See more on Yasir Bashir (2018) Prem Nath Bazaz: Founder of 'Nationalistic' Trope in Kashmir, *International Journal of Kashmir Studies, Policy and Research Forum*, Vol. 1, No. 2, pp. 12–21, ISSN: 2706-5863.
18. The disgruntled leadership of Muslim Conference vociferously opposed the initiative taken by then Dogra government and supported by the Working Committee of the National Conference. Abbas was in political hibernation because he had realized his mistake in joining the conference. According to Abbas, he told Sheikh Abdullah that it should be opposed tooth and nail in the assembly, but he refused to budge on the subject. Despite the opposition of Chaudhari Hameedullah on the floor of the assembly, the conference supported the move. Chaudhari Hameedullah was the only person in the assembly who remained steadfast; he ran a tireless campaign against the imposition of Hindi. This was the day Abbas parted ways with Sheikh Abdullah. They would meet only twice after that, once in 1944 when Muhammad Ali Jinnah visited Kashmir to promote reconciliation between the National Conference and the Muslim Conference; and again in 1948 when Abbas was in jail only to be released and then thrown into the territory of Pakistan through the Suchetgarh border by Sheikh Abdullah's emergency government.
19. The first leader among the National Conference who issued a strong statement in condemnation of the move was Maulana Syed Masoodi. He was followed by the other National Conference leaders such as Bakshi Ghulam Muhammad, Khawaja Ghulam Muhammad Sadiq, Mirza Afzal Beg, and Mian Ahmad Yar. However, according to Bazaz (1954, p. 185), these orders of the government were quite in accordance with the demands of the National Conference as contained in the resolution of the Working Committee adopted at the Mirpur session.
20. The Muslims of Jammu and Kashmir observe July 13 on both sides of the Line of Control as martyr's day. It is being observed every year to pay homage to the twenty-two Kashmiri Muslims who fell to the bullets of the Dogra regime on July 13, 1931 and were protesting the prosecution of Abdul Qadeer, a local champion of their grievances. This was for the

first time in the annals of Kashmir history that the people rose openly against state terrorism. When Sheikh Abdullah became prime minister in 1947, he declared July 13, 1931 to be Martyr's Day and it remained an official holiday up to 2019. In 2019, the current Hindu-nationalist-led Bharatiya Janata Party (BJP) government removed Martyr's Day July 13 from the official holiday list for 2020.

21. The Praja Mandal movement was a part of the Indian independence movement from the 1920s. People living in the princely states, who were subject to the rule of local aristocrats rather than the British Raj, campaigned against their feudal rulers, and sometimes also the British administration, seeking to improve their civil and political rights.
22. Oral History Project, Interview of Balraj Puri, Accession No. 818 (NMML, New Delhi).
23. Oral History Project, Interview of P. N. Jalali, Accession No. 834 (NMML, New Delhi).
24. Telegram from All-State Kashmiri Pandit Conference to Sardar Patel, dated 4 June 1946, cited in Das (1971).
25. *Hamdard*, Srinagar, dated May 15, 1946 (Department of Information, Srinagar).
26. *Eastern Times*, dated May 30, 1946 (Department of Information, Srinagar).
27. *Ranbeer*, dated May 29, 1947 (Central Library, Jammu University).
28. The Historical Trial of Kashmir, *Khalid*, Vol. 9, No. 38, p. 2 (Private Archives of Sadurdin Mujahid, Srinagar).
29. Fortnightly Report of the Resident posted in Srinagar, dated June 3, 1946, IOR, S/13/1266.
30. The Historical Trial of Kashmir, *Khalid*, Vol. 9, No. 38, p. 2 (Private Archives of Sadurdin Mujahid, Srinagar).
31. Oral History Project, Interview of Balraj Puri, Accession No. 818 (NMML, New Delhi).

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CHAPTER 7

The Jammu Kashmir Liberation Front: An Insider Account

Zafar Khan

Introduction

In March 2019, India and Pakistan engaged in a military standoff over an alleged terror attack on Indian security forces in Kashmir. During the same period, the Jammu and Kashmir Liberation Front (JKLF) was declared a terrorist organization by India and subsequently banned from operating within Indian-held Jammu and Kashmir. Outlawing an organization as prominent as the JKLF and incarcerating its chairman, Yasin Malik, sent a clear message regarding India's ability to quash resistance movements and flex control over the region. The government's hard stance toward both Pakistan and Kashmiri resistance was viewed by many to be part of a well-timed strategy to gain wins in the upcoming election (*The Kashmir Walla* 2019).

The JKLF was founded on May 29, 1976, in the British city of Birmingham. It was established to revive the resistance movement across the erstwhile state of Jammu and Kashmir (J&K) generally referred to as Kashmir, in the fight for self-determination (Schofield 2003).

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Throughout its existence, the JKLF has been linked with several high-profile controversies, including hijacking and kidnapping. The JKLF has had a tumultuous relationship with Pakistan and an explicitly hostile one with India, which currently criminalizes the organization. The JKLF's founders and subsequent leaders have been periodically imprisoned by both countries, with one of its leaders, Maqbool Bhat discussed below, becoming a symbol of Kashmiri resistance after his execution by India in 1984.

This chapter describes the development of the insurgency in Kashmir. It does so from a very clear and deliberate position, as the author, although an academic scholar, is also a senior member of the JKLF. It draws upon autobiographies and personal accounts of key members of the front in order to share the perspectives of the very individuals who founded the movement. More notably, it incorporates the experience of the author himself, thus providing an "insider narrative" in order to convey to the reader the rationale behind the ideology and methods of activism employed by the JKLF. In doing so, the chapter offers a rare insight into the inner motivations of an organization whose members view themselves as freedom fighters branded as terrorists and militants by the governments from which they seek their autonomy.

The chapter commences with a historical overview of how the people of J&K became marginalized within their own state, its subsequent fracture, and human rights violations at the hands of the nation-states entrusted to administer the disputed territory (OHCHR 2018). It goes on to describe how the establishment of the JKLF reflects this sense of historic loss, exploitation, and oppression experienced by Kashmiris at the behest of their rulers. The chapter, therefore, describes how the JKLF has become one of the few movements to succeed in establishing an inclusive organization for freedom across the divided state. Furthermore, the fact that its birth occurred in Britain, among the diaspora, also marks an important historical point, noting a change within Kashmiri activism from a regional focus to one of international reach.

During a seminar organized by the front in London in October 2017, Muhammad Yasin Malik, the current chairman of the JKLF, drew on the teachings of Nelson Mandela stating: "It is the oppressors who determine the mode of resistance not the oppressed, and our mode of resistance against the tyranny of Indian oppression in Kashmir may vary from time to time." The message here is one of adaptation and shifting strategies, which this chapter concludes has been key to the longevity of the

organization and JKLF's strength in remaining the most active resistance movement in J&K.

Kashmir and the Bilateral "Tug of War"

This section briefly identifies events—both internal and external to Kashmir—that have been central to the development of the "Kashmir question," and that have resulted in the marginalization of the people of the state. As we will see, unfolding events across the Indian subcontinent have had a lasting and detrimental impact on the sovereign will of Kashmiris, which relates directly to the struggle for independence, and the emergence of the JKLF.

In August 1947, British India was partitioned into India and Pakistan. At the time, there were 562 semi-autonomous princely states with direct treaty arrangements with the British Crown. Kashmir was one of the largest states to regain its sovereignty as Britain's paramountcy over the princely states lapsed. The rulers under the partition plan were allowed the option to accede to a successor state of their choice. However, as Lamb (1994, p. 53) argues, after the transfer of power and the decision by Kashmir's ruler, Maharaja Hari Singh, not to accede to either India or Pakistan, he essentially "entered the new post-British era in the subcontinent as, to all intents and purposes, the ruler of a sovereign and independent country with all the challenges and responsibilities which such a status implies."

It is therefore quite reasonable to argue that Hari Singh offered a Standstill Agreement to India and Pakistan on the premise that he contemplated an autonomous future for his country. However, his dithering on the final disposition of his kingdom's fate exacerbated a fraught situation among his subjects, who rose up in rebellion, especially in the Poonch and Mirpur Districts (Lamb 1991, pp. 154–55). On October 4, 1947, the rebels set up a revolutionary government in areas they had liberated and declared the state a free republic, known as Azad (or free) Kashmir.

Within weeks, however, Pashtun tribesmen from the North-West Frontier region of Pakistan entered Kashmir from Muzaffarabad, ostensibly to support its Muslim inhabitants—around 75% of the population at the time. However, the invaders failed to distinguish between Muslims and non-Muslims, resulting in mass rape, abduction, and murder of Kashmiris. They killed Christian nuns in Baramulla and were motivated by a

desire for booty and pillage rather than to support their co-religionists against the Maharaja's troops (Wirsing 1994).

This account of events suggests that once these few thousand ill-equipped and undisciplined tribesmen had attacked Kashmir, Pakistani involvement in what was unfolding became inevitable. Schofield (2003) also refers to the tribal intervention by drawing on Indian and Pakistani accounts, which inevitably offer contradictory versions of events. Schofield appears to believe that although some members of the Pakistani government were aware of the attack, Muhammad Ali Jinnah, the founder of Pakistan, was not involved in any way. Whatever the intention behind the invasion, during those crucial weeks between August and October 1947, the intervention of the tribesmen did not further the cause of the internal struggle raging inside Kashmir. After all, the rag-tag collection of tribal attackers could have been far more helpful to the Muslim population of the Jammu province who were massacred in their hundreds of thousands by invading Sikhs from the then state of Patiala (Punjab) and the Maharaja's army (Lamb 1994). Lamb uses the term "ethnic cleansing" in his description of the events, which reduced what was a large, Muslim majority in Jammu province into a minority, within the space of weeks.

In an article on the 70th anniversary of the massacre of the Jammu Muslims, Geelani (2017) pieces together a series of events by drawing on credible sources. This account demonstrates how Hari Singh had a very deliberate policy to reduce the Muslim population in the province. As the accounts describe, it is clear that at the very beginning of the Kashmiri people's movement for a free republic, outside invaders from both India and Pakistan not only disempowered the resistance but murdered, raped, and pillaged in the region within weeks of Kashmiris making gains.

India claimed that Maharaja Hari Singh had acceded Kashmir to her on October 26, 1947, a day before Indian troops landed in Srinagar, the capital of J&K. However, by this time, the Maharaja had already lost control of his country and fled to Jammu, some 200 miles to the south. It is more credible to argue that a contingency plan might already have existed for an Indian intervention under the pretext of an accession and that India was eager to enter Kashmir in order to throttle any nascent freedom movement.

Kashmiris view this event as an invasion of their country, which was an independent and sovereign nation at the time, a conclusion which Lamb (1994) also arrives at as a historical fact. He argues that neither India nor

Pakistan can be absolved of interference in Kashmir before they emerged as successor states in British India, and that "both India and Pakistan were involved at various levels in clandestine policy concerning the State of Jammu & Kashmir long before the key dates of 22 and 27 October" (Lamb 1994, p. 104).

Rethinking the Resistance

India's intervention in Kashmir changed the power equation as well as the nature of struggle from a people's movement for socioeconomic emancipation and democratic representation against autocratic rule, to a struggle for national liberation and independence. The invasion also posed a threat to Pakistan of Indian encroachment. Inevitably, the Pakistani military entered liberated areas to stop the Indian advance, which might have posed a direct threat to Pakistan's sovereign territory.

The nascent political and military resistance and the popular alignment against the Maharaja's ascendancy thus lost their momentum. Consequently, although it had mobilized in Poonch and Mirpur, the people's movement failed to gain the necessary support in the Kashmir Valley. The ultimate result was the state being split into two, with Mirpur, Western Poonch, and Muzaffarabad under Pakistani administration and the rest of J&K—including the valley—under Indian control. This marked the official start of the first Kashmir war between India and Pakistan, tossing Kashmiris from the proverbial frying pan into the fire. The war between the two nation-states over Kashmir halted in January 1949, and under the United Nations auspices, a Ceasefire Line (CfL) came into existence, solidifying into the de facto border partitioning Kashmir. The CfL was converted into the Line of Control (LoC) under the Shimla Accord of 1972 between India and Pakistan.

Many Kashmiris do not recognize the Shimla Accord as they consider it inimical to their national interests. It is for this reason that Kashmiris often refuse to use the term "Line of Control" to describe the de facto border since doing so would imply accepting it as a formal division—the decision over which they had no say and the consequences of which have devastated the state. Amanullah Khan, the founder of the JKLF, points out in his 1992 autobiography that by 1957 India had completely reneged on commitments regarding the Kashmir issue. India had previously committed to the self-determination of Kashmir, as evidenced by

their statement at the United Nations Security Council (UNSC) meeting in 1948. Ayyangar, the official Indian representative, stated:

> [W]hether she [Kashmir] should withdraw from her accession to India, and either accede to Pakistan or remain independent with a right to claim admission as a member of the United Nations—all this we have recognised to be a matter for unfettered decision by the people of Kashmir after normal life is restored to them. (cited in Abdullah 1965, p. 530)

However, when opportunities were presented for conciliation between India and Pakistan, such as U.S. President Kennedy's offer of mediation, India hesitated. In this instance, India was forced to reconsider due to a short border war with China in 1962. India engaged in talks with Pakistan at the behest of the U.S. and the UK, fearing that Pakistan might join China in the war and attack across the CfL in Kashmir. Six rounds of negotiations ensued between the foreign ministers of both India and Pakistan. However, the mediation ended in failure, which Khan (1992) argues served India well since it bought New Delhi time and dissuaded Pakistan from taking advantage of the Sino–Indian confrontation. This view is also supported by Maxwell (1970), who suggests that Nehru's government was only interested in engaging in talks to cement its current position rather than for meaningful negotiations with Pakistan over Kashmir.

These developments sent a clear message to Kashmiris, who watched and waited as each round of negotiations ended in disappointment. Grassroots activists and Kashmiri leaders alike feared the permanent division of their country as proposed, in their absence, during Indo-Pakistani talks. Consequently, on May 12, 1963, Kashmiri leaders convened a meeting in Rawalpindi, Pakistan, to formulate a strategy for resistance. This meeting resulted in the formation of the Kashmir Independence Committee (KIC). The KIC included several key figures involved in the liberation struggle. Among them were Amanullah Khan, who some 14 years later would become the founder of JKLF, and Maqbool Bhat, who would come to symbolize and epitomize the very spirit of the liberation struggle as a result of his execution by the Indian authorities in 1984. Also in attendance were Abdul Khaliq Ansari, who two years later would become the first president of the Plebiscite Front (PF), and Abdul Majeed Malick, who became chief justice of Azad Kashmir during the 1980s.

According to Khan (1992), the KIC quickly faded into inactivity and by 1965, its leaders had already formed the PF. By this point, the situation

in Indian-held Kashmir had become desperate, with an utter disregard for constitutional delineations on the part of the Indian authorities. By August 1953, less than five years after Kashmir's conditional accession, the prime minister of Kashmir, Sheikh Abdullah, was thrown out of office due to his criticism of the Indian government's policies in the region. Abdullah remained estranged with India for more than two decades and was imprisoned and banished from his native land.

Despite his absence, Abdullah and his supporters continued to press for the promised plebiscite. In 1955, with this goal in mind, the PF was formed in Indian-held Kashmir by his trusted lieutenant, Afzal Beg. However, in a U-turn on February 23, 1975, Abdullah signed the Delhi Accord, and his "reinstatement and agreeing to drop his demand for a plebiscite greatly strengthened India's hold on the disputed territory" (Lockwood 1975, p. 249). Thus, the "Lion of Kashmir" lost his roar, along with the unquestioned affection and respect of his compatriots.

A combination of the inconclusive Indo-Pakistan war of 1965, the breakup up of Pakistan in 1971 and the subsequent emergence of Bangladesh, the Shimla Accord of 1972, and above all, Abdullah's change of position regarding the plebiscite, firmly pushed the Kashmir question to the margins. Khan, Bhat, and their colleagues continued to call upon Kashmiris on both sides of the CfL to voice their condemnation of the Shimla and Delhi Accords.

In Azad Kashmir, leading pro-independent figures within the Azad Kashmir PF became increasingly disillusioned in light of the events above and embarked on what they considered practical action, involving armed resistance backed by a popular uprising in Indian-held Kashmir. Thus, Bhat and Khan—who both favored an armed approach to the resistance and wanted the PF to support their stance—took the momentous decision to back this strategy.

At the inaugural meeting of its working committee in Mirpur on July 12, 1965, the majority of PF members, including its then president Ansari, rejected the proposition. Deeply disappointed, on August 13, 1965, Khan and Bhat set up the National Liberation Front (NLF), a clandestine organization to support an armed insurgency in the state. The NLF was established just four months after the PF was founded and became the precursor organization of the JKLF. By June 10, 1966, Bhat was able to cross the CfL into Indian-held Kashmir and began to organize the resistance in earnest. However, upon his return journey to Azad Kashmir, he and his colleagues were captured.

Between 1965 and 1968, the leadership of the PF distanced themselves from the NLF's position of armed insurgency against India, arguing that the armed struggle was unconstitutional. The JKLF was, therefore, a response to a cleavage between the two positions, as well as an attempt to unite Pakistani-administered Kashmir with Indian-controlled J&K. For Kashmiris, the JKLF asserted their inherent right to sovereignty over the entire state—the fundamental principle at the heart of the conflict—as it existed before the partition of British India on August 14/15, 1947. The incorporation of all the "state subjects" of J&K across the CfL, regardless of their current governance situation is therefore the cornerstone of the inclusive national ideology underpinning JKLF's struggle.

Khan provides a concise and succinct account of these events in his memoirs (Khan 1992, 2005). He describes how up until that point, the PF had no idea of the NLF's activities in Indian-occupied Kashmir and that relations had become tumultuous at the news of the organization's (NLF's) existence, ideology, and armed approach—and of course, Bhat's arrest. The PF was split into two clear groups—those who supported the NLF's approach and those who were against it. However, as Khan explains, after intense lobbying, the adoption of armed resistance was finally accepted by the PF at an organizational level. Nevertheless, internal opposition remained with many considering the actions of the NLF to be unconstitutional.

Meanwhile, Bhat was tried in Indian held Kashmir, and in 1968 was given, along with his colleague, Mir Ahmed, the death sentence. Both, however, escaped from Srinagar jail, and after an arduous 16-day trek over snow-capped mountains, reached Azad Kashmir, only to be arrested by the Pakistani army. They were imprisoned but eventually released after several months of interrogation. In November 1969, Bhat was elected president of the PF and officially declared NLF its armed wing. Khan describes how he was uneasy with this decision, believing that opponents of the NLF lurked below the surface—for this reason, the NLF would be better off remaining independent (Khan 1992).

The Ganga Hijacking

Despite NLF's reach across the CfL, its activities were unknown on both sides of the divide in Kashmir. It was important for Bhat and Khan to demonstrate to followers that the NLF could mount a serious challenge against Indian occupation, and so a plan was hatched to carry

out a spectacular activity that would catapult their cause into the public consciousness. In January 1971, to attract international attention, an Indian Airlines aircraft named Ganga was hijacked *en route* from Srinagar to Delhi. The plane was diverted to Lahore in Pakistan.

Although it achieved its aims at drawing the world's attention to Kashmir, any sense of success was short-lived, as the Pakistan government rounded up hundreds of activists, as well as NLF and PF leaders. They were charged with sedition, conspiracy and being agents of India (Swami 2007). The case lasted over a year and a half, and by May 1973, the court had exonerated all, except Hashim Qureshi, who was sentenced to 14 years' imprisonment. However, his appeal before the Pakistan Supreme Court in 1980 resulted in his release.

Although they had been acquitted, the Ganga episode vindicated the NLF leadership in the eyes of the public and their position as patriotic Kashmiris. As a result, the activities of the PF and NLF were closely monitored by both India and Pakistan. Naseer Wani, a member of the defense committee for those arrested and an important eyewitness to the momentous developments from the formation of the KIC up to the Ganga episode, aptly sums up the atmosphere at the time in a note to the author[1]:

> I met Amanullah Khan and told him in no ambiguous terms that my stand on independent Kashmir will remain unchanged and advised him to continue the movement. He felt strange but encouraged by my steadfast adherence. It was clear that he wanted to hear that. After my appearance, Mr. Bhat asked me to stay with him and the other two in the rented house. He said that I would be "LOB" ("left out of the battle") in the event [that they] were all arrested. Subsequently, all ended up in the Lahore Fort. The most atrocious treatment and physical torture were perpetrated on all.

As the quote illustrates, it became extremely challenging for the NLF and PF to continue their activities. Yet, for Khan and Bhat in particular, resistance to the overall hostile political and diplomatic environment in Pakistan and in Azad Kashmir had become ever more urgent.

This acute situation meant the two most prominent ideologues of the struggle were compelled to take alternative steps and embark upon another phase for the independence of their country. Khan left for Britain to propagate the issue at the international level and Bhat crossed the CfL into Indian-held Kashmir to mobilize resistance. Soon after reaching his

destination, in June 1976, Bhat and his two colleagues, Hameed Butt and Riaz Dar, were arrested. He never returned to either part of his divided beloved homeland, as he was transferred to Tihar Jail in India where on February 11, 1984, he was executed, and remains buried. Hameed Butt and Riaz Dar were released after serving their 14-year imprisonment.[2]

The Front and the Journey Home

The historical developments described above set the backdrop against which the JKLF was established. When Khan came to Britain in 1976, he felt the vision of the existing PF was lacking, primarily because it was only active within Azad Kashmir, and the NLF had by now found it increasingly difficult to operate both in Azad Kashmir and in Indian-held Kashmir. He persuaded Ansari, the president of the PF, to convert the British branch of the PF to a new organization that would span across the entire state of J&K. This suggestion was supported by several others, as Ansari states in his autobiography: "We consulted with friends and accepted their decision to convert branches of PF in Britain to become branches of the [Jammu Kashmir Liberation] Front" (Ansari 2014, p. 565).

The JKLF's emergence needs to be viewed in terms of its ideological role in the Kashmir issue and the overall political and historical context after 1947, as outlined above. Its journey in the struggle to assert Kashmir's sovereign right, as a basis for a solution of the dispute, has been seen by its leaders from a broad, national (state-wide) perspective. They have done so in order that the Kashmir question would shift from one concerning a historical–ideological cleavage between India and Pakistan into self-determination for a socially, ethnically and religiously diverse nation—one that has been striving for centuries to assert its right for freedom, long before India and Pakistan even existed (Ansari 2014). The JKLF aimed to challenge the notion that India and Pakistan alone can achieve a lasting settlement on the status of Kashmir. Its formation was a conscious step toward an ideological direction relevant to and consistent with a predominately Muslim—but equally plural and diverse—nation struggling against foreign subjugation (Lamb 1994).

The JKLF established itself among its diaspora overseas in Britain, from where it developed a clear strategy of inclusion and self-determination. It set up branches across Europe, the Middle East and the United States. In 1982, it finally established itself in Azad Kashmir and by 1988 had

launched across the CfL into Indian held Kashmir (Cheema 2015). By the time JKLF had come home to Kashmir, both India and Pakistan had their respective constituencies firmly in place, reinforced with their military, political, civil, economic, and cultural dimensions. As such, the JKLF's homecoming was not problem-free, not least because in Azad Kashmir it was met with opposition by the established PF. Although JKLF members supported fraternal relations with the PF, they considered it as having outlived its relevance in the struggle.

The front's homecoming coincided with an important event. A new wave of political resistance had developed in Indian-held Kashmir after electoral fraud resulted in the defeat of the Muslim United Front (MUF) in the 1987 elections, which left many among the youth in particular feeling betrayed and leaderless. The MUF had threatened India's hold on the state' politics and the party's supporters blamed rigged elections at the hands of the Indian authorities for the defeat. The JKLF soon became a symbol of defiance against India for disillusioned and disempowered youth. The young men of the "HAJY" group—comprised of Ashfaq Majid Wani, Yasin Malik, Hameed Sheikh and Javid Mir—became the leaders of the JKLF in Indian-held Kashmir and embodied a new spirit of the struggle for independence. A new generation in Kashmir was ready to fight, something Bhat and Khan had been attempting to mobilize since August 1965. Hundreds of young men led by the HAJY group poured across the treacherous snow-capped mountains into Azad Kashmir for training. Schofield observes how "the armed insurgency which gathered momentum after the 1987 election caught the rest of the world unawares" (2003, p. 138).

During the same period, Khan was deported from Britain under an administrative order on allegations concerning the abduction and killing of India's Deputy High Commissioner in Birmingham. After a trial, Khan was acquitted of all the charges against him by the British government. It was no secret that he was implacably opposed to India's occupation and Khan's activism irked New Delhi, where he was regarded as an enemy of the state. The diplomat's killing allowed India to have Khan removed from Britain, where he had been fervently lobbying politicians, organizing demonstrations, and mobilizing expatriates in support of the Kashmir cause. Khan traveled to the Middle East, throughout Europe and to the United States to keep the issue alive at international platforms. As Schofield describes, Khan's deportation from Britain gave "an impetus" to the activities of the "Kashmiri nationalists" and from Pakistan,

"he began to direct operations across the line of control." She further points out that "he had realised, that in order for his movement to gain momentum, he had to attract support from the valley" (Schofield 2003, pp. 138–39). This meant that working across the CfL became a priority for the resistance.

A Gentleman's Agreement with Pakistan

As large numbers of men began to cross the CfL for training in Azad Kashmir, offers of support came from the Pakistani authorities. The JKLF's deputy chairman, Dr. Farooq Haider, together with colleagues Sardar Rashid Hasrat and Raja Muzaffar, was approached to broker a deal. An unconditional verbal agreement was made with Pakistan through its Inter-Services Intelligence (ISI) agency on the direction and approval of Pakistani President Zia-ul-Haq. However, in his memoirs, Khan insists that political and diplomatic departments of the JKLF would not take financial support from Pakistan, despite the prevailing view that the organization was indeed funded by Islamabad for at least a period of time (Swami 2007).

The uprising against India was now in full swing. However, the "gentleman's agreement" with Pakistan, as Khan called it, did not last long. In August 1988, Zia-ul-Haq died in a plane crash, and the incoming Benazir Bhutto government did not honor the existing agreement with the JKLF. Khan describes how, after a sharp exchange of words with Bhutto in Muzaffarabad, she "allegedly instructed the ISI to clip our wings" (Khan 2005, p. 152). Wirsing (1994, p. 122) also observed that movement for independence had become so widespread that "Bhutto was advised in a meeting, which included the Chief of the Army, Gen. Beg, with the Azad Kashmir president and prime minister in attendance, to assert more Pakistani control on the uprising." Khan discusses how Pakistan employed a strategy to do just that and Pakistani-sponsored groups began to sprout up in Kashmir. This was a setback for the JKLF, which had established itself as by far the most effective and largest organization on the ground. Now it had to contend with a plethora of groups, including the Hizbul-Mujahedeen, believed to have been created to squeeze the JKLF's position in the uprising. An unfortunate result of the internecine violence that came with increased militancy, was that it inevitably stymied momentum for those involved in the organization.

The Front's Response

Despite attempts to side-line the JKLF and its leadership, the front continued to gain support from the masses. In 1990, for example, at a time when the direction of the movement was being subverted by the creation of a dozen or more new groups in competition with the JKLF, around half a million Kashmiris came out onto the streets of Srinagar following the organization's call for mass demonstrations in support of freedom. A four-day curfew was observed in the city as a result, yet it did not deter tens of thousands from participating in the funeral procession of the JKLF's first commander-in-chief, Ashfaq Majeed Wani, in March the same year (Khan 2005, p. 151). Two years later, in February 1992, thousands of Azad Kashmiris responded to the JKLF's call to storm the CfL in solidarity with those in Indian-held Kashmir, despite Pakistani troops killing twelve demonstrators (Wirsing 1994).

By 1992, many of the JKLF's members had been imprisoned or killed. In order to maintain a way of operating in the state under duress, in 1994, the current chairman Yasin Malik, while incarcerated in Tihar Jail, declared that the JKLF would end its armed resistance and instead mobilize as a political party. Khan, however, disagreed with the move, and the organization split in two until 2010 when the factions reunified under a single agenda once more. The move toward non-violent political struggle resulted in several new campaigns. From 2003 to 2005, a petition demanding Kashmiri participation in a negotiated settlement of the conflict saw two million signatures collected from over 6000 villages and towns by the JKLF in Indian-held Kashmir.

In 1997, the JKLF launched its "Road Map for Peace and Prosperity in South Asia" before the diplomatic fraternity and media outlets in Islamabad. In 2004, Malik called upon Hindu Kashmiri Pandits—who had fled the Valley of Kashmir on mass in the 1990s—to return to the state. Many scoffed at his attempts to reach out to the group as a way of promoting Kashmiri unity. In 2006, the JKLF mobilized to highlight human rights violations in Indian-held Kashmir, resulting in 500 arrests and in the following year, embarked on a 116-day *safar-e-azadi* (journey of freedom) to engage with people along the length and breadth of Indian-held Kashmir. These and many more activities sought to demonstrate the resolve of the organization when put under pressure by both India and Pakistan.

Conclusion

Over the years, the JKLF has sustained its central role in the struggle for independence despite attempts to marginalize it. The organization's iconic presence in the resistance movement has galvanized support for Kashmir's sovereign status irrespective of political, ideological, ethnic or religious background. By its very existence, the JKLF asserts that people from across all parts of the geographically fractured country, are the only real stakeholders with the right to decide on its sovereignty. Since the 1950s, India has demonstrated an unrelenting reluctance to engage on the status of Kashmir, either with Kashmiris, Pakistan, or the international community. There is an unashamedly contemptuous imperviousness in the psyche of the Indian leadership and the intelligentsia, as witnessed by its vetoes in the UNSC on Kashmir (Simha 2016).

The JKLF continues to believe that an independent Kashmir will provide India and Pakistan with an honorable way out of the ongoing dispute. Exiting Kashmir as the result of self-determination can satiate their national egos as well as allow Kashmir to become a bridge of peace, friendship and prosperity in the region, rather than a source of enmity between them. It has been the JKLF's considered policy to engage with and influence Pakistan to recognize sovereign status of 20 million Kashmiris across the CfL as the only viable solution to the conflict. Unlike the late Zia-ul-Haq, however, those with the power to steer Pakistan's Kashmir policy in Islamabad, have failed to appreciate this sound principle as the only logical option. As the far-right, nationalist Bharatiya Janata Party (BJP) government settles in for another term in India, the only way out of the conflict in South Asia is to resolve the Kashmir question. In March 2019, Pakistan and India found themselves on the brink of another war. This is a situation that cannot be taken lightly, given the potential for cross-border shelling to escalate into the nuclear annihilation of the region.

The organization has continued to work within the constraints imposed upon it to maintain its campaign for self-determination. As illustrated by Yasin Malik's (2017) London speech quoted in the introduction of the chapter, the means have changed, even as the goal remains the same. The JKLF has caught the imagination of the masses like no other party in Kashmir since the 1940s. For four decades, the organization has staunchly committed to a democratic, inclusive, free, and reunified sovereign status for the country as it existed before August 14, 1947.

Nonetheless, a committed leadership has inspired the party faithful and grassroots Kashmiris alike, as demonstrated by slogans that continue to be used during popular protests, such as *azadi* (freedom) and *khud-mukhtari* (self-determination) (Ahmad 2018). Such slogans encapsulate the organization's ideology and enable the resistance to stand up to the occupation, even if faced by bullets fired by the Indian army.

Notes

1. Naseer. Wani shared his reflections on Amanullah Khan and Maqbool Butt with the author through a note in November 2018.
2. Hameed Butt is currently the senior deputy chairman of the JKLF based in Azad Kashmir, while Riaz Dar died in Muzaffarabad in 2018.

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CHAPTER 8

The Development of Islam in Kashmir and Its Influence on Socio-religious Movements in Contemporary Azad Jammu and Kashmir

Muhammad Ishaq

Introduction

This chapter introduces a narrative of Kashmir through religious traditions from the era of the Nāgas, to the *dharma* of the Buddhists, then to the Shaivism of the Puranas before examining the influence of devotional Islam in the region. Acknowledging the importance of religion within Kashmir, both historically and within contemporary times, Wirsing (2003, p. 11) writes: "Religious identity will persist indefinitely not only as an integral component of Kashmir's political chemistry but also as a powerful tool for political mobilisation and opinion formation in regard to it."

In order to understand how religion is experienced within the predominately Muslim populated areas of the state after the partition, the chapter looks at religious movements in contemporary Azad Jammu and Kashmir (AJK) (for a discussion on the division of J&K see the chapter by Hussain in the present volume). In doing so, it explores the extent to which

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the devotional Islamic nature of belief and practice—which, according to historians, has long been characteristic of Kashmir—remains the primary religious experience for those living in the region (Khan 1994, 2006). This has been explored against the backdrop of the emergence of external socio-religious movements, which, through their support for the "Kashmir struggle," have to varying degrees taken root in AJK (Choudhry 2011).

Drawing on findings from a study conducted between 2014 and 2018, the chapter describes how, despite the presence of external socio-religious movements in AJK—namely, Jamat-e-Islam and Minhaj-ul-Qur'an—devotional Islam remains the dominant form within the Pakistani-administered side of the state. This chapter argues that indigenous spiritual traditions—long-present in Kashmir and expressed through Buddhist, Shaivist, and Islamic customs and practices—remain at the heart of religious belief and practice in the region. This is true despite the potentially fertile ground the disputed identity of the region has offered for Islamic political movements to find space.

Historical Context

The historical narrative of Kashmir is one of the interminable patronages of ancient schools of philosophy and wisdom. It begins with the Nāgas,[1] devotees of the Nagaraja Adishesha[2] (first Shesha[3]), through to the advent of Buddhism after the conversion of the legendry king Asoka of the Maurya Dynasty, who built the city of Srinagar[4] and established relations with nations as far as Egypt and Greece. His work was continued by Maharaja Gunavarman, who opened routes to China, Korea, and Japan.

At this time (circa 400 BCE) there also existed in Kashmir the most prestigious Buddhist institute of higher learning (equivalent to a modern university) known to the region and possibly the world, which attracted many students of knowledge and wandering ascetics (Kalidas 1941, p. 173). Under Kanishka in 78 CE, the founder of the Buddhist Mahāyāna system, Nagārjuna the Great Bodhisattva, drew up the Northern Canon or Greater Vehicle of the Law (Walleser 1922). According to Yuan-Chwang, a traveling Chinese pilgrim and scholar, Kashmir was one of the most important and most famous lands in the history of the spread and development of Buddhism (Watters 1904, p. 264).

The preliminary source from which the chronological lineage and heritage of Kashmir are derived is a twelfth-century text written by Pandit Kalhana, a son of Chanpaka, a minister of King Harsha of Kashmir (1079–1101 CE), who despite being privy to court intrigues and information, retained a distance and critiqued the ruler Rāja Jayasimha (1128–1155 CE). His *nama* (biography), the *Rājatarańginī* (written around 1148–1149 CE), provides historians with a definitive account of them from as far back as Gonanda I in 2448 BCE to King Vijayasimha in 1129 CE. His text, which amalgamates and confirms the historical canon written before his own, informs us of the status of Kashmir as a notable seat of learning in ancient India. The Kashmiri Brahmins were renowned scholars, poets, and writers.[5]

Among these were Bilhana, Nāgārjuna, Kālidāsa, Kshemendra, Kalhana, Mammata, and Mańkha, who are not only a source of self-evident pride in the region's creative excellence but weave into the cultural fabric a sense of self-reflection as an image of its *jannati* (heavenly) environment. Thus, the accounts demonstrate how the region played a role in the development of the Sanskrit language, grammar, prosody, the Çaiva (or Shaiva) philosophy, *āyurveda* (medical science) and commentaries upon historical cannons (Stein 1800).

This chapter argues that the version of Kashmīri Shaivism, a philosophy that developed at the end of eighth and start of the ninth century emphasizing a type of idealistic monism (*advaita*), was not only unique to the region but paved the path for the acceptance of the core principle of the Islamic faith—namely, *tawhid* (unity) and its realization within the path of the Sufis, saints and mystics (see *Trika-Shāsana*, Chatterji 1914, p. 3). Due to this influence, it is important to take the time here to briefly examine the principles of Kashmīri Shaivism.

The ideology can be understood from two major schools of thought, each with its canonical text of guidance. The beliefs of the first school are contained in a brief text of fifty-one verses, the *Spandaçāstra*.[6] This school denies the necessity of God initiating a cause in creating the world. God is an independent entity that creates through its own volition. Although the world appears within Him, He is distinct—it is as if the world is a reflection within Him whereby, He is the mirror and the world the cause for reflection. For individuals to purify their inner souls, they must draw upon the vision of God and identify with God and His attributes to realize their true purpose (Bhandari 1913, p. 129).

The second school of thought, as explicated by the *Pratyabhijñāstra*,[7] differs from the previous in that its focus is on the identity of the self and its recognition that eventually leads it to the ultimate realization of the God within (Bhandari 1913, p. 131). The argument being made here stipulates that Kashmīri Shaivism cannot be compared to Shaivism from the rest of India but is more akin to the worldview of *tawassuf*—the Sufi realization of Islam. The *Spandaçāstra*, as per the Qur'an, castigates all forms of self-flagellation and abnegation as a way to enlightenment. This can only be reached through the acts of virtuous living, service to God by serving humanity and sacrificing one's self for the greater good of society.

This second school of thought described above can be surmised in the experience of the Muslim mystic Abu'l Mughīth al-Husain Mansūr al-Hallāj's (244–309 AH/858–922 CE) call of *An'l Haqq* (*I am the Truth*), a melting and eventual absorption into God, the *fana* (passing away) and *baqa* (subsistence). It is argued that it is due to this precise reason that Islam, in its spiritual and slightly esoteric fashion, found easy passage into the valley and its surrounding areas, and eventually permeated and percolated the Çaiva–Buddhist cultural habitus.

The Muslim Influence

The earliest accounts of Kashmir's contact with Muslims occurs as the Umayyad dynasty expanded. The *Chach-nāma*[8] records that Muhammad bin Qāsim's conquest eventually led him to defeat the Sāhasī kingdom's most powerful king of the time Dāhīr in 93 AH (June 712 CE). He erected a Jāmi' Masjid (mosque) and minarets and appointed Amīr Dā'ūd Nasr, son of Walīd 'Ummānī, as governor. Ibn Qāsim is said to have reached Panj Māhiyāt at the upper course of the Jhelum river during the time of Caliph Walīd I (86–96 AH/705–715 CE).

At this time, Dāhīr's son, Jaisiya, was sent to wait upon the Rāi of Kashmir, who gave him the territory of Shākalhā, located in the salt ranges. Jaisiya was accompanied by an Arab named Hamīmbin Sāma. Hamīm was an official of the mercenary commander 'Allāfī/'Allānī whom Dāhīr had formerly allowed passage into the region. It is said that "Hamīm the Syrian was the first Muslim to enter Kashmir," just 90-odd years after the Prophet migrated from Mecca to Medina (Sufi 1948, p. 76). On the death of Jaisiya, Hamīm was given charge of Shākalhā, and he "founded masjids there and obtained great honour and regard. He was much respected by the King of Kashmīr" (Sufi 1948, p. 76).

The great King Lalitāditya-Muktāpīda (725–753 CE), the chronicle informs us, had in his retinue advisers and ministers of Turkish origin and that he petitioned directly the court of the Chinese for aid against the Arabs, who were advancing from their base in Sind to Multan and then into Jammu and on to the Kashmir Valley (Cunningham 1871, p. 90). From thereon, the account of Muslim and Shaivite relations becomes a regular observance in the *Rājatarańginī*. For instance, on the death of Lalitāditya-Muktāpīda (725–753 CE), historical accounts relay how his son, Vajrāditya, sold many men to the Mlecchas or Muslims who then introduced local practices and beliefs.[9]

It then mentions the invasion of Kashmir by Hammīra.[10] The Kashmīris were defeated, but due to the inaccessibility of mountains, the Ghazni army retired and retreated.[11] Further on, the *Rājatarańginī* describes King Harsha (1089–1101 CE) having had "Muhammadan troop leaders in his service,"[12] who worked as commanders in service of the armies of Jayasimha.

The diversity and depth of the literature on Muslims are further exemplified in the writings on Islamic beliefs and folklore within Kashmir by the Çaiva philosopher Abhinavagupta (950 CE). Stein (1800)[13] observes that by the twelfth century, the Dard tribes of the Indus had begun to convert from Buddhism to Islam. However, it was only upon Riñchana's ascension to the throne and conversion to Sultān Sadr-ud-Dīn (1320–1323 CE) that the acceptance of Islam as a legitimate successor to the Shaivite traditions was consolidated. From this time on, then, the thread of Islam became weaved into the fabric of the Kashmir Valley.

The reasons for elaborating upon this very early historical contact, establishment, and eventual rise to power of Muslims in Kashmir, is to reaffirm that there exists only one historical narrative which describes the arrival of Islam into the Kashmir Valley. This informs us that Islam did not arrive via invasions, revolutions, or chaos but through a process of internal exploration, development, acceptance, and eventual transformation of the native populace.

However, Sikand discusses the conversion of thousands of Hindus and Buddhists through a different lens. Highlighting deep caste cleavages, he argues, "the expression of Islam in Kashmir was actually the revolt of socially oppressed people against the domination of high-class Brahmans" (Sikand 2000, p. 7). In this view, religion was used as a vehicle of social and political emancipation long before the revolts against a tyrannical Hindu Dogra elite and events of 1947.

Jagmohn (1991, p. 61) supports this view and argues that it was Sufism—which, "arose from 'inner rebellion of conscience' against social injustices of the time, and as a reaction to the over-intellectualism to the hair-splitting of theologians"—that took hold of Kashmir. He goes on to quote Sir Aurel Stein, stating that: "Islam made its way in Kashmir not by forcible conquest but by gradual conversion" and thus was adopted rapidly but did not replace local customs, beliefs, and practices (Jagmohn 1991).

There was in the practice of the Muslim Sufi saints an integrity and accountability that maintained and justified the element of faith in a higher power and life led in accordance to its will—a dynamic, living ideology. Thus, although it was the rulers or those in established positions of authority who initiated an instant change in society through their own conversions, the form of Islam established satisfied both the tenets of ancient Kashmīri Shaivism and the Islamic moral code.

So pervasive was the shift toward Islamic Sufism in Kashmir that Sikand (2000) describes how even in contemporary times, there is not a single village where a Sufi shrine cannot be found. Such shrines, whether small or large, have become a source of revenue for the government and individuals alike (who claim the shrines belong to their ancestors). McLoughlin and Khan (2006, pp. 289–307), while exploring a government-managed shrine in the Mirpur District, stated the income generated for Khari Sharif as in the millions of rupees. Puri (2012, p. 61) adds that it is not unheard of for the annual revenue from Khari Sharif to exceed "all the tax collected in AJK." Many of the prominent Sufis figures buried in such shrines played significant roles not only in providing religious guidance but also within sociopolitical matters within the region (Rao 2000). Therefore, their influence was far-reaching, and their legacies enshrined into local traditions and identities.

Religious Movements in Contemporary Azad Jammu and Kashmir

The remainder of this chapter focuses on the area now known as Azad Jammu and Kashmir (AJK), which is a self-governing state under Pakistani administration (see the chapter by Mahmud in the present volume). The people of Azad Kashmir are 99.05% Muslim (Census, 2011), and mainly adhere to Sunni traditions and remain overwhelmingly Sufi or Barelvi-oriented (followers of Ahmad Raza Khan Barelvi, a twentieth-century

Muslim Scholar in India). However, there are many other Islamic movements or *jamaats* (parties or organizations) active in the region, some of which explicitly advocate religious revival and renewal in order to introduce new religious screeds that contrast with the existing religious communities.

In so doing, such movements seek to bring about social and political changes in line with their interpretations of what an ideal Islamic society ought to be. However, such ideals can pose a significant challenge for the normative beliefs and practices found among local communities. Therefore, both the demographic dominance of Muslims within Pakistan-administered J&K and the presumed assertions of Islam as a tool for political mobilization—necessary for the creation of a separate Muslim state (Nasr 1994)—AJK is a particularly interesting site to explore how Islam is currently manifested within one side of the divided contemporary Kashmir.

The remainder of this chapter discusses a study undertaken in AJK between 2014 and 2018. An initial "mapping" of the region was conducted in order to both ascertain the Islamic movements active within the region and to attempt to classify them according to theory on religious movements (Rahman 2000; Olesen 2009; Haj 2009).

Although there is no official data on the religious traditions or dominations currently present within AJK, it is known that the vast majority of the population follows Sunni Islam, and many sub-groupings fall under this umbrella. Through extensive fieldwork and observations, the search described in this chapter found that devotional (Sufi) Islam was particularly pervasive within the contemporary Azad Kashmir context. Therefore, although a myriad of religious movements was found to be present with their own distinctly established identities and methods of engagement under the aegis, most of them are ideologically and doctrinally analogous.

Puri (2012, p. 59) supports this finding, describing how "the majority of the PAJK [AJK] population adheres to the Barelvi school of thought, which is manifested by large numbers of devotees at the mazaraats of Sufi saints in the area." Khan (2006, p. 26) classifies this branch of Islam to be devotional and describes their specific practices as "markers" of their identity entailing:

> [S]pecific ritual practices including Milad Sharif (celebrating the Prophet's Birthday), Giyarvin Sharif (the eleventh day feast), Urs Sharif (commemorating the death anniversary of a saint), Qawwali (devotional music), dhikr

(remembrance of God), khatam al-khawajgan (Conclusion of the Masters), Khatam (in honor of a deceased relative), Na'tsharif (devotional poem in honor of the Prophet), distributing langar (blessed food) and so forth.

The empirical data drawn upon for this chapter is taken from a study conducted on three Islamic movements in AJK who all described themselves as working to bring about change at a societal level through implementing their own Islamic vision. To categorize and subsequently study religious groups operating within AJK, the author drew upon literature on Islamic revival, renewal, and reform movements.

Islamic revivalism is not a new concept and encompasses many dimensions, as seen within the classical Islamic literature. Revival (*ihya*) and renewal (*tajdeed*) were interpreted to mean reactivating or resurrecting religious traditions and making them relevant to the people and their affairs in the contemporary world. Reform was used to describe *islah* (straightening) of both individual behaviors and religious practices with an Islamic revival as an end goal (Haj 2009). However, all terms have been used interchangeably in Islamic literature despite having different literal meanings and scope (Rahman 2000; Olesen 2009).

Islamic revivalism is, therefore, useful as a broad framework that describes how new (or renewed) theological interpretations about different aspects of Islam are adopted and promoted as a response to changing circumstances within society. Thus, by revivalism, the researcher describes attempts by organizations to interpret and employ Islamic teachings in order to actively work toward socio-political change, which is closer to Nasr's (1994, p. 3) definition of "Islamic revival as a social movement."

Employing the concepts described above, the researcher identified three types of reform movements, such as the Ahl-e-Hadith, Barelvi, and Deobandi *maslaks* (traditions), which are understood as inward-looking, *ulema* (scholar)-led movements that focus upon religious practices and beliefs. However, in contrast, groups such as the Tablighi Jamat and Dawat-e-Islami are *tableegh* (missionary in character). The third typology of movements within this category are the Sufi chains or *tariqas* which come from two classifications of the Sufis, the first is concerned with the Shari'a law, while the second kind of Sufi is heavily oriented toward shrines and *karamat* (miracle).

The study identifies and focuses on a second grouping which fits the characteristics of revival movements such as Jamat-e-Islam and Minhaj-ul-Qur'an these are also known as Islamic political movements which utilize social welfare infrastructure, such as modern educational institutions and healthcare facilities similarly to official governing bodies. After categorizing various Islamic movements present in AJK in this way, the study chooses to focus on three particular types of movements— apolitical Sufi, political non-Sufi or Barelvi and political Barelvi or Sufi—in order to gain an insight into how Islam is practiced and employed in order to promote social change within the region.

Apolitical Sufi: The Khanqah-e-Fatehiya of Hadhrat Sahib

As stated above, numerous Sufi orders are operating within present-day AJK. Khanqah-e-Fatehiya is one, and the tradition falls firmly within devotional Sufi Islam described in the section above. One member explained the priority it places on the spiritual development of followers:

> His [Pir Sahib's] focus was to build the character of the people, and teach people to earn even less but *halal* [permissible] because it has more *barakah* [blessing] … You have to spend this life with a purpose, and that purpose is based on spiritual enrichment.

This emphasis on "spiritual enrichment" is, of course, in keeping with the tradition of devotional Islam described within the region in the sections above. However, the order also placed importance on social engagement with the wider community. From its very emergence within AJK, the order emphasized providing services to the poor and thus changed the social fabric of its immediate community.

Hagiographies detailing the history of the order's founding saint Hadhrat Sahib of Kotli, afford him a prestigious linage. He is said to be the descendant of the first Rashīdun Calīph (leader of the first Muslim community after the death of the Prophet Muhammed), Abu Baker Al-Siddique. The family of whom, having ruled Yemen eventually migrated from the Arabian Peninsula into Iran, then Hindustan, and finally into Kashmir. Historical accounts describe how the family was held in high regard and esteem, as demonstrated by their employment

in senior administrative, judiciary and academic positions in Yemen, Iran, and India.

The earliest member of the family to settle in Kashmir was Qadhi Fatah-ul-Allah (d. 1677 CE). He arrived in the Mirpur District at the request of the local Muslim ruler of the area to perform the duties as a *qadhi* or judge. He is reputed to be the first to construct a mosque in the area (Nasr 1994, p. 18). In interviews conducted with members of the movement, they described how "Since the days of the Qadhi…the movement has built hundreds of mosques and madrasas in the Azad Kashmir region, and still, the numbers are growing" (Ishaq 2018, p. 55).

They went onto discuss how thousands of people had benefited from these institutions through the training of Huffāz (or Qur'an memorizers) and Imams to teachers, lawyers, and doctors. Details of the devotional practices of the Sufi *tariqa* were also described as being connected to the center, with a strong emphasis placed on worship through social and missionary activities of the "silent movement" (Ishaq 2018).

Contemporary Sufi movements such as this one utilize divergent strategies and instruments, including both traditional and modern, to induce positive changes in society. This particular order exemplified the significance placed on the relationship between the movement and the wider community in which it resides. A specific example is its reputation as an organization that funds the building of *masjids*. This has led in turn to the movement gaining a particular level of influence at grassroots levels, as the more masjids they develop, the greater their network becomes and the further their reach within the general populous, through sermons and mosque-based activities.

Jameel, a senior member of the Sufi order, who is also a lawyer by profession, explained how the Sufi order addresses more than its local congregation's spiritual needs:

> Though Sufism has mainly a spiritual impact on people, we can see in it other terms too. This district was one of the poorest regions in the AJK. Janaban [Pir sahib] arrived here and made it their center… there was no industry in Kotli… even today maybe some small units, but not industry… It's a consumer-based economy, which was too poor 50 or 60 years ago. There were a couple of mosques… he arrived here and then slowly… slowly developed this area.

He continues to reflect on the social impacts of the Khanqa

> If they are affiliated with the *khanqahi* system and recognize divine teachings… that the daughters have a share in the inheritance, and they start giving it… is it not a social change? There was no concept of it in the last 50 or 60 years, but now people recognize it.

The quote above describes both economic changes coming to the Kotli area, as well as facilitating local women's rights to inheritance, an issue which is almost taboo within the local setting.

According to some scholars, the order would not fit the definition of a social movement, as the mobilization strategies of the group do not strictly adhere to a definition that assumes an overarching aim to change society via political power and combative politics (Kumar 2000; Goodwin and Jasper 2003). However, sociologists have developed frameworks to study all dimensions of social movements, such as how they emerge, reach out to social actors, recruitment members, and the use of strategies to secure objectives (McAdam and Snow 1997).

We are prompted when Jameel asked his rhetorical question—"Is this not social change?"—to reflect on the impact such apolitical orders can have on empowering local communities and the extent to which they are social movements despite not engaging within political arenas. For the members of the Khanqah-e-Fatehiya order, interviews demonstrated that their commitment toward improving society was steeped in a form of all-embracing toleration, which sought to realign the individual with God through a process of self-reflection and service.

Shahid, for example, described how he joined the movement for his spiritual development. However, he also offered well-known stories of individuals who became active in providing community services as a result of becoming followers of the saint:

> Go down the road and look at Kalia, who was famous for arrogance and all types of social and religious ills… this person came near Hadhrat Sahib and now is a completely changed person.

Although the devotional expression of Islam remains dominant within contemporary Azad Kashmir since 1947, there has been an emergence of Islamic movements that place engaging with politics at their forefront. Several factors have contributed to the shift including the overseas migration of Kashmiris and their exposure to other parts of the Muslim world and subsequent adoption of other Islamic ideologies (Sadek 2016); as well

as the conflicts in Afghanistan and Kashmir throughout the 1980s and 1990s, which led many to seek out more politically active movements.

Political Non-Sufi or Barelvi: Jamat-e-Islam Azad Kashmir

Jamat-e-Islam (JI), founded in 1941 by the late Maulana Mawdūdī (d. 1979 CE) in British India (Jameela 1969), currently has chapters across the entire Indian subcontinent[14] promoting his ideological teachings. Rashid (2006, p. 356) describes how "JI is one of the most effectively organized religio-political movements and has played a critical role in shaping the nature and content of Islamic political discourse in Pakistan."

Interviews conducted with JI in members in AJK confirmed that the movement arrived in the area through a natural process of expansion, which was facilitated by the social and political climate after partition. In particular, however, the Kashmir uprising in the 1980s and 1990s helped the movement to fill a socio-cultural space in which it had the potential to operate. During this period, it invested a significant proportion of its time and energy toward recruiting local people during intense political tensions in the region.

The movement utilizes many techniques and strategies to mobilize its resources in accordance with the desired objective of attaining political power. Its institutions and policy practices are specifically adapted to meet the challenges they encounter within AJK's society. This study demonstrated that incentives or social exchange mechanisms, such as political *neindra* (votes in exchange for social services) and the creation of hospitals and schools, were undertaken exclusively to establish the altruistic perception of the JI movement.

The activists interviewed for the research argued passionately that the central objective of attaining political power could only be achieved through the established political process. This would then allow them to reform society along religious, moral, and ethical principles in line with the teachings of Mawdūdī. For example, one member stated during an interview that the main goal for founding JI in AJK was to "establish a state model of the Holy Prophet and then to work for the freedom of Kashmir" (Ishaq 2018, p. 65).

The study has aimed to probe such claims in order to ascertain the movement's influence within the region. JI activists and members maintained that the JI had an obligation to oversee the unfinished business of

the accession. This narrative was apparent in many interviews. It was also present within the literature produced by the movement, which encouraged participation in the Kashmir struggle. The conflict over Kashmir provided an important opportunity to flourish in AJK, which can be understood through writings on "political opportunity" within the social movement theory literature (Tarrow 1994; McAdam et al. 1996; Tilly 1978).

This opportunity, on the one hand, created incentives for mainly frustrated youth to join the movement and on the other for the JI leadership to position themselves within a narrative of supporting the Kashmir freedom movement when contesting elections. Fazil, a JI leader, described these objectives for the formation of the Jamat in AJK:

> It was necessary to move the freedom movement forward. At the final meeting of 1974—on July 13—it was established in Rawalpindi by Mawlana Sadrudeen and Abdul Khaliq; it was on Martyrs Day. The first aim was to establish a state model of the Holy Prophet and then to work for the freedom of Kashmir; these were two main objectives.

To achieve these aims, as per the findings of the study, the JI has fostered a holistic policy of indoctrination starting at the grassroots level in schools, colleges, universities, local and regional governmental departments (Newberg 1995, p. 65). The JI has clearly created for itself a niche within AJK's society by appealing to young intellectuals and activists. It seeks to inspire them with a call for a pan-Islamic vision, as propounded by the revivalist Mawdūdī, by highlighting the current political context which is deemed to be both Islamophobic and a potentially existential threat.

However, there was also evidence from the research that the movement was struggling in AJK on several fronts. The major issues identified include its ideological clash with the indigenous system of *biraderism* (stratification). The *biraderi* or caste system started mainly with the stratification of groups based on economic professions (Rao 2000). However, there is a smaller but also another significant system inside the *biraderis*. This is a sub-caste—referred to variously as *zat*, *jatior*, or *gote*—which seems a closer comparison than the caste system, or as Snedden describes, "a group united by kin and/or shared blood" (2012, p. 130). This is supported by Bonney, who, while exploring British Kashmiris, defines

biraderis as: "Kinship groups encompassing immediate and extended family bloodlines" (2014, p. 16).

This kinship system is very important as it plays its role in the elections, where the majority of the people support their own biraderi candidate rather an ideology or manifesto they stand for. Most JI activists within AJK hail from the very same system, and as such inherent contradictions were observed by the researcher among members who, despite their best efforts to encourage electorate loyalties with the movement, were still positioned along biraderi lines.

The other major obstacle noted, entails the perception of their hostility toward other inward-looking Islamic movements in the region. They face a constant barrage of accusations that label them as being antagonistic to the existence and devotional practice of Barelvi and Sufi doctrines. This has led to accusations of extremism and their promotion of a Wahhabism (an ultra-orthodox Islamic movement originating in nineteenth-century Saudi Arabia) that was alien to the AJK landscape. This has naturally impacted their recruitment strategy and debilitated opportunities for their activists to contest elections or receive enough votes to hold public office.

The activists of the JI movement are, however, reflective enough to declare openly that the movement must reform along the lines of successful international Islamic parties to attain the desired success of acquiring political power in the region.

Political Barelvi or Sufi: Minhaj-ul-Qur'an

In addition to JI, the third movement studied in AJK was the Minhaj-ul-Qur'an as it represents the emergence of a new form of Islamic propagation in the region. The Minhaj-ul-Qur'an was founded in 1980 by Dr. Muhammad Tahir-ul-Qadri in Lahore,[15] to counter contemporary socio-economic and political issues within the *ummah* or the global Muslim community (Al-Qadri 1996, 2000).

The movement organized a "Jihad Kashmir" conference in 1990, where they promoted the ideal of an independent Kashmiri state. Here Dr. Qadri argued that the current approaches to independence or accession had become redundant and that *jihad* should be incited for the freedom of Kashmir rather than for its accession to Pakistan (Qadri 1992). Having vocally supported self-determination for the people of Kashmir, it allowed the movement to legitimately claim a place within the social movement landscape of AJK.

During interviews with members of Minhaj-ul-Qur'an, when asked to describe the movement's goals and objectives, participants overwhelmingly resorted to directly quoting Dr. Qadri on various issues. They also frequently showed the author's online videos or texts to demonstrate his perspective. When probed to describe the focus of the movement in AJK, one respondent stated:

> [T]he problems of today's ummah were not partial, and by applying limited strategies, one couldn't solve [all the] issues. Over the last twelve centuries, partial issues were solved with a single strategy, whereas, in the last two centuries, the Muslim ummah has required a full program of change.

However, what the nature of this "full program of change" entailed was never revealed to the researcher. Observations of the Minhaj activists demonstrated that they were not as organized or connected as the previous two groups discussed, nor did they have similar levels of influence within the community. What was highlighted by the research was that Minhaj-ul-Qur'an activists in AJK were a marginalized fringe of the Lahore based movement. It was observed that their primary function was to provide local people with information about the movement as a way of recruiting more followers. However, they did not appear to have any decision-making or leadership role.

Although the ideology of Minhaj-ul-Qur'an is heavily based upon the personality of the Holy Prophet and reflects the Sufi and sub-continental Barelvi interpretations of Islam, it is also embedded in the personality of its founder, Dr. Tahir-ul-Qadri, who has adopted digital resources such as online lectures to reach potential members. Although Khan (2006) identifies Minhaj-ul-Qur'an as a modern-day neo-Barelvi movement due to its combination of ideology and technology, he also recognizes that most traditional Barelvi organizations do not associate with the movement, and some even claiming it to be a sect.

Certainly, within AJK, the Minhaj-ul-Qur'an had been unsuccessful in recruiting followers away from the more traditional devotional Sufism found within the region. Furthermore, although the movement focuses upon many societal factors such as education, welfare, politics, and *da'wa* (teaching Islam), it is concluded that the activities of the movement are extremely unsophisticated in comparison to others mentioned here. For example, Jamat-e-Islam has material resources, political opportunities, and strong organizational networks.

Additionally, the study found that Khanqah-e-Fatehiya holds wider social and religious acceptance, with access to grassroots communities through a network of mosques. However, Minhaj-ul-Qur'an—being a relatively new movement—has struggled to make a substantial impact within the AJK. In many ways, it should have, in theory, at least appealed to younger generations in AJK. Due to being embedded within similar Sufi teachings and its use of online platforms, the movement is both ideologically and technologically accessible. However, perhaps it is the fact that it does not differ so radically to the multitude of traditional Sufi orders present in AJK that it has been unable to tap into an audience of young people seeking an explicitly alternative ideological approach, such as that provided by JI.

Discussion

This chapter attempted to demonstrate how, despite being full of conquest and political intrigue, historically Islam within Kashmir has maintained a strong adherence and association with devotional expressions of faith. History, as recalled by the *Rājataraṅginī*, chronicles the arrival of the Muslims into the region, as advisers, military commanders, and most of all spiritual guides and holy men.

The chapter then moved onto discuss the findings from a study on contemporary socio-religious movements in AJK. The three groups explored here reveal that indigenous devotional movements retain their prominence, significance, and relevance for the masses. Islamic political movements, although present, had not made as much headway as one may imagine, given the disputed nature of AJK. It is argued here that the Minhaj-ul-Qur'an represents a fringe element contending for space through online platforms, with the potential to attract younger members of AJK and thus the devotees of tomorrow.

The JI, although useful and influential within the region through its institutions, remains unable to contend with the internal mechanisms of AJK society, such as kinship networks, which have developed over the centuries. Furthermore, any right-of-center movement, such as the Arabian inspired Salafi schools, which brand the practices of devotional Islam as un-Islamic and *mushrikana* (polytheistic), are commonly challenged within the region as *gustakh-e-rasool* (blasphemous toward the Prophet), and thus *kāffīr* (forbidden). Such movements are grouped together as *Wahhabi*, a term utilized with derogatory connotation in the

region (Sadek 2016). This demonstrates, to an extent, the divergence between the two approaches to faith.

There is, however, another unique factor that has contributed to the lack of sectarianism and violence in AJK. This is the inclusion of clergy within administrative processes. AJK has two levels of *muftis* (those issued with official religious decrees) and *qādhīs* (those who sit with the judges in the courts). Muftis at district and sub-district (*tehsil*) level manage and administer different religious affairs, such as *nikahs* (Islamic marriages) and government-sponsored Qur'an schools. They issue *fatwas* on religious matters and settle religious issues within communities. Such officials are graduates of the traditional *Dars-i-nizami* (an eighteenth-century syllabus still used for classically trained Islamic students) while those who practice as *qādhīs* are also graduates of secular law programs.

The adoption of this practice is both cognizant and a continuation of the Mughal policy to institutionalize Islam into the fabric of the state governance and legislative system. It aimed to be inclusive of all segments of society. Through discussions with local clergy and administrators in the study, it is argued here that as a result of this system, AJK has not been beset by sectarian clashes, as the case with the neighboring Punjab province, other parts of Pakistan and the wider Muslim world (Farooqi 1999).

The study, therefore, has found little evidence of any significant erosion of the traditional devotional Sufi Islam, despite the potential for politically focused religious movements to gain a platform based on the Kashmir dispute and implement their agenda of Islamic revivalism to gain political power within AJK. Thus, the chapter argues that the influence of devotional Islam, imprinted over centuries, remains the most prominent way in which people understand the practice their faith; and the continuation of the *biraderi* or kinship networks present in the region well before the current political situation, confirm that blood is thicker than ideology when it comes to political matters.

Notes

1. The Nīlamata or Teachings of the Sage Nīla, the chief of the Nāgas, is the oldest extant written record which deals with the holy legends regarding the origins of Kashmīr and its sacred places.
2. The Puranas reveal that he is a primal being of creation and is considered a servant and a manifestation of Vishnu: "It is said that when Adishesha

uncoils, time moves forward, and creation takes place; when he coils back, the universe ceases to exist." See Handa (2004).

3. "Shesha" in Sanskrit texts, especially those relating to mathematical calculation, implies the "remainder"—that which remains when all else ceases to exist.
4. The original city is situated four miles from the current city center and is referred to as Purānādhisthāna.
5. Bhatta in modern Kashmiri is Bata—a Brāhman r a Kashmiri Pandit. Bhatta is derived from the Sanskrit *bhartar* which in Prakrit form gives us Bhatta and means a great and learned teacher.
6. It was authored by Vasgupta and his pupil Kallata who lived in the reign of Avantivarman (855–883 CE).
7. Composed by Somānanda but chiefly by his pupil Udayākara.
8. *Chach-nāma* is the Persian translation of the Futū-us-Sind (in Arabic) by 'Alï bin Hāmid bin Abū Bakr Kūfī. This presents us with a detailed account of the region during Muhammad bin Qāsim's conquest of the Sind.
9. Stein, M. A. 1800. Vol. 1, p. 154; verse, 397, Book IV.
10. The Kalhana's name for Sultān Mahmūd of Ghazna, which is an adaptation of title "Amīr-ul-Mumīnīn."
11. This account is chronicled in the writings of Abu'l Hasan 'AlīFarrukhī (d. 429 AH/1037 CE) who accompanied the Sultān (Sufi 1948, p. 59).
12. Stein, M. A. 1800. Vol. 1, p. 357; verse, 1149, Book VII, footnote No. 1149.
13. Stein, M. A. 1800. Vol. 2, p. 217, footnote Nos. 2762–64.
14. Presently, Jamat has six chapters—Jamat-e-Islami or JI India, JI Pakistan, JI Bangladesh, JI Sri Lanka, JI Indian-administered Kashmir, JI Pakistan-administered Kashmir or JI AJK and JI Gilgit–Baltistan. Jamat-e-Islami J&K was separated from JI India due to different political environments but Jamat-e-Islami AJK or Azad Jammu and Kashmir was founded much later and through the influence of JI Pakistan. Its main leadership was from AJK and some of those who migrated from IAK to PAJK. JI AJK was established on July 13, 1974. The reason for its delayed formation was that the Muslim Conference was the main political party of AJK.
15. Founded on October 17, 1980.

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PART III

Case Studies from the Jammu Province and Ladakh

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CHAPTER 9

The Story of Mirpur: From Magnificence to Marginalization to Migration

Awais Hussain and Shams Rehman

Introduction

Within the erstwhile state of Jammu and Kashmir (J&K), Mirpur was the third-largest center for trade and commercial activity after Jammu city and Srinagar. It was also the second-largest valley in the state after the Kashmir Valley. Today, however, the Mirpur region of J&K is best known as the origin of a large diaspora in the United Kingdom (UK). Mirpuris are now an established community in Britain, so much so that Mirpur itself is colloquially referred to as "little Britain" as a result of the transnational connections.

Before the establishment of Jammu as a province in 1819, Mirpur was one of several independent fiefdoms (as were neighboring Bhimber and Kotli). It became part of the princely state of J&K upon its formation in 1846. With the partition of the J&K in 1947, Mirpur became a district within Pakistan-administered Azad Jammu and Kashmir (AJK).

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By the 1960s, the historic city known as Old Mirpur was destroyed by a hydropower project initiated by Pakistan, known as the Mangla Dam.

The contemporary Mirpur area is divided into the districts of Bhimber, Mirpur, and Kotli. Inaccurately regarded as peripheral in wider Jammu and Kashmir society and politics (McLoughlin and Kalra 1999), the Mirpur region has a rich sociocultural, political, and linguistic heritage, yet it remains grossly under-studied and undervalued. The Mirpur region surrounds the confluence of the Poonch and Jhelum rivers, transitional between the mountains of the Pir Panjal range and the plains of the Pothwar. As such, its people draw from the Pahari, Gojri and Pothwari cultural spheres (Hussain 2015).

Academics estimate that around two-thirds of the British Pakistanis originate from AJK, mainly from Mirpur (Ballard 1983). Based on estimates and local anecdotal knowledge, Birmingham is home to 100,000 (Azad) Kashmiris, followed by Bradford, with its diaspora population estimated at 70,000. Although populations are reported in larger cities such as Manchester, Newcastle-on-Tyne, and Glasgow in Scotland (Communities and Local Government 2009), there are substantial settlements outside Birmingham and Bradford across parts of Britain where shortages in post-war labor occurred, including Luton, Watford, High Wycombe, Oxford, Slough, Derby, Nottingham, Burton, Stoke, Sheffield, Leeds, Derby, Rochdale, Oldham, Blackburn, Huddersfield, and Middlesbrough.

In the absence of official statistics on the community (see Hussain 2015 for a discussion), a recent study by Manchester University and Rochdale Borough Council developed a formula to extrapolate a figure for Azad Kashmiris in Britain. The research resulted in estimates of between 700,000 and 800,000 Kashmiris (Kalra et al. 2019), of which 600,000–700,000 are from Mirpur (Lothers and Lothers 2012). Furthermore, Pahari, the language spoken in Mirpur, is estimated to be the second most common mother tongue in Britain, yet due to complications of identity and politics, it is rarely recognized and is yet to be officially documented in the UK (Hussain 2015).

There appears to be a great deal of contestation regarding the diaspora's migration story at first glance of the academic literature on the community. The majority of writers describe migration from Mirpur to Britain as having occurred due to the construction of the Mangla Dam in the 1960s. The city of Mirpur, together with 300 surrounding villages, was flooded, displacing more than 100,000 people (Modi 2009; Lothers and Lothers 2012; Kalra 2019). Yet a notable trend in migration began at

least one hundred years before the Mangla Dam was even imagined when men from Mirpur worked on British merchant navy ships. They boarded at the ports of British India, including Bombay and Karachi, and disembarked to work in the British coastal towns, including Liverpool and Hull (Ballard 1983; Dahya 1974; Saifullah Khan 1977).

A closer look at common perceptions of the Mirpur Dam-led migration story reveals that those who focus on cultural and anthropological aspects of the diaspora—namely, migrant networks—pay little attention to other structural factors, such as the role of the J&K state and its political history of oppression. In this chapter, we fill in some crucial gaps in the Mirpur migration narrative by providing important historical context. We demonstrate how there was already a long-established trend of economic migration from Mirpur to locations both within the subcontinent and overseas. Therefore, although submerging the city of Mirpur along with 300 villages and 65,000 acres of fertile land no doubt accelerated migration to Britain, there was already an established "chain migration" process that facilitated relocation for work. Thus, migration most certainly did not commence with the construction of the Mangla Dam; however, the catastrophic displacement that accompanied it led to far larger numbers of migrants than ever before.

A Brief History of Mirpur

Ancient writings on Kashmir began in 1177 CE with text such as Pundit Kalhana's and the *Raja Taranagni* (*Chronicles of Kings*). The overwhelming majority of this writing from the twelfth century to this day remains focused on the Kashmir Valley for two reasons. Firstly, it was a hub of both military and political power, which came with it an investment in art and literature. However, as it lost its sovereignty to the Mughal invaders in 1585 CE, it also became the center of resistance to foreign occupation. After the Mughals were defeated, Kashmir was invaded and ruled by Afghani Muslims and then by Punjabis Sikhs.

Throughout this history, Mirpur was part of the geographical boundaries of the Jammu province, and thus, whenever Jammu was captured by the various Kashmir Valley-based rulers, Mirpur, and surrounding areas came under their Srinagar seat of power. This included the Mughal, Afghan, and Sikh periods when Mirpur—along with the rest of Jammu and Kashmir—moved from one sovereign ruler to the other. Although there is negligible historical writing on Mirpur, there is a plethora of

evidence that demonstrates it is among the most ancient sites within the region of the Indus Valley civilization.

The Azad Kashmir government recently took control of eighty-five structures as heritage sites, including forty-seven in the Mirpur region (in the Kotli and Bhimber districts), in an attempt to preserve and study them (Naqash 2019). Recent archaeological findings include the rock carvings discovered in Chitterpari (*The Nation* 2013) on the outskirts of Mirpur city, which indicates a Stone Age settlement. The fact that Mirpur is home to numerous ancient monuments, temples, and memorials—particularly the Shiv Mandir, the Raghunath Temple, the Mina Mandir, the Ramkot Fort, and the Jeera—points to the region's cultural heritage.

Another glimpse into early history can be observed through the etymology of place names, with toponyms like Tangdew, Chaomukh, and Mangla deriving from local Pahari–Pothwari and inextricably related to ancient prakrits and Sanskrit. The etymology of Mirpur itself is difficult to discern being largely based on oral history accounts. It has been suggested in *The Imperial Gazetteer of India, Kashmir, and Jammu* (Lawrence 1909) that Mirpur was founded by the Gakhar Rajput chiefs Miran Khan and Sultan Fateh Khan, taking its name from the former. In another account, Mirpur was named after the Muslim saint Miran Shah and the Hindu saint Gosain Bodhpuri (known as *Sai Puri*), whose shrines were situated in Old Mirpur and can still be visited when the dam's waters recede. It is likely that the name was originally Miranpuri but gradually became Mirpur or was shortened to Mirpur when written in Sanskrit. As such, the compound of names with *Miran* (remaining as *Mir*) from Miran Shah and *Puri* (surviving in *pur*) from Sai Puri can be seen as symbolizing an idyllic archetype for Hindu–Muslim harmony (Gupta 2012). As people frequented these shrines, a marketplace grew and gradually developed into the village and then the city, which then gave its name to the larger district.

The oldest maps[1] mentioning Mirpur illustrate that the location of its urban center shifted over time. The old village of Mirpur was located close to where the two rivers (the Poonch and the Jhelum) met. The village of Chaomukh, which had official status as a place for maintaining law and order, hosted the police station and post office. Nearby Old Dadyal was an established center of culture and trade and thus the commercial hub of the wider Anderhal area.[2] The fourth location marked is the village called Hill by the River Jhelum, which acted as a crossing point from the Mirpur region to the Pothwar for customs purposes. All four locations, together

with the historical monuments mentioned above, were submerged under the waters of the Mangla Dam in the 1960s.

The town also formed part of an important route for the Mughal emperors traveling to their capitals, as evidenced by the remains of the long-standing Kalarwari Masjid and the Jeera (situated near Paleer Sharif) a mausoleum of four graves said to belong to Mughal princesses (Hussain-Arrvi 2015). It is highly likely that some Mirpuris traveled with the foreign raiders, either as captured slaves or guides to the cities of Mughal India, which has remained an unexplored area of research.

Mirpur and the Erstwhile Princely State of Jammu and Kashmir

On March 16, 1846, Kashmir and its adjacent hilly regions were taken as war indemnity from Punjabi Sikh government and sold in perpetuity by the British East India Company to Dogra Raja Gulab Singh for £300,000. The exchange was offered as a way of thanking the Dogras and their leader Gulab Singh for their services in helping the British to defeat the Sikhs in a war over Punjab. The Dogra prince was thus able to acquire and establish the state of Jammu and Kashmir, which has remained divided, occupied, and disputed between India and Pakistan since 1947.

Maharaja Gulab Singh and his successor princes had sole proprietary rights over the territories of Kashmir as a result of the transaction laid out in the Amritsar Treaty (Ahmad 2003). J&K, therefore, became one of 565 princely states in the subcontinent, externally controlled by Britain as the suzerain, but internally autonomous. The River Jhelum differentiated the *Ingrezi ilaqa* (British area) under British rule from the *riyasati ilaqa* (state area) under the Dogra regime, commonly known as the *riyasat* (state).

Many writers, including several in the present volume, describe the Dogras as brutal rulers of Jammu and Kashmir (Rai 2004), and this was no less so for Mirpur. They chose *zaildars*, *moqadam*s, and *numberdar*s (revenue collectors), *chokedar*s (informers or guards), and the like from the Muslim community, in order to maintain the law in their respective areas, as well as to collect land and other taxes (known as *maalia*). The masses were miserably poor. Those opposed to the Dogra despotism were reported to the police and dealt with ruthlessly. Muslims of the Kashmir Valley were limited in that they were not allowed to join the army, the police, or any other state institutions. The majority of government posts were handed to loyal Hindus and Sikhs (Wani 2015).

Access to education in Mirpur was negligible except for Dogra elites and Brahmins (Azar 1984). With education comes empowerment, and the lack of facilities for the Muslim-majority areas was a deliberate strategy in order to propound a vicious cycle of oppression and poverty. Three-quarters of the produce went to the Maharaja's granaries, leaving those who tilled the land with only a quarter of the outcome of their toil. As Bamzai (1994, p. 668) put it starkly: "the tiller of the soil paid heavily in taxes," furthering the deplorable conditions of the agrarian societies. Ahmad (2003) describes how the Dogra state involved discrimination against the Muslims not treated as equals with their Hindu brethren, simply on the basis of religion. As such, it is not surprising that political efforts usually employed religion as a vehicle to motivate the lower classes (see the chapter by Bashir in the present volume), and that political movements took on a "religious coloring," with mosques and shrines being platforms. When Sheikh Abdullah, a central figure in the politics of Jammu and Kashmir, came to Mirpur, he addressed a vast audience at the ruins of the Jeera and Paleer Sharif shrines, both since submerged by the dam (Hussain-Arrvi 2015).

Rehman (2020), however, argues that the literature on J&K views the Dogra state primarily through a religious lens as a Hindu state, rather than the lens of social structure—namely, class, caste/*biraderi*,[3] and the feudal monarchic structures of exploitation and suppression that also existed. While there is no doubt that religious discrimination existed against Muslims, Dogra rule was rooted in and marked by *biraderi* or clan affiliations and politics. This meant that Dogra Hindu Rajputs were at the top of the hierarchy, followed by Muslim Chib and Muslim Gakhar Rajputs.[4] This, he argues, has been eclipsed by descriptions of religious differences between the ruler and the ruled.

The structural inequalities that existed in Mirpur led to a sustained uprising, which commenced in December 1931. Locals protested against the oppressive Dogra by refusing to pay brutally imposed and discriminatory taxes (Azar 1984). This was followed by protests against money lenders who imposed hefty interest rates, not dissimilar to the notorious payday lending in Britain and North America (see Packman 2014). This protest took on a communal face, given the masses were Muslims, and the money lenders were Hindus (Kalra 2019).

Unable to quash the uprising, in April 1932, the Maharaja asked the British for assistance. They responded by sending in forces led by Major

Salisbury, who produced a report which provides one of the most important historical accounts of the unfavorable conditions of Mirpur under the Dogra regime. It is against the backdrop of this unapologetic oppression that the average Muslim household was forced to supplement its income by taking up employment elsewhere. A system of structural inequality meant that they were purposefully kept illiterate, denied employment within the state institutions and their land, property, and produce so heavily taxed that they often had no choice but to lend from loan sharks in order to pay the menacing revenue collectors (Qureshi 2005).

The misery experienced by the masses in British India led to a new political leadership that envisaged a separate state to safeguard the interests of the Muslim population in granting freedom for minority religious groups through the formation of Pakistan. The Maharaja of Kashmir, however, neither wanted annexation with India nor Pakistan. Nevertheless, uprisings and attacks instigated by raiding tribesmen from the North-West Frontier Province (unofficially supported by Pakistan) in Mirpur and Poonch instrumentally affected the Maharaja's decision, who acceded to India for military support (Mushtaq 2012). In October 1947, the western and northern districts of Azad Jammu and Kashmir and Gilgit–Baltistan went to Pakistan for administrative control, while the remainder of Jammu and Kashmir was to be administered by India (Bazaz 1953).

Mirpur and Its History of Migration

One crucial factor for the higher propensity of people from Mirpur to migrate is its geographical location. Mirpur lies close to the state's border and is in close physical proximity to the river, which provided access to other regions for work. There were fewer restrictions on mobility, whereas, for others—such as the people of the Kashmir Valley—official approval had to be gained from the Dogra under the system of *rahdari* (travel permits) before they could leave the state (Lawrence 1895).

Labor in the village regions of Mirpur was mostly agricultural, with the skilled occupations being allocated to people based on their caste community. It was also common practice for men from villages neighboring the Jhelum River to gather timber logs.[5] Forestry from Kotli and beyond provided an abundance of deodars and other trees, which were brought by contractors to Mirpur to be cut, dried, and eventually transported by water to ports in the subcontinent. The river formed a

natural transportation system, and the heavy rainfall and the thawing of snow from the mountains to the north provided natural fuel to push the timber downstream. Almost four-fifths of the men of Chhatro (a village in the Anderhal area) were employed by contractors to work on the river catching logs. It was a dangerous endeavor, as the fast-flowing currents threatened lives. Safety precautions were virtually non-existent, yet the people were so desperate for any form of employment that they took the risks associated with such work.

For many years migration researchers in the UK were puzzled as to how a specific group of men from a remote and marginalized area of South Asia managed to find employment in British merchant navy ships. Ballard (2003), referring to work by Allchin and Allchin (1982), argues that the story begins with water trade in Mirpur and surrounding areas, which can be traced back as far as four millenniums. There is historical evidence that the Khari *ilaqah* (region) of Mirpur is where the Battle of Hydaspes occurred on the east bank of Jhelum in 326 BCE (Naqvi 2013), during which Alexander the Great defeated the ancient Indian King Porus. Naqvi (2013, p. 16) writes,

> Subsequently, after Alexander decided to take his army down the course of the Punjab rivers to the sea, his officers built a fleet on the upper waters of the Jhelum River. The historic voyage began in October 326 BC, perhaps from somewhere between the present Mangla Dam and Rasul Barrage.

Therefore, the site had a long-established boat building industry, and it is here that the first link between the boat builders of Mirpur and the British ships within the colonial context can be explained.

When the British built the railways of India, which reached Jhelum city around the 1860s, the boat trade was heavily impacted as cargo was consequently sent across the subcontinent by train. The long-distance water trade subsequently diminished, and it was around the same time that British colonial ships adopted steam power in place of sails. It is assumed that many of the boatmen from Mirpur and Attock (in the present-day Khyber Pakhtunkhwa) found themselves out of work as a result of the railways and opted for employment in port cities like Bombay and Karachi.

In 1853, a P&O office was established in Bombay, which enabled men to be recruited to fulfill specific roles needed by the shipping company. A

manning structure was developed, which allowed the men from Mirpur to be employed for generations to come. Hundreds were recruited from the docks to carry out unskilled manual labor in a range of positions: as *agwalas*, who threw coal into the furnace of the ship engine; *cassabs*, who managed the deck stores; *bhandaris*, who cooked for the crew; and *serangs*, who worked as foremen in the engine room.[6] Many villagers traveled for extensive periods to reach the ports of Bombay where they waited for days on end for recruiters from P&O and other shipping companies to offer work. Where they were able to, some of these men acquired other employment in Bombay during the wait. This often consisted of whatever menial work was available.

The umbrella term *lascar*, descending from the Hindi *lashkri* (soldier) and ultimately the Farsi *lashkar* (military division), was used to refer to sailors from the subcontinent in general, and Mirpuris formed a bulk of those *lascars* who manned British ships. The head of the deck and engine *lascar* crews was known as a *serang*. The title *serang* still holds prestige, and it derives from the Perso–Urdu *sar* [head] and *hang* (authority)—i.e., the foreman—of the ship. Through the process of lexical evolution, this became *sring* and even *singh* in the Mirpuri vernacular, used as a nickname for many elders who worked in such positions. Many notable people from Mirpur were *serangs*, including Ghaus Mohammed Sring of Potha Bangash, Khan Mohammed Sring and Allah Dad Sring of Mohra Moqadam, Bawa Ghulam Hassan Sring of Mera, Pind Khurd, Isa and Musa Sring of Tangdew, Choor Sring of Bathroi, Mohammed Alam and Sher Baz Sring of Dorunni, Rehm Ali Sring of Chakswari, Mehtab Deen Sring of Ankar, Jamal Deen Sring of Chhatro, and countless others who are revered by their descendants.[7]

The Construction of the Mangla Dam

The partition of 1947 left the legalities over Jammu and Kashmir's rivers unsettled, resulting in lengthy negotiations concerning water rights between India and Pakistan. In 1960, an agreement was finally made in the Indus Waters Treaty. Pakistan gained rights over the three Western rivers—the Indus, the Jhelum, and the Chenab—while India took control of the three eastern rivers, the Ravi, the Beas, and the Sutlej (World Bank 2018). The Indus Basin Water Project followed from this, designed to ensure that Pakistan received water from the Indus, regardless of India's intervention. This project theorized two dams for Pakistan's electricity

needs—the Mangla Dam on the River Jhelum and the Tarbela Dam on the Indus River.

A decision was made to build the Mangla Dam for irrigation storage, flood control and to supply electricity to the expanding Pakistani economy. Mangla arguably serves as a gateway to Kashmir, as it presents a strategic point in terms of the historical Mangla fort adorning its raised ground and being adjacent to where the river Poonch diverges from the Jhelum. The village's classical and mythical heritage is preserved in its name, in dedication to the Hindu mother-goddess Mai Mangla Devi whose temple existed within the Mangla fort (Bashir, n.d.).

The responsibility for undertaking this immense project was given to the Water and Power Development Authority (WAPDA). Preliminary studies investigating the Mangla Dam's feasibility were completed in 1958, and a finance award (funded by the World Bank) was granted to a consortium of eight American organizations. These were the Guy F. Atkinson Company of San Francisco (the leader of the consortium), the Chicago Bridge and Iron Co., S. J. Groves and Sons Co., Charles L. Harney, Inc., C. J. Langenfelder & Son Inc., Ostrander Construction Co., R. A. Trippeer, Inc., and the Walsh Construction Company. Physical construction began in 1962, lasting until 1967.[8]

Although talk of Pakistan building a dam in Kashmir had reached newspapers by the 1950s, the people of Mirpur were oblivious to the plans and only anticipated it once construction became apparent. In 1952, Abdul Khaliq Ansari, an advocate and social reformer, founded the Awami Conference to resolve Kashmir-related conflicts. He led the Mangla Dam Front to work against the building of the dam. However, by then, construction was already underway, and the common people stood little chance of opposing the government of Pakistan and its military. Local people were inevitably unwilling to leave their homes. Ultimately, with no power, authority, nor any kind of influence to negotiate the terms, they were unable to stop the construction of the dam on land that was not even subject to Pakistan's rule.

In efforts to control the resistance and settle public anger, Azad Kashmir government officials made promises of free electricity to those affected by the dam during public meetings. However, the officials had no legal or constitutional authority to make such offers on behalf of Pakistan, and the promises were never fulfilled.[9]

The dam devastated Mirpur. Thousands of ancestral homes were erased, and centuries of architecture was ruined. More than 110,000

people were displaced, and 300 villages submerged with no trace (Terminski 2015). The dam necessarily entailed migration because it displaced thousands, however as stated, it was not this event that initiated overseas migration from the area.

Compensation money was used to invest in lands of the Punjab and Sindh provinces, and many families affected by the dam moved to live with or build homes near relatives in unaffected villages. Others bought land and settled in towns such as Chitterpari, Dina, Toba Tek Singh, Gujranwala, Jauharabad, Sargodha, Sangla, and even as far as Multan. New residential areas were founded and named in remembrance of previous homes—New Mirpur City, New Dadyal, New Gulpera, New Islamgarh (Akalgarh), and New Laddar. New towns were created to facilitate the rehousing of displaced people, notably Hamidabad Colony and New Abadi Chakswari.

The idea that "displaced Mirpuris used their compensation money from their lost lands to cover their travel expenses to England" (Lothers and Lothers 2012, p. 1) requires evidence, as the distribution of finances for lost lands is an entirely different line of inquiry, which has not been adequately investigated. Although attempts have been made, there are political convolutions that have prevented publications on the history of the Mangla Dam. Muhammad Saeed Asad, an author and academic of the National Institute of Kashmir Affairs, Mirpur, has written numerous pieces on Kashmir and the Mangla. He was reproached by Pakistan's military intelligence for writing on what they called a "sensitive matter," making it a "crime" to express evidenced opinions on the dam's reverberations (Mahapatra and Shekhawat 2007, p. 157).

Abdul Khaliq Ansari expresses the overwhelming melancholic sentiment still felt by the Mirpuri people about the dam:

> Who would abandon their mothers' and fathers' graves? Abandon their masjids [mosques]? Our people and future generations—they won't know what this submerged part of Kashmir, submerged Mirpur, was like. It was like this: there were gardens, various beauteous gardens, and lush green lands. These people only now see the remnants, small stones here and there, and they think, perhaps this was Mirpur. But Mirpur was fertile; that was drowned. And it had an ancient culture, old memories, which have, one by one, been buried and destroyed. In terms of our context of oppression, I say that there is no difference between our being enslaved or free. They previously said, "we'll make Kalabagh Dam; it's a necessity." And so it happened. But we are a free people and said: "We won't let them

> build it." [But in the end] We're an enslaved people, and they wished to make the dam, and so they made it. Because slaves don't have a voice.[10]

Large-Scale Migration from Mirpur to Britain

The notion that Mirpuris "began to migrate when the town and surrounding areas were submerged by the waters of Mangla Dam" (Communities and Local Government 2009, p. 6) is contradicted by the fact of large-scale immigration during the 1950s. Furthermore, it takes no account of the fact that the waters did not actually consume Mirpur until the late 1960s or the historical migration that took place long before.

From the 1940s, it is evident that mass migration had been initiated as men left the Mirpur area in search of employment "in fairly large numbers" (Wreford 1943). Britain saw an influx of Mirpuri men arriving in search of work to fill the labor gaps after the war. At this stage, settlement was sporadic, but the news of work being available spread in the villages and attracted many people to *walayat*[11] where one could earn a living. Once migration was initiated from an area, other men from the extended family and village network were sponsored and invited (Peach 2006).

Mirpuris often stayed in Karachi, then the capital of Pakistan, for up to a year or longer, until passports were issued. They would lodge and often work alongside a contact from their village, who was already based there. The journey to England would take them via the Middle East, passing through areas such as Baghdad, where there was an embassy if the application was not already completed before departure in Karachi. They would eventually reach London Heathrow airport to be met by kith and kin already established in Britain. The jobs mainly available to such men were those left to the lower strata of society—the most unsociable, low-paid, and unskilled jobs that the indigenous population is reluctant to carry out. These included working in the textile mills and foundries. These apparent vacancies offered prospects for Mirpuris to earn for their families.

Migration is often discussed as the result of a combination of push and pull factors (Peach 2006). These refer to motivations and conditions in both the "sending" (origin) place and the "receiving" (destination) one. Castles and Kosack (1973, p. 26) write

> The causes of the migratory movements which have taken place since 1945 are far too varied and complex to examine adequately here. But we may note certain general features which apply in nearly all cases. It is necessary to differentiate between the 'pull' factors, which have attracted migrants to certain Western European countries and the 'push' factors, which have caused them to leave their home countries.

The migration process from Mirpur to Britain is generally explained by the notion of "chain migration" during which the earliest migrants were able to leave their ships and find work in the coastal towns of Britain. During the 1940s, they invited others from their villages to join them (Ballard 1987). Saifullah Khan described how the mentality of these early migrants was that "No villager will go [abroad] without some established contact" (1977, p. 67). This, as pointed out by Kalra (2019), meant that everyone who came to Britain after the initial pioneers had family or friends who had already migrated. While he acknowledges that an "environment of migration" (ibid., p. 85) was created in Mirpur due to working for the merchant navy, he argues that this is insufficient to explain the mass migration that occurred from Mirpur to Britain in the 1960s.

However, an understanding of kinship provides answers to this lacuna. *Biraderi* is a sociocultural phenomenon in the Indian subcontinent. *Biraderi* itself derives from Persian word *biradar* (brother) and is a cognate with the Sanskrit *bhratr* (Alavi 1972), a kinship system of brotherhood, alluding to its ancient origins. The denotation of *biraderi* varies per semantic context, as it can refer to members of the same patrilineage, to fellow villagers, or more generally, to those who participate in *vartan bhanji–bartan panji*, which in dialects of Mirpur, covering customs such as *nendra* (gifting at weddings) and attending a *poori* (funeral ceremony). The close-knit social sphere means that the people of Mirpur are quickly able to establish a good rapport based on the overwhelming reality of sharing mutual relatives or acquaintances (see the chapter in the present volume by Ishaq for more discussion on *biraderi*). Saifullah Khan epitomizes this in the statement—villagers who had work in Britain sponsored their immediate circle, who, in turn, invited theirs.

The 1948 Nationality Act introduced many categories of people to the list of Commonwealth and colonial citizens, thus recognizing their entitlement to work and bring their families to settle in Britain. By 1962, the majority of adult male migration, for those who were able to travel

to the UK, was already complete. The Commonwealth Immigration Act 1962 established a voucher system which required migrants to prove they already had an offer of employment in Britain before being granted a visa. Foundries and textile mills were still in need of manpower. This enabled employers to invite the acquaintances of current employees for work. It is estimated that around 1000 vouchers were distributed among men from Mirpur in this way (Ballard 2003). The subsequent Commonwealth Immigration Act 1968 restricted immigration to only those whose fathers or grandfathers were born in the UK. The 1971 Nationality Act superseded all prior acts—however, families were still able to migrate, reunite, and settle.

Early Migrants: Individual Stories

Individual accounts and personal lived experiences provide an important insight into how and why people from Mirpur migrated to Britain. Choudhary Zaman Ali is one of the most well-remembered names among early Mirpuri migrants. He was born circa 1907 in Mohra Kanyal, a subvillage of Onah, near Dadyal. He was an *oontha-ala*, meaning that his family-owned camels for carrying goods and for trade. He traveled to Bombay and, being related to a *serang* there, was able to get a job in the merchant navy. He landed in Britain in the mid-1930s (in 1936, as he recalls[12])—quite likely in Glasgow—and found his way to London. There, he became acquainted with two brothers from Lahore who supported him in acquiring a peddler's license. This allowed him to sell clothing and items door-to-door, in line with the long-established tradition (Ballard 1987).

Zaman Ali also became involved with working in films that needed Indian extras (*The Four Feathers*, *The Drum, Sabu*, and *The Thief of Baghdad* from that era). He moved to Birmingham, where he, with the support of one of the brothers, opened a warehouse for other peddlers, providing work for other migrants. Being one of the first Muslim migrants to Britain, Zaman Ali was instrumental in nurturing and establishing the early Muslim community of Birmingham.[13]

He was the welfare officer at the first mosque in Birmingham, then a house on Speedwell Road. His role involved supporting families, resolving disputes in the community, gaining access to burial sites so that the Muslim deceased could be buried in the Islamic methods (before the Pakistan International Airlines began transporting bodies back to the

village for burial). He is, to this day, remembered for his philanthropic achievements, for facilitating the passage of many village people to Britain, and being awarded the Sitara-e-Khidmat (Star for the Order of Service) by the Pakistani government (Chishti 2008). He is said to have envisioned that each poor Mirpuri household would have one member working in Britain, to support the family financially and overcome the cycle of poverty.

Atah Mohammed was born circa 1913 in the village of Chhatro, Anderhal (present-day Tehsil Dadyal), and he was the first man from Chhatro to settle formally in Britain. As a young adult, the British sent him to Burma to fight against the Japanese, alongside numerous other villagers who participated in the conflict. Atah Mohammed ventured to the ports of Bombay in search of work and 1948, was selected for employment by the P&O shipping company, and arrived in Liverpool. He came to settle in Coventry. His house on Foleshill Road acted as a sanctuary for many new migrants from Mirpur during the 1950s and after. He campaigned on local traffic issues and for anti-racism laws. He established the first known purpose-built school for girls in Mirpur, as well as the first post office in Chhatro. This allowed for finances to be transacted between parents in Chhatro and children in the UK.[14]

Ghaus Mohammed of Potha Bangash, known as Ghausa Sring due to his profession as a foreman on ships, is another well-remembered personality who supported hundreds of people settle in the UK. At around 18 years old, he accompanied his maternal uncles from Ratta to seaports for work and lived abroad for months and years at a time. He saved money and was eventually able to buy houses in Karachi, firstly on Manghopir Road, where he housed incoming laborers from Mirpur without charge.[15]

It is important to note that the three above-mentioned migration experiences took place long before the dam's construction. Furthermore, their settlement in Britain facilitated the arrival of extended kith and kin in Britain. In addition, it must be acknowledged that in the case of Chhatro, the dam would not have been a major factor for migration as the village remained more or less unscathed by the rising waters. Yet its people have established roots in the UK, so much so that the Cheetham Hill district of Manchester is colloquially referred to as "New Chhatro." The premise of the dam's contribution to migration to Britain undermines the vast population hailing from unsubmerged regions of Mirpur. Diasporas from villages entirely unaffected by the dam are as equally established, if not more so, as the affected Mirpuris.

Conclusion

The past century has seen two cataclysmic events affecting the people of Mirpur. The first is the partition of 1947 and subsequent division of J&K, causing immense upheaval and disrupting Mirpur's affinity with wider Jammu and Kashmir, not to mention loss of its territory with Nowshera now falling on the Indian-controlled side of the LoC; the second is the construction of the Mangla Dam, which forever changed regional geography. Ballard (1987) calls the Pakistani diaspora—by which he actually refers to those from Mirpur—an "external proletariat" in that they have been exploited both in their homelands and country of migration, with no secure base in either.

This chapter adds to and amends the wider migration narrative from Mirpur to Britain. In line with international economic migration (Castles and Kosack 1973; Massey 1988), it is argued that migration occurred as a consequence of global disproportions in terms of supply and demand (Ballard 1987) with the push of political oppression in Mirpur meeting the pull of labor market gaps in Britain. It is evident that the history of overseas migration was not initiated by the dam, as per the oft-stated, yet seldom substantiated, academic position. It is necessary not to neglect the dam's inevitable consequences in causing displacement and internal migration within Azad Kashmir, which no doubt exacerbated labor surpluses with the loss of agricultural land.

Illiteracy and the aforementioned historical discrimination against Muslims, who formed the majority of Kashmir, prevented men from gaining professions outside their caste. This, along with landholdings being naturally smaller in hilly areas of the lower Himalayas or *Pahari illaqa*, meant that there was a surplus in labor. Men had to search for employment elsewhere simply to make ends meet. Most homes would send a son to work away, be it in another city or overseas. Thus, the extreme unemployment, underemployment, and poverty generated by centuries of cruel repression determinately contributed to the push factors driving those from Mirpur from their homes and work, from as early as the late 19th century. The acknowledgment of this tradition has been a hiatus in Mirpur-related literature.

The initial wave of post-war migrants to Britain was preoccupied with survival, which has consequently meant that the same push factors causing immigration, of poverty, oppression, and lack of education, have also led to disillusionment with the Mirpuri culture and heritage, and a lack in

the construction or recognition of identity. The diaspora in Britain is largely misunderstood, influenced by nuances in political labels of "Kashmiri" (Kalra et al. 2019), "Punjabi," "Pakistani," (Sökefeld and Bolognani 2011) "Pahari," and "Pothwari" (Hussain 2015) all being loaded with political connotations. There is a palpable lack of identity despite the majority of the Pakistani population in Britain hailing from the region.

Perhaps this is due to people not being able to envisage their place within the richly heterogeneous yet long-contested Jammu and Kashmir or see their homeland as an independent entity; or perhaps it is a result of displacement, internal and external migration, which has led to the current diaspora's youth losing contiguity with their roots. Overall, the Mirpur diaspora is "missing from the 'minority mainstream'" (Hussain 2015, p. 490) identifying a gap in understanding the community's multifaceted identity, their position within the UK, their relationship with Pakistan, but also their historical presence within the broader narrative of Jammu and Kashmir.

Notes

1. The oldest maps include *Partie du Thibet, Asie 68* (1827), *India XI* (1834), and *Der Sikh-Staat* (1855).
2. Anderhal is a region of the Mirpur district, covering approximately the same area as the modern administrative division (*tehsil*) of Dadyal.
3. The *biraderi* system is made up of close-knit social networks based on kinship and caste ties.
4. These were two previously powerful Muslim *biraderis* who had historically ruled the present day Bhimber and Mirpur fiefdoms prior to the Dogra's rule over the territory.
5. There were at least four types of timber logs flowing through the River Jhelum: deodar or deodar cedar (*dayar* in Mirpuri); chir pine (*cheer*); *landar*; and *planth*. This information on the river timber industry comes from oral history recordings.
6. See "The Men of the Ships: Indian, Pakistani and Goan Crews. The Old P & O," accessed April 1, 2020, http://www.pandosnco.co.uk/crews.html.
7. These names have been gathered through oral history interviews and are well-known in their respective villages.
8. See "History of Mangla Dam. Pakistan Water & Power Development Authority," accessed April 1, 2020, http://www.wapda.gov.pk/index.php/projects/hydro-power/o-m/mangla/item/66-mangla-dam-raising-project.

9. Alongside numerous other verbal history accounts, this has been extracted from an interview conducted by Shams Rehman with Abdul Khaliq Ansari in 2006, on Jammu Kashmir TV.
10. This is a translation from the original Mirpuri Pahari in Abdul Khaliq Ansari's interview.
11. *Walayat* is the word in Hindi and in the Mirpuri Pahari vernacular for "foreign land," i.e., Britain. The English word "blighty" is etymologically derived from it.
12. This based on an interview conducted with him featuring in the 1979 broadcast program *Here Today, Here Tomorrow: The Story of British Asians* directed by the Pakistani artist Zia Mohyeddin and filmed mainly in Birmingham.
13. This comes from oral history, an audio recording by Choudhary Zaman Ali's wife Margaret Ali conducted by Birmingham Museums in 1996. See https://soundcloud.com/birminghammuseums/oral-history-margaret-ali?fbclid=IwAR2g3LHSPR619Pid6IyQuLjbEPOKPl-KDQsy24DOgWldlRD1kmeDnDgsvbc.
14. This gathered from oral records, gathered from discussions with Atah Mohammed's family and people of Chhatro.
15. This attained through discussions with Ghaus Mohammed's descendants and through oral history recordings, particularly "Reminiscing" by the *Kashmiri Lives* oral history project available on Crescent Community Radio, http://www.crescentradio.net/life-in-the-uk/.

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CHAPTER 10

Recalling Patriotism: Masculine Sacrifice and Public Statuary in Jammu

Aditi Kumar

Introduction

Jammu and Kashmir (J&K) is a highly diverse state. It comprises of three distinct regions—namely, Jammu, Kashmir, and the frontier *ilaqah* (region), which includes Ladakh, Gilgit, and Baltistan. These three physical entities came together as one state in 1846 when the Dogra Raj (i.e., rulers) obtained, captured, or purchased the areas beyond Jammu (Huttenback 1961, p. 477). Within J&K, the Jammu region has been considered a melting pot of different faiths and ethnic communities[1] in contrast to Kashmir, which projects a singular cultural identity. Certainly, before the division of the state in 1947, Jammu accommodated several group identities—for this reason, the Jammu province, in particular, has been characterized by religious, cultural, and ethnic heterogeneity. However, as this chapter argues, wider geopolitical developments since 1947 have influenced how Jammu's diversity is perceived both internally and externally.

As discussed in detail elsewhere in this volume, J&K is a contested state. A key contributor to that past and present contestation is its

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geographical standing—a landlocked territory, rich in resources, bordered by powerful nations. Although there is widespread awareness of the international nature of the conflict—namely, concerning India and Pakistan (see the chapter by Hayat and Ahmed in the present volume)—and of the tensions between J&K and the national government (see the chapter by Khan in the present volume), far less is known by those outside the region itself about intra-regional tensions. Jammu is the southern province of J&K, which, for all intents and purposes, makes it the frontier,[2] as it connects the state to the rest of India. This, together with its multicultural and multireligious character, has led to an internally driven battle for its identity.

This chapter argues how cultural narratives in J&K are increasingly being enforced through ideas of remembrance and the variegated processes by which these are re-appropriated in the public sphere. The chapter examines how the erection of public statues of military heroes and rulers before and after independence are part of Jammu's attempt to assert itself as a historically powerful center within both the J&K and Indian narratives. More specifically, this memory appropriation glorifies the Dogra dynasty's Hindu kings who came from the Dogra belt (which includes modern-day Jammu city) and ruled the whole of J&K between 1846 and 1947. The research presented here thus examines different kinds of appropriation of memory and the ideological operations of installing "public" statues and memorials as instruments for constructing specific public memories.

Tangible expressions of collective memory in the form of art installations can become powerful tools for imparting messages both to and about the people who live among them, as illustrated by the quote below:

> Statues were meant to reproduce consent among large numbers of people by "project(ing) an image" whereby the general public would accept the represented figure as a legitimate hand of the State and worthy of respect. Also constantly being in the public eye could induce a favourable response to the extent of the individual's power over his dominion and hopefully suppress any sentiments of rebellion. (Jefferey 1980, p. 498)

Anderson (1978, p. 311) describes this as a "mode of political communication" wherein public statuary is used as "a weapon in the arsenal of politicians seeking to manipulate, maintain or mobilize public support." As such, there are several questions encountered while undertaking

studies such as this one, including why people erect statues. Is it to reinstate lost memories of the past in the present cultural landscape so that the present and future generations do not fall into the abyss of disruptive historical accounts? Or do statues cater to the embedded, multilayered political discourses within the state, where often one region's hero is another region's villain?

During the twentieth century, several scholars conducted studies in non-Western countries in order to understand various social attitudes and perceptions, which not only reflect their value systems but various processes through which symbolism operates—a quest for new heroes and public icons. For example, Herbert Feith (1963, p. 96) on studying Indonesian society, illustrates that: "Symbolic activities play a major part in the process of manipulation, the structuring of political situations in such a way that attention is focused on interests and values which are shared by the government and the governed."

Within India, several art historians and independent scholars, such as Geeta Kapur and Tapati Guha Thakurta, have considered the role of the British in introducing the concept of civic monuments and statuary to public spaces. Gary Tartakov (2000, p. 101) describes how this was a deliberate act on the part of the colonizers to assert their presence by permanently embedding influential British figures into the Indian landscape. However, the practice was adopted locally, and soon Indian heroes competed with their British predecessor for veneration:

> [The] British brought to India the idea of the civic monument, an image of an important secular official who could appear as a public standard bearer of the community identified with him. Thus, the British devoted some of their Indian riches to the erection of statues trumpeting British virtue in the form of generals, viceroys, and wealthy merchants. Subsequently, as they rose to prominence and power within the Raj and since independence, various Indian communities and institutions have raised their own images in the form of significant politicians, regional heroes such as Shivaji, and most prominently, the great hero of the national independence movement, Mohandas Karamchand Gandhi. (Pannikar 2000, p. 41)

Although Jammu was never directly under British rule, it has a long history of sculpture-making dating back to the excavation of Gandhara heads in the northwest frontiers of the state. Furthermore, the latest discovery of a Buddhist monastic complex at Ambaran and the provenance of Akhnoor terracotta heads adds to the rich mosaic of

sculptural treasures of the Jammu region. The living tradition of Dehris (memorial shrines) and Mohras (memorial stones) erected as an act of commemorating everyday, albeit deified, family members (i.e., members of communities who died fighting for a cause) continues, as does the construction of monuments to regional gods, goddesses, and folk deities. Such sculptural reliefs seen in most hamlets, village squares, and forest groves are treated as a living presence by locals.

In present-day Jammu city, however, it is common to see the kinds of statues described in the quote above. Both physical manifestations of these cultural markers and their symbolic representation are by and large carefully devised by the actors of the state. In the case of the Jammu region, the two active decision-makers are the Jammu Development Authority (JDA) and the Jammu Municipal Corporation (JMC), both of which operate under the auspices of the state government. They are responsible for placing political figures and important personalities in judicious locations, such as the installation of Jambu Lochan in front of the civil secretariat office building at Jammu and the installation of Zorawar Singh's equestrian statue at the Bahu Plaza traffic junction. These cultural markers constantly circulate in public memory and are mobilized by popular sentiments. They are solely governed by the above-mentioned state agencies, which in turn control the relationship between space and its inhabitants. Here, the act of remembering is continuous, as statues become firmly imprinted within the minds of commuters who cross specific traffic junctions on a daily basis.

I consider the very questions posed above when examining the meaning associated with the rise of the installations in Jammu. I ask why the military, state agencies, or a community decides to erect statues, sculptures, or memorials. What are the motivations that provoke them to undertake such initiatives? In doing so, I also explore controversies revolving around these built art forms. This study, therefore, not only focuses on the visual mapping of the Jammu region but also questions the intrinsic meaning of these statues and sculptures where they not only act as cultural signifiers but are a register of structures of power that operate through the aesthetics of monument building.

Public Memory and Political Statue Making: A Case Study of Jammu City

The region of Jammu and its diverse, multiethnic communities have significant cultural repositories connected to their sense of place and memory. They offer a series of visual narrations in the form of reliefs, murals, memorials, and public sculptures that reflect the history, culture, and plurality of the Jammu region. The connection between the region's varied and turbulent history and its subsequent influence on cultural memory is evident through these cultural markers, which attempt to perpetuate a feeling of identity-consciousness among the diverse communities of Jammu. The public act of "collective remembering" is a part of the wider program of the state to "invent collective identities." The state selects and reappropriates certain regional leaders or icons to assert its regional identity (as different from Kashmir and Ladakh) and further strengthen Jammu's pro-India, nationalist tendencies.

From the late 1980s onwards, urban public and civic spaces carried imprints of the state's fast-changing political atmosphere. This included naming bridges and buildings after the ruling political elite—prime ministers, chief ministers, national and local personalities—and mythological characters (symbolizing Jammu's history), local heroes, and warriors. Statues commemorating such figures were installed in city squares, traffic junctions, and public parks, which emerged as major expressions of "public" art. After 1990 specifically, a resurgence of militancy in the Kashmir province, which spilled out into the hills and the highland areas of the Pir Panjal in the Jammu province, changed the socio-political discourse in the region. Muslims and Hindus across Jammu, and particularly those living close to the Line of Control (LoC), were either deliberate or accidental targets of armed resistance mobilized in the Kashmir Valley and trained in Pakistan (see the chapter by Khan in the present volume). This resulted in an extremely complex pattern of social relationships within the state of J&K that requires further investigation.

The roots of this phenomenon are embedded in events that culminated in the accession of J&K to the Indian union, which produced a major shift in local power dynamics. Hundreds of years of Dogra rule shifted to Sheikh Abdullah, the Kashmir Valley-born prime minister of post-independence J&K. Abdullah propagated the concept of "Kashmiriyat"—an autonomous self-governing state independent of India and Pakistan. However, the preference among the remaining predominately

Hindu Dogras who lived in Jammu was to stay with India, if given the choice of being ruled (whether in an independent J&K or not) by a Muslim majority. As such, J&K became the battleground for politicians to create polarities between the Kashmir province, projected as Muslim-dominated, and the Jammu province, as Hindu dominated. These political and religious disparities became more prominent after 1989, once the roots of militancy—often fueled by religious fundamentalism—started spreading across the length and breadth of the Kashmir Valley. Since the insurgency, various secular sites and Sufi shrines have been targeted by militant outfits, resulting in the erasure of figural artwork in public space, specifically in Kashmir.

The story was quite the opposite in identity-conscious Jammu. The reinstatement of lost, forgotten "heroes" in public spaces led to a sudden proliferation of statues during the late 1990s and early 2000s. Here, "heroism" is not only a celebration of military figures and the political elite, but an imposed duty to invoke an "invented memory" belonging to the historical past.[3] For almost fifty years following independence (except for a few busts which were installed in Jammu city), there were no large-scale public statues or sculptures erected in the state. The public art project began primarily as part of a reorganization and beautification initiative for Jammu city under P. G. Dhar Chakravarti, who headed the JMC. In an interview, he explained his vision for the program:

> Cities are not only "large settlements of human populations," or "engines of economic growth" or "citadels of political power," as has been variously described; cities are also focal points of art, culture, and civilizations. Cities manifest the best of traditions of art, [and the] architecture of civilization, of countries, and of regions. Each city has its own unique history and culture, which makes the citizens proud and which binds them together in common heritage. Many cosmopolitan cities have acknowledged the contributions of national and global personalities by building … memorials and statues [to them] in prominent places. During my visits to cities in India and around the world, I was impressed to see such memorials and equally disappointed that Jammu, the winter capital of the State of Jammu & Kashmir, did not have any such memorial. Therefore, when I had the opportunity to serve as Administrator of Jammu Municipal Corporation and Vice Chairman of Jammu Development Authority, I thought that I should take some initiative in this regard.[4]

During the governor's rule between 1990 and 1996, the tedious process of getting official sanction for public art at land and traffic junctions was made easier. Action by the JDA and the JMC reduced extensive paperwork and ornamental ministerial permissions, which had previously taken years to manifest into physical forms. During Sheikh Abdullah's time as chief minister in the late 1970s, many such spots were adorned with fountains. However, these were now being replaced with small, iron-fenced parks that housed statues of celebrated national and regional heroes. In addition to serving as cultural and aesthetic signifiers, these civic spaces became temporary places for annual performative acts through which memory is reinscribed by political parties, organizations, or individual groups. Appropriation of city spaces to recollect the "glorious past" of a community and region reflects more on its identity assertion.

Managing the memories of different communities and reinterpreting them at the local level to suit the logic of a particular group is an oft observed phenomenon in the ongoing political processes of the country. Lesser known historical events associated with particular communities are searched out and converted into popular memory in a way that suits the political agenda of the concerned political forces (Narayan 2006, p. 46).

For example, the leaders of the current ruling Bhartiya Janta Party are seen regularly conducting annual birth centenaries of regional heroes such as Girdhari lal Dogra and Prem Nath Dogra depicted in Fig. 10.1 by garlanding their statues, performing *hawan* (a ritual to celebrate special occasions) and finally distributing *prasad* (a devotional offering of food items to gods) among the citizens.[5]

These enactments of valorization take place in the heart of Jammu city, where these popular traffic junctions become stages for both the performers (politicians) and the audience (citizens). This serves to reinscribe a social memory as a distinct reality of a particular region where history is somewhat construed to serve the current political agendas and aspirations as:

> Political forces that follow this strategy succeed in their efforts by using arresting and powerful memory kindling devices like constructing memorials, organizing festivals, staging theatres and circulating their stories in the form of popular literature for popularizing their own version of a historical event. Popular memory is created by selectively remembering and forgetting. (Narayan 2006, p. 46)[6]



Fig. 10.1 Statue of Prem Nath Dogra in Jammu city

Multiplication of certain statues—such as of Hari Singh, the last ruler of J&K—reasserts regional "Dogra" identity and association with certain communities and groups of Jammu through the reappropriation of significant public junctions, seen in Fig. 10.2.

These commemorative symbols or icons were sanitized as a result of a strong regional "political desire" that makes itself visible in other public spheres as well, such as the naming of public junctions, bridges,



Fig. 10.2 Statue of Maharaja Hari Singh

universities, colleges, schools, congregational halls, streets, and stadiums. Jammu, as a regional center, is known for its multiethnic inhabitants, who include Sikhs, Dogras, Muslims, Paharis, Bhakarwals, Gujjars, Kashmiri Pandits and migrant families from Pakistan-administered Kashmir. As Rekha Chowdhary (2010, p. 19) rightly explains:

> The most significant but least noticed aspect of Jammu and Kashmir (J&K) state is its multiplural character. Its diversities are far more pronounced than any other state of the country. Followers of most major religions such as Muslims, Hindus, Buddhists, Christians, and Jains live here. A few Parsis also used to live in Srinagar. Ethnic, linguistic diversities are too numerous. Apart from English, which is used in offices, Urdu, the formal official language, and Hindi, the national language, the constitution of the State recognizes six more languages, viz., Kashmiri, Dogri, Punjabi, Pahari, Gojri, and Ladakhi.

However, within the arena of political representations and visible iconography of the Jammu region, we see an assertion of a Dogra identity, proclaiming the city as the "Duggar Desh" ("Dogra Abode").[7] The prime reason for signifying and re-signifying the city with its heroes and leaders is a political act of contesting the overarching dominance of Kashmir over the rest of J&K.

Reinventing the Past Through Military and Regional Political Heroes

The J&K state shares borders with Afghanistan, Pakistan, and China. Several wars have been fought at its frontiers. Even during the eighteenth and nineteenth centuries, both Sikh and Dogra rulers fought battles to guard its northwestern and northeastern borders against invasions by the Afghans, Mongols, Baltis, and others. For the people of the region, it was not only a matter of great pride to serve in the armies of their rulers, but it also acted as a primary and stable source of employment. During the Dogra rule, the memories of war heroes were kept alive through folk songs and ballads, popularly known as *baar*. They not only acted as oral historical records and regaled the heroic victories of Dogra rulers and their allies, but also inspired future generations to carry the mantle of their ancestors. To date, this military ethos runs within the majority of Dogra families, where serving in the army has become almost a hereditary vocation. Martyred war heroes also have annual commemorative days where

statues are garlanded, and people congregate to remember their sacrifice for the nation.

The first war hero statue that was erected in Jammu was that of the Lt. Col. Bikram Singh, installed in 1994. His life-size bronze statue was created by Ravinder Jamwal, an eminent sculptor who belonged to Jammu. This statue, in particular (among several other works he was commissioned to produce), is considered one of the best examples showcasing artistic sensibilities and aesthetics that are, at times, overshadowed by political dictates.

Bikram Singh's statue stands tall in one of the prominent traffic junctions, popularly known as "Bikram Chowk."[8] It lies at the busiest intersection of Jammu city, which diverts traffic toward the Tawi flyover (which connects the old city with the new city), Central University of Jammu, the city's bus terminal, and routes toward several suburban areas. One of the most celebrated figures of Jammu city is an equestrian bronze statue of Zorawar Singh (1786–1841) seen in Fig. 10.3. He is remembered for his martial prowess and relentless war strategies. He served



Fig. 10.3 Statue of Zorawar Singh

under the Dogra ruler Gulab Singh during the early 1830s until his death in 1841. He was instrumental in extending the boundaries of the state of J&K, starting from Baltistan to Gilgit, Skardu, and Astor, as well as for invading Tibet.

Zorawar Singh's great military endeavors have been eulogized in several folk ballads. In the period following India's 1962 border war with China, young Indian army officers posted in J&K were given lectures by eminent local historians about the military campaigns of Zorawar Singh and his war strategies. The riding figure of Zorawar Singh rests on the balance created by the hind legs of the horse, with his front legs galloping forward and his flying tail both implying the force and velocity of a frozen frame directly recreated from a battle scene. The statue stands tall at 12 feet (3.66 meters) on a huge mountain rock, which was specially transported to recreate a battle scene on the rugged western Himalayan terrain.[9] The martial figure rises high in the air, with the sword swinging backward at full throttle in a combat position against his opponent.

The statue is reminiscent of Roman equestrian examples, such as the popular statue of Marcus Aurelius, the celebrated Roman orator. The dynamism and fervor of imperial art reached its zenith during the baroque and neoclassical periods, where not only sculptures but paintings too, prodigiously depicted triumphs in battle. We see something very similar in the neoclassical painting by Jacques Louis David, where the same sentiment and visual representation reverberates through astride Napoleon Bonaparte, depicted crossing the Alps. The celebration of military ethos and heroic victories is a universal phenomenon where various histories, both Western and Eastern, reappropriate popular memories and various acts of remembrances in the collective consciousness to eradicate any fear of forgetting. Action in history becomes transcendental, and individual moral striving achieves collective immortality (Hariman and Lucaites 2002).

Zorawar Singh's statue also lies in an intriguing public space. It is situated in an intersectional area that directs and disperses traffic from Jammu railway station toward the interiors of the city. Also adjacent to it is Bahu Plaza,[10] which houses government buildings such as the Reserve Bank of India and Bharat Sanchar Nigam Limited. The constant visibility of the statue has made it popular among the people of Jammu, who have now come to refer this junction as Zorawar Singh Chowk. Therefore, these

statues placed in the traffic junctions do not speak alone for their historical and political relevance but have become pivotal (functional) referential points for the people who live and work in their presence.

Closer to the making of modern Jammu is one of the city's most popular military figures, Brigadier Rajinder Singh (1899–1947), who, until today, enjoys a unique position among the ex- servicemen's league of J&K. His annual birth anniversary is celebrated with much vigor and zeal, accompanied by public lectures and commemorative ceremonies. Due to lobbying by the J&K ex-servicemen's league and its then-president, retired Major General Goverdhan Singh, the state government agreed to sanction a prominent traffic junction in the city area to commemorate the Brigadier. His statue shown in Fig. 10.4 was finally installed at Rajinder Singh Chowk in 2003.

According to historical references, Brigadier Rajinder Singh played an instrumental role during the accession of J&K to the constitution of India. It is said that during October 1947, he, along with his battalion, delayed the infiltration of Pakistani invaders to the deeper recesses of the state. This bought Maharaja Hari Singh some time in order to sign the accession agreement and enabled Sheikh Abdullah to organize people to fight the Pakistani invaders—saving the state from a brutal invasion. Karan Singh (1984, p. 137), while elaborating on the accession proceedings, writes:

> The storm finally broke on 22 October that year …. By then, serious trouble had broken down on the borders, and my father had sent Brigadier Rajinder Singh Jamwal, who had taken over from General Scott as Chief of the Army Staff Forces, to go to Uri and fight "to the last man and the last bullet"…Rajinder Singh was a man of few words, and I recall how after getting his instructions, he saluted my father and mother, smiled at me, and briskly marched out of the room. What happened next is a part of military history, a saga of courage and dedication that will rank with any in the world.
>
> Rajinder Singh left for the border of Uri-Domel on the night of 22 October and in a series of incredibly brave last-ditch manoeuvres, succeeded in holding the advancing hordes back for three vital days before they could reach Baramulla, thus gaining the critical time that was required for the Instrument of Accession to be signed and the Indian army to begin arriving by air at Srinagar. Hopelessly outnumbered, his Muslim officers and troops turning hostile, the critically wounded Brigadier insisted that he be left on the roadside with only a revolver in his hand, as he had promised



Fig. 10.4 Statue of Brigadier Rajinder Singh

> my father that the enemy would advance only over his dead body. He was the first gallantry award winner of Independent India, being awarded the MahaVir Chakra posthumously for his outstanding act of bravery and sacrifice. Just over a hundred years earlier, General Zorawar Singh had created military history by the brilliant Dogra campaigns in Central Asia and Brig. Rajinder Singh closed the century of Dogra rule by another heroic act. A simple but moving memorial now stands at the spot on the road to Uri, where he took his last stand and fell to enemy bullets after his own were expended as commanded by his ruler.

Several interesting readings constitute the iconography of Rajinder Singh. The so-called popular sentiment of the region, which is based on a dominant "Dogra Rajput" discourse, portrays military engagements as a matter of pride for respective Dogra Rajput families. The statue of Rajinder Singh thus not only embodies a war hero but declares a dominant caste status, which is further augmented by the erstwhile rulers of the state. It provides a counternarrative within the state politics where such historical imaginations are consciously inscribed as collective memories of the Jammu region. One particular community enjoys certain privileges and celebrates the brave acts of their ancestors, asserting an unassailable caste status as members of Kshatriya Varna, the second-highest social order according to Brahmanical texts, and the one deemed proper for warriors and kings (Vajpeyi et al. 2005).

The celebration of this mythicized past is perhaps most evident in the popular installation of the last Dogra ruler, Maharaja Hari Singh. It is a deliberate attempt to recreate the nostalgia of Dogra rule and its "glorious past," a politically conscious decision, through which a democratic state is coerced to remember its autocratic past.

Hari Singh (1895–1961) was the last Maharaja to rule the princely state of J&K. He played an instrumental role in providing J&K accession to the Indian state. As under the independence act of India (1947), the rulers of 565 princely states were free to join India or Pakistan, including the state of J&K. During this time (on August 12, 1947, to be exact), Maharaja Hari Singh formally proposed to sign a Standstill Agreement with India as well as Pakistan. While India stalled, Pakistan immediately accepted the request. However, soon afterward, external tribal raiders known as Kabayali invaded Kashmir. Immense pressure came on Hari Singh to sign the document of accession in favor of the government of India.

After 1947, there were drastic changes in the political formation of J&K state, a major power shift from the hands of Dogra feudal rule to Abdullah's dynastic monarchical rule. In his autobiography, titled *Atish-e-Chinar*, Sheikh Abdullah writes that during the Kabayli attacks, Maharaja abandoned his subjects and fled from Kashmir to Jammu. This historical distortion has remained unchallenged in many of the writings that followed *Atish-e-Chinar* for factual reference, whereas the true course of events lies in the abyss of anonymity.

Thus, one witnesses—or, rather, *observes*—three prominent socio-political frameworks within the state of J&K. First, the geopolitical position makes it a contested territory both internationally as well as nationally. Global politics plays a crucial role in molding the socio-political functioning of the state. Second, the fragile relations between J&K and the national government since the early days of its accession. Third, the intra-regional tensions within the state which ebb and flow, often influenced by the above.

Visually, it is interesting as well as intriguing to observe erstwhile rulers, political heads, and military heroes all commemorated in the cityscape. These public statues belong to variegated ideological and political parties. For instance, the strategically located statue of Maharajah Hari Singh was installed in 2012 on the Tawi flyover (over the Tawi River), which for a long time, was the most important connecting corridor in Jammu, joining the old city with new Jammu city. Any dysfunction on the route would bring a complete standstill to both the public and private lives of the city's residents.

Erecting a monument in the name of the erstwhile ruler of J&K is regaling bygone monarchic legacies and reasserting its regional identity, whereby consciously embedding a particular "historical memory" in the popular imagination of the citizens of Jammu. Furthermore, the installation of Hari Singh's statue can be seen as a deliberate act of "re-territorializing" a previously politically impartial cityscape. Its "neutral" character is quite evident in its surroundings, which houses the peaceful coexistence of two places of worship, a Hindu temple and a Muslim shrine, whose foundations lay less than 10 feet (3 meters) away.

However, an attempt to redress the Dogra narrative of dominance has played out within the Jammu cityscape. The parallel regional political discourse which existed between the Dogra elite and the state ruling party, the National Conference Party, is evident through a more recently built flyover, commemorating the memory of Sheikh Abdullah, the first prime

minister of J&K. Abdullah, then head of the National Conference Party, launched the "Quit Kashmir Movement" in 1946.[11] The party demanded an end to the monarchy with the slogan "Dogra Raj Murdabad," meaning "Down with Dogra Rule."[12] Another stark example of "propagandist art" is witnessed at the beginning of Sheikh Abdullah's bridge, where an abstract sculpture has been installed at the traffic junction.[13]

This contestation for space, assigning and re-assigning of the civic area through public statuary is well illuminated in the words of Janaki Nair (2002, p. 1231), who, in her discussion of Bangalore city, states that:

> City space is always produced by human action, and often under the conditions that are not always acceptable to one or another section of society. The monuments and symbolic spaces of a city commemorate only the triumphs but are silent on the processes and negotiations, or even the battles, that have led to its present form. The naming of a street, location of a statue, the character of a new locality or the language of a religious ceremony are the examples moments in the city's recent history when consensus was difficult to evolve, contests over such events by group's in the city are a sign of democracy at work: social groups thus claim a right to the city itself and make it their own.

Discussion

The sculptures of military heroes discussed above illustrate a two-sided story. The popular meta-narrative of the Jammu region celebrates and basks in the glory of its war heroes. It points toward the significance of wars primarily fought at the borders of the state of J&K, highlighting the services of military figures as victorious protectors, through which regional heroes become inscribed in the broader and grand narrative of the nation. These supposed "public spaces" more often end up being spaces of homage for military, political, or monarchs of the region. As discussed above, whether it is the dynamic martial stance of Zorawar Singh or the commanding position of Bikram Singh and Rajinder Singh, all signify a nostalgic recreation of an imagined "historical past." As Janaki Nair (2002, p. 1210) points out:

> It is associated fundamentally with alienation from the present, a longing for the stability and order of a mythicized past to cope with the alienating effects of contemporary democracy. Less often, nostalgia as a structure of feeling seeks continuity with another organic social order as a way

> of redressing the inequities of the present. Nostalgia is marked by the persistent illusion that the past was more just or humane than the present.

Thus, public spaces, parks, and roundabouts become interactive spaces that encourage symbiotic relationships between the localities and outsiders. They impose upon their citizens collective memories of regional political figures. These memorialized individuals, irrespective of their differing political affiliations and ideologies come together on a social platform, where each one of them is remembered for their altruistic and social contributions. The statues of such individuals are a constant reminder of the turbulent political period to which they belonged.

Of the statues discussed, the installation of three was a political choice made by different ruling parties and individual organizations. The motivation behind choosing these particular figures by the state government, the Dogra Sabha, and the Memorial Trusts, is to provide a sense of familiarity, association with the political past of the Jammu region. They stand for the events and times and the achievements and values that societies choose to look back on. Focusing on one statue after another evokes different categories of "remembrance" (Schwartz 1991, p. 311). The choice of public junctions and assigning specific spaces to particular regional figures indicates "invented traditions" by the state and various political agencies. The act of collective remembering itself is appropriated and redefined to suit the present conditions and its function: "The past, then, is never an autonomous and consequential cultural force" (Cooley 1964, p. 101).

This chapter has reflected upon various layers of conflicting histories, regional and sub-regional tensions in the J&K state. During the past two and a half decades, the ethnoreligious conflict and its divisive identity politics have deeply affected how people perceive and use the "roots" and relics of their common past. As a result, one encounters the valorization of public monuments, temples, and shrines in both the J&K provinces, where sites of cultural importance are often misappropriated to promote divisive ideologies. According to Edward Said (2000, p. 179):

> The invention of tradition was a practice very much used by the authorities as an instrument of rule in mass societies … it is a method for using collective memory selectively by manipulating certain bits of the national past, suppressing others, elevating still others in an entirely functional way. Thus, memory is not necessarily authentic, but rather useful … it is also an

indication of how geography can be manipulated, invented, characterized quite apart from a site's merely physical reality.

I have also looked at various processes through which military and state agencies reinscribe and reappropriate public spaces through the overwhelming presence of monumental images of "military heroes" such as Brig. Rajindra Singh, General Vikram Singh, and General Zorawar Singh. Choosing selective memories and inscribing them in the collective consciousness of the people vis-à-vis the frameworks of propagandist artworks are clear in Jammu city. The dominance of political leaders and organizational heads over both the production of public art as well as the free will of commissioned artists is evident. The discussion above, therefore, questions the intrinsic meaning of commemorative statues, where, more than as cultural signifiers, they can act as structures of dominance. The function such art serves is particularly powerful in areas that experience contestation over their status, such as J&K. Having the authority to assert a historical narrative over a space by either emphasizing or omitting historical figures can thus translate into the ability to assert an identity over its citizens.

Notes

1. Here, I subscribe to the ethno-symbolist theory of Smith (2004), who highlights the crucial role of ethnic communities or *ethnies* in the formation of a nation.
2. The northern part of J&K shares an international border with China.
3. In the context of patronage provided by the state, nation and military agencies to Jammu region it will be pertinent to refer to Edward W. Said's essay, "Invention, Memory and Place" where he says that the invented memory of the past is also a way to create a sense of new identity between the ruling class and the people who are being ruled. He further adds, "the art of memory for the modern world is both for the historians as well as the ordinary citizens and institutions very much something to be used, misused, and exploited…the study and concern with memory or a specifically desirable and recoverable past is a specially freighted late twentieth-century phenomenon that has risen at a time of bewildering change, of unimaginably large and diffuse mass societies and competing nationalisms" (Said 2000, p. 179).
4. Interview with the author via email, April 29, 2015.
5. Interview with Ravinder Jamwal, July 14, 2014.

6. Badri Narayan adds that the Rashtriya Sawamsevak Sangh (RSS) and Bhartiya Janta Party are the main players of this game and they have been following this strategy ever since the BJP joined the political bandwagon. Even after the 2004 general elections, in which the party lost to the Congress and Communist Party of India (Marxist) combined, it reiterated its objective of following and implementing its Hindutva ideology by creating warring memories among various communities.
7. Duggar is an ancient name that Dogras identify with. "Duggar Desh" translates into English, then, as "Dogra Home" or "Dogra Abode."
8. The term "*chowk*" generally refers to a traffic island or junction, where a statue/sculpture stands tall in an iron-fenced park (specifically referring to the majority of public statues in Jammu).
9. P. G. Dhar Chakravarti, who initiated this project, said in an interview that the JDA wanted to give the citizens of Jammu, its own war hero: "The mountain rock weighed 500 kg and I wanted to import it so as to recreate a battle scene, where Zorawar Singh, along with his battalion, fought until his death to conquer the inhabitable parts of Tibet." Interview with P. G. Dhar Chakravarti, November 21, 2014.
10. Bahu Plaza is a popular business and recreation center. It was an urban planning development project drafted by P. G. Dhar Chakravarti during the late 1990s to provide Jammu city with a modern, multi-purpose building with offices, shopping centers, and entertainment and eating outlets all together in one place. It is a close prototype of Ansal Plaza in Delhi.
11. Balraj Puri (2008) illustrates that the Quit Kashmir Movement polarized people of both the J&K regions, where Kashmiri Muslims supported the National Congress and Jammu Dogras—Muslims and Hindus alike—remained loyal to the ruler, Hari Singh.
12. The political ideologies of Hari Singh and Sheikh Abdullah were diametrically opposite.
13. Ravinder Jamwal, the sculptor, was clearly instructed by the then corporator of Chintal, Rashida Begum, to create a non-figurative sculpture, since the majority of the populace in that area is predominantly Muslim and also the sculpture lies within close proximity to the residence of the chief minister of Jammu.

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CHAPTER 11

The Importance of Being Ladakhi: Negotiating Cultural Citizenship

Sudha Vasan

Introduction

While identity is understood as ambiguous, flexible, and socially constructed (Brubaker and Cooper 2000), it has the capacity to undergird affective communities and has significant material impacts (Jenkins 2014). The importance of Ladakhi identity for local political dynamics has been discussed by several scholars (see, e.g., van Beek 1997, 1998, 2004; Gupta 2013). While the content and components of Ladakhi identity are malleable and contested, it has been central to Ladakhi social dynamics in several ways. The early Western imagination of Ladakh as a "Shangri La" characterized by innocent inhabitants and a pristine landscape still has significant purchase within the tourism industry. Grist (1998) and Aggarwal (1997, 2004) also note the complete focus on Buddhist Ladakh with a Tibeto-centric tilt within early travelers' accounts and academic writing. This description of Ladakhi identity as Buddhist has been important in attracting Western tourists with Tibetan sympathies. It has also been a significant aspect of Ladakhi identity that appealed to the Indian state as it tilted toward Hindutva and played a role in Ladakh's quest

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to gain autonomy from Kashmir. Ladakh, which was one of the three major regions (Jammu, Kashmir, and Ladakh) of the state of Jammu and Kashmir in India, became an autonomous Union Territory under central administration on October 31, 2019.

Against the backdrop of such political developments, this chapter reflects on intergenerational transformations within Ladakh and the regions' negotiations of cultural citizenship with India. It does so through the experiences of young Ladakhis who migrate to Indian cities as part of a growing trend to access high education institutes for learning and to improve their employment prospects. While residing in urban India, many report simultaneously experiencing the marginality and invisibility of their Ladakhi identity, even as their distinctiveness is highlighted within the Indian imagination. Furthermore, for those who remain in Ladakh, anxieties regarding a loss of culture due to such migration are commonly expressed, and loyalties toward the Ladakhi community constantly reiterated. This chapter draws upon findings from an ethnographic study conducted over several years with Ladakhi students studying in Delhi as well as families and community leaders in Leh, to examine what their experiences and expectations can tell us about contemporary Ladakhi society.

Background

According to the 2011 Census of India, Ladakh has a population of 290,492 people spread thinly over a large, high altitude area of 59,146 km^2. Within the erstwhile state of Jammu and Kashmir, Ladakh occupied 58.4% of its total land area but formed only 2.8% of the total population. State resources were distributed in proportion to the population, and Ladakh, therefore, received only a small share. This was a major cause of Ladhaki grievance against the step-motherly treatment it experienced by Kashmir. Ladakh became a part of Jammu and Kashmir under Dogra rule when General Zorawar Singh conquered it in 1834 for Gulab Singh, the first Maharaja of Jammu and Kashmir. During the British colonial period, Ladakh was administered by a Wazir Wazarat, whose main function was the administration of trade in the summer months. After independence, Ladakh became one of three regions of the state of Jammu and Kashmir.

Religious identity has been central in discussions and contentions over Ladakhi identity. The internal religious composition of Ladakh, its

geopolitical location, and broader regional politics have contributed to the nature of its cultural politics. Historically, the territory of Ladakh extended from Jammu to Gilgit–Baltistan with Skardu (now in Pakistan-administered territory) as its winter capital and Leh as the summer capital. Kargil town was an important trading center and resting place along the routes that passed through Ladakh. Two of the oldest trading paths across the Himalayan geographical barrier passed through Ladakh; the first from Yarkand in Sinkiang to Srinagar in Kashmir and further into India, Afghanistan, and even to Persia. In addition to facilitating trade, it allowed the movement of Buddhism from India to China and pilgrims in the reverse direction. The second was the route connecting Western Tibet to Kashmir and the Indian subcontinent (Searight 1976). At its heyday, Ladakh was the "Crossroads of High Asia" (Rizvi 1986), where traders, pilgrims, and travelers from different Himalayan regions intermingled. Language, religious, and ethnic diversity was ubiquitous in Ladakh. Thus, Ladakh was, and still is, the meeting point of Islamic and Buddhist worlds and the Tibetan and Indic cultures (Pirie 2007). The Trans-Himalayan trade routes began to shrink and came to a complete halt after India's war with China in 1962 when the border routes with Tibet were officially closed. In the course of these changes, Ladakh shifted from being an entrepot in regional trade to a border region of India.

Today Buddhists are in a slight majority (47.4%) followed closely by the Muslim population (45.9%); the remainder are Hindus (6.2%) and others (0.5%). However, Leh district is overwhelmingly Buddhist with Sunni Muslims as the main minority and a sprinkling of Shias, Christians, and Hindus. Kargil district, in contrast, is 80% Muslim and mainly Shia. This unique religious distribution—where Buddhists are the overwhelming majority in Leh district and a dominant majority in Ladakh, but a minority in the Muslim-dominated Jammu and Kashmir state, which, in turn, lies in Hindu-majority India—has had a significant influence on local politics and conversations and contestations over Ladakhi identity in recent decades. Bray (2005, p. 5) notes that the formation of the Young Men's Buddhist Association (YMBA), the precursor of today's Ladakh Buddhist Association (LBA), "was the beginning of a process whereby affirmations of Ladakh's Buddhist identity became one of the main—perhaps the main—vehicles of political expression." The Ladakhi Buddhist elite benefited from this emphasis on a culturally distinct Buddhist identity by attracting tourists and Western development funds and eventually in gaining autonomy for Ladakh.

This religious component of Ladakhi identity has been dominant in recent decades, allowing Ladakh to forge linkages with the rising Hindutva in India while at the same time bringing to the surface the fissures within Ladakhi society. Communal politics, including violence, reared its head again in the late 1980s. The social boycott of Muslims by Buddhists in Leh and mistrust between the two major communities continues, although with a surface calm. Inter-religious marriages have become the sparks that generate renewed communal tensions and violence. The declaration of autonomy for Ladakh as a Union Territory to be administered centrally, in 2019 was met with contradictory reactions in the two main regions and towns of Ladakh. While there were celebrations, dancing, and banners thanking the Indian government in Leh town for freeing Ladakh from the control of Kashmir Valley-centric political elites, Kargil witnessed a shutdown and anxiety regarding future developments.

The remainder of the chapter discusses findings from an ethnographic study that explores Ladakhi identity. It draws on accounts from those living within the Leh region, as well as those in urban centers, such as Delhi. It reflects on tensions among Ladakhis regarding acculturation within India and finds that, on the one hand, Ladakhis wish to maintain their ethnic identity and regional culture; yet, on the other feel they must engage with the Indian mainland in order to progress in terms of educational and economic opportunities. It also describes a discomfort with being exotified and stereotyped as a remote tribal community within the Indian imagination. All this is reflected against the backdrop of recent political developments that cement Ladakh within India, as it becomes a Union Territory.

Becoming Indian

"She has become Indian," Pema sighed while describing her daughter, who had studied and worked in Delhi for a decade. Pema herself was well-traveled, had studied in Jammu and Chandigarh, retired as a nurse, and was running a small homestay for tourists in Leh. She reflected in her remarks the anxieties of a range of middle-class Lehpas[1] who have sent their children outside Ladakh for education or in pursuit of careers. Her sense of loss was reiterated by members of the LBA, who were enthused by this concern. In the summer of 2013, the LBA ran a summer program for youth who were growing up outside Ladakh due to a fear

that they were losing their Ladakhi culture. Pamphlets for the summer camp emphasized that classes for the program include Buddhist values and Bhoti language skills. Dolma, a parent with two adult children in Delhi and Mumbai, remarked on the need for such summer camps on Ladakhi culture:

> They cannot even speak to their grandmother in Bhoti. They are ashamed to wear the *goncha*[2] and wrinkle their noses at our toilets.[3] Parents realize their mistake in sending them away for education. They [the children] have forgotten their own culture.

A senior government officer from the state administrative service, Hanif, expressed this same sense of loss:

> Parents put everything at risk—selling land, taking out loans—to send their children out to study. Obviously, we have expectations; but these are not met. Children become more practical; they are not emotional. We find some paucity when they return when it comes to culture.

Summer in Ladakh is a busy time when tourism is at its peak, and migrant labor arrives in droves. Commercial air routes to Leh are open, and educational institutions in India are closed. Young Ladakhis living outside the region who return home from cities such as Delhi and Chandigarh during these months are often the cynosure of many eyes in Leh and the subject of many conversations. In the summer of 2013, as I entered a restaurant in the main street of Leh with Tsobdan, a senior Buddhist community member, a group of youth sitting at the far corner hastily vacated their seats upon seeing us. They were visibly marked as the summer returnees by their clothes, language, and air of self-confidence. All but one was dressed in jeans, and their conversation was in a mix of Hindi and English. They greeted Tsobdan on their way out, saying "Julley,"[4] and he warmly responded and asked about their education and family members. In further conversation he claimed

> You saw those boys and girls. They don't know our culture. It is not their fault—their parents are caught up with comparing themselves to others. Everybody is competing with their neighbors to send their children away. They will repent it.

Everyone attending the local Leh Degree College personally knows somebody who has migrated to an Indian city to study and returns to Leh only during summer. In a series of interviews conducted in 2012–2013 with predominantly female students at the college, it became apparent that they saw the distinctions between themselves and their kin who had opportunities to study elsewhere. "They dress and talk like Indians, their tastes… they are not like us," was how Tashi, a young Buddhist Ladakhi female undergraduate student at Leh Degree College,[5] described her cousins who study in Chandigarh. "They are so forward," Sonam added, "they hang out with boys, they even date them." Another young woman relayed:

> My cousin tells me how much fun they have…they wear the latest clothes there, sometimes revealing stuff, and no one is there to scold them. Here, everyone is watching what you do, and someone or the other will complain to your parents about you, and you will have to face the music.

This difference is met with hesitation, envy, and derision in equal parts. For some, like Rigzin, there is a hesitation even in interacting with those who study outside the region. She states, "We are quite backward compared to them. I can't really talk to them; I feel very shy." In contrast, Rabgais who is from Yangthang in rural Ladakh observes, "these are rich Leh kids who go out and forget everything. They have money. They dress more stylishly than the tourists, and they don't know any Ladakhi culture." Yet every one of the students interviewed at Leh College stated that given the opportunity, they would like to experience studying in Delhi or Chandigarh; it was their economic condition that did not permit them to do so. Despite the moral judgment, if given the option, the students interviewed would gladly put themselves in the same situation as those youth they describe as losing their culture.

Anxieties about the loss of culture are noticeably gendered and result in heightened policing of women's bodies and practices of intimacy. The reference to the loss of culture here often veers to practices of sexuality and the choice of marriage partners. Disket who studied in Chandigarh herself is clear about not sending her daughter to boarding school, "My mother used to say that, and now I think that way too —my daughter should not marry a Westerner or an Indian." Disket's concerns about her daughter marrying outside of the culture are not uncommon. As recently as 2017, one well-educated couple in their thirties had to flee and seek

protection from the state as the man was a Muslim from the Kargil region, and the woman was from a Buddhist family in Leh. Their ordeal and the ensuing communalized tensions in Ladhaki society were covered in Indian and international media.[6]

While tourism is recognized as bringing "Western" or "modern" values to Ladakh, it is educational migration that is seen as the main culprit in the transformation of Ladakhi youth. Smith (2009) shows how intimacy is an important site of geopolitics in Ladakh, and political strategies translate into control over intimate behavior. Aengst's (2014) study of the everyday practices of Ladakhi youth negotiating modern values also reflects on how women and educational migrants, in particular, become subjects of cultural policing. The reputation of women and their marriage prospects is affected by their free interaction with men. Summer in Ladakh, notes Smith (2009), is spoken about as the season with the potential for intermarriages since the roads and mountain passes are open.

Educational Aspiration in Ladakh

The aspiration for modern education among formerly education-deprived communities is at a historical zenith in India—and Ladakh is no exception. Education has long been emphasized in Ladakh as the way for the region to come out of its backwardness. Yet quality education in the region was and is most difficult to acquire. Even as late as 1998, 95% of Ladakhi students failed in the state 10th standard annual board exams (Zutshi and Angmo 2017, p. 116). Although the situation has improved in the last two decades, the quality and opportunities for higher education remain poor. It was only in 1994 that the first two degree colleges were established in Leh and Kargil, followed by colleges in Zanskar and Nubra (Rehman 2013). In 2019, the new University of Ladakh was inaugurated—the first such institution in the region—bringing together the six existing colleges of Leh, Kargil, Nubra, Zanskar, Drass, and Khaltsi. Thus, until very recently, Ladhaki aspiration for higher education could only be met through private educational investment and migration.

The practice of sending children away for higher education existed even before the 1990s for those families who could afford to do so. Students struggled when they migrated outside Ladakh as the foundation of their education was seldom on par with their new peers from other regions of India. However, moving away for university provided the

certainty of employment once they returned to Ladakh since the government was expanding in the region, and highly coveted secure civil service jobs were available to those with qualifications from mainland Indian institutes. At the turn of the century, the aspiration for education became more commonplace. This coincided with an improvement of the cash economy in Ladakh through tourism. Furthermore, increased militarization of the region meant better markets for vegetables and the limited agrarian production in Ladakh, as well as a demand for porters who were acclimatized to the high altitude. Therefore, a military associated economy also contributed to the growth of local wealth.

Limited educational facilities in the region remain a concern. Apart from the meager government amenities in Leh, the Moravian Missionary School and the Buddhist Mahabodhi Residential School provide options for poorer Ladakhis to acquire secular education within religious settings. The Central Institute of Buddhist Studies at Choglamsar, Leh was set up in 1958 by Kushok Bakula Rimpoche as a place where Buddhist monks and scholars could learn Buddhist philosophy along with modern education. Before the Indian border with Tibet was closed in 1962, Ladakhi youth traveled to Tibet for Buddhist religious education, but since then, this has shifted to centers within India.

Students from Buddhist schools in Ladakh migrate to Karnataka for higher education through religious networks. Islamic organizations also invest in education in Ladakh and are linked to the Islamic religious education networks where students may be sponsored for religious training. While some students move from these schools to broader secular education at the college level, these networks are more influential in helping students migrate to acquire religious education at major religious centers around the world.

To understand educational migration, it is important to note that the vast majority of students from Ladakh in major metropoles such as Delhi and Chandigarh are from Leh town. All students were dependent on family support in pursuing education in these cities with a substantially higher cost of living than in Ladakh. In contrast, the students at Leh College were from regions outside the main town. Some commuted, but almost all had extended kin with whom they could stay, thereby considerably reducing living costs. This pattern is also evident in an alternate school campus run by the Students' Educational and Cultural Movement of Ladakh (SECMOL). SECMOL, founded in 1988, runs a year-long foundation course for school dropouts at its eco-friendly campus at Phey

village on the outskirts of Leh. Students attending this broad subject program, which also prepares them for national board examinations, are from various rural and remote locations of Ladakh, which are significantly deprived in terms of education and other infrastructure.

For such inter-Ladakh migrants, apart from financial difficulties, the urban culture of Leh is a culture shock. Tsetan, who is from a remote village in the Changthang area, tells us, "When I first came to Leh, I found it very difficult. I could not understand the way people talk." On the other hand, some of the young women from rural areas described living and studying in Leh as a luxury.

The conspicuous absence of male students at Leh College was explained to me by Thinley, one of the teachers here: "Boys drop out after the eighth grade as they can easily earn money by becoming a porter for the Indian army. Many also join the Ladakh Scouts. They can earn good money, so they quit school. Girls don't have these choices, so they study." Young men in rural Ladakh aspire to join the Ladakh Scouts, an Indian Paramilitary Force. In addition to working as guides and porters for the Indian army, seasonal tourist employment also generates much-needed income. Tsering, another teacher, added, "If girls can study and get a government job, it is very good for the couple when they are married, as at least one person in the family has secure government employment." This internal migration within Ladakh to Leh is, therefore, the only option for non-elite Ladakhi families in their quest for economic mobility through education.

Going "Outside"

The youth, as with other groups within a society, are divided by class, and such stratification is inevitably reproduced by accessing education elsewhere in India. By doing so, parents ensure economic and social mobility for the next generation. Estimates of the number of Ladakhi students outside the region vary, especially because this form of migration may be temporary, circular, and occurs at different ages and levels of education. A small but growing number of families in Leh have young children in popular boarding schools based in Dehradun and Delhi. Often these children are second-generation educational migrants whose parents have also graduated from universities outside Ladakh. One such parent described her reasons for sending her child to a boarding school

> He will get a good foundation there. But most importantly, he will be confident and able to compete successfully when older. It was difficult; he was crying the whole first year he was there, and we miss him a lot. Our parents were against it, concerned that the child would not learn our culture and morals; he will have no connection to us, they protested. But what can we do? Ladakhi children growing up here are so shy and unable to talk and compete with outsiders. We have to make this sacrifice for his future success.

Another parent with a child in boarding school recalled the difficulties he faced when he went to Chandigarh in his youth for higher education, "It is so difficult when we go out (of Ladakh) at the college level; the system is so different, and we find it difficult to cope suddenly." Disket, a teacher proudly told me that her son in third grade is one of only five boys from Ladakh (in 2013) who was admitted to a prestigious Dehradun boarding school. However, this pride is tinged with doubt as she adds, "I am afraid that children's socialization is not complete in boarding school. They don't learn where they come from."

Sending very young children to boarding schools outside Ladakh requires a substantial financial investment that only a few families can afford. Migration for higher education, therefore, remains more common. Distinctions were by place of migration, for example, those who are less affluent go to Srinagar or Jammu for university, as living costs are lower. For those who can afford it, however, Chandigarh and Delhi are the preferred destinations. Fewer but increasing numbers of students in professional courses may migrate to more diverse locations across India.

Yet migration is seen as temporary, and migrants are often filled with nostalgia for home. For an earlier generation, returning to Ladakh was a distinct possibility, since fewer educated Ladakhis were competing for prestigious positions within the region. As Tashi who works in a bank in Leh says,

> I went out to Dehradun and Chandigarh to study, but I always wanted to come back here. Most people who go out want to come back after two or three years of trying it out…Like me, most people felt that it is nicer here [in Ladakh] even if you will earn less money.

The "trying it out" she refers to describes working in other parts of India for a few years. However, with more Ladakhi youth gaining qualifications outside of their region, competition for scarce jobs will inevitably increase,

and some may have no option but to extend the "trying it out" period to something more long term.

Ladakh in the Popular Indian Imagination

"They don't even know Ladakh is in India," explains Rigzin of his experience with classmates in the undergraduate college of Delhi University where he studies, "they know about Kargil because of India's war." In other interviews, Ladakhi youth studying in Delhi and Chandigarh emphasized their struggles to adapt to "mainstream" Northern Indian culture in these cities (Vasan 2017).

"Three Idiots," a popular Hindi language Indian movie, is a coming-of-age comedy-drama that famously brought Ladakh into mainstream Indian consciousness. The climax of the story is located in Ladakh, where the hero (Rancho) is revealed to be living as Phunsukh Wangdo in the region. Having achieved success, including financial triumph as a famous scientist, entrepreneur, and business magnate, he teaches young children through a pedagogy that encourages curiosity. The story claims to be inspired by Sonam Wangchuk, a social innovator from Ladakh, although he has tried to distance himself from the film. Wangchuk is associated with educational reform in Ladakh and was one of the founders of SECMOL, the education movement and alternate schooling campus discussed earlier.

Three Idiots, however, was filmed in the Druk Padma Karpo School, founded by His Holiness the Gyalwang Drukpa, the leader of the Drukpa lineage followed by the majority of Buddhists in Ladakh. The fame experienced by the school as a result of the movies' success exemplifies the general Ladakhi experience within the Indian mainstream imagination. It is visited by hordes of Indian tourists who came to see "Rancho's school" and take pictures with the "Rancho wall" featured in an iconic scene in the film. During a visit to the school in 2018, the principal Stanzin Kunzang expressed her dismay at this form of popularity and noted that tourists who visited often had little knowledge or concern about the educational ethos of the institute. Teachers and senior students who were assigned to guide us around its campus also shared such thoughts, "We are happy Rancho made us popular, but we are the Druk Padma Karpo School [and not the Rancho school]."

Yet clearly fans of the film were encouraged to visit by locals. On the highway, there is a sign for the school with the words "Rancho's School" added in brackets. The original building with the "Rancho wall" was

damaged in the floods of 2010 and rebuilt in a more traditional style using Ladakhi wooden architecture. The painting on the wall also shows a dangling bulb in a direct reference to a scene in the movie, providing the perfect backdrop for visitors to take selfies. However, the downside of such rapid tourism is the sheer environmental cost, with trash piling up during peaks in visits, accompanied by water pollution and traffic problems. It was also clear that the version of Ladakh the tourists sought was a distant cry from how Ladakhis view themselves and want others to see them. Rather than being appreciated for a unique culture and beautiful scenery, Ladakh became the backdrop for a Bollywood film.

The experience of Ladakhi youth migrating to Delhi for education needs to be understood in this context. For the mainstream student in these universities, Ladakh is a distant and exotic domestic vacation destination with little information on its culture and the people. It is identified as a border of the Indian nation, which the Indian army protects from its malicious neighbor. A series of clashes between Indian and Chinese military on the Ladakh border in 2020 no doubt reinforced this view within popular consciousness. The national imagination regarding border regions rarely includes the people who live there, especially when their physical features are so different from those perceived to be mainstream.

Ladakhi youth, fed on ideas of the distinctive Ladakhi identity, face a society in Delhi that places them in a particular tribal slot. Their facial features do not match the "physiognomic map" (Wouters and Subba 2013, p. 126)—the imaginings of what an Indian face looks like—in cities like Delhi and Chandigarh. Instead, their specific features are indistinguishable for them from other tribal communities of the northeastern states of India or Nepal and China. Racial homogenization and stereotyping are the norm, and the experiences of Ladakhi youth in major urban centers of India range from overt racism to cultural ignorance. Spalzes, a student at Delhi University, recounted her struggles in finding private accommodation near the university:

> House owners see my face and make assumptions that I will drink or have parties with boys. One landlord I called spoke very well on the phone, but when I went in person, as soon as he saw me he said - you people party late at night, this is a family place, it is not a good match.

This form of racist stereotyping is widespread in the experiences of youth from the northeastern states of India in Delhi.

As Norbu, a student who lives in an area near Delhi University known for the concentration of students from northeastern states, says, "We are very different from northeastern students. But we mix with them in Delhi. We have to. Indians treat us the same." He is also acutely conscious of the shared experience of racism, "We stick together because we are a minority. I am proud of being a chink [a normally derogatory term]." Smith and Gergan (2015) highlight similar experiences among students from across the Himalayan region and argue that this formation of new cosmopolitan communities is a coping mechanism for ethnic minority migrant students in urban centers. They contend that Himalayan students form a diaspora based on their perceived cultural and racialized difference. Although this does not apply to students from the lower Himalayan states—such as Uttarakhand and Himachal Pradesh—it is appropriate for the Ladakhi experience.

Emphasizing instead the tribal identity, McDuie-Ra (2012) argues that groups respond to racism or ethnic differentiation in Delhi by highlighting their own differentiation from the Indian mainstream and creating a shared pan-tribal identity. She also notes the disjuncture between the discourses on identity that students encounter in their homelands and in the cities they migrate to. This cosmopolitan space allows the blurring of regional, religious, and gender distinctions in order to forge friendships, despite these differences and hierarchies being central to interactions within Ladakh. This blurring creates anxieties for parents who recognize that migration facilitates the possibility of inter-regional and inter-religious marriage choices, discussed earlier. Although cultural associations in Chandigarh and Delhi tend to emphasize Buddhist culture, they also include Muslim students from the region. Yet there are separate Ladakhi and Kargil student groups in Delhi, as well as separate Ladakhi Muslim student associations formed in recent years, indicating that internal distinctions are significant.

Ladakh in the Indian Nation

Groups of Lehpas danced exuberantly in the central streets of Leh town in October 2019, celebrating the declaration of Ladakh as a Union Territory to be administered directly by the Central Government of India via an appointed governor. Ladakh and Jammu, two erstwhile districts of the state of Jammu and Kashmir, were effectively separated from the Kashmir

Valley in the move. Tsering Samphel, a former legislator, expressed his support for the decision, stating:

> For the last 70 years, we have been demanding "Free Ladakh from Kashmir" at all levels because of the dominance and step-motherly treatment of the state government… The Modi government's decision to reorganize the state of J&K and giving UT status to Ladakh is a historic move. With this, Ladakh is being integrated along with other states and Union Territories of India, giving an equal opportunity to represent and express views and opinions in nation-building.[7]

Ladakh's relationship with the Indian nation has been significantly entwined with its relationship to Kashmir. Buddhist Ladakhi leaders have demanded dissociation from Kashmir from the time of Indian independence. "We are a separate nation by all the tests – race, language, religion, culture – determining nationality. The only link connecting us with the other people of the state is the bond of a common ruler."[8] Demands for the dissociation of Ladakh from Kashmir have relied on the distinction of the Ladakhi identity. However, its merger in the Indian nation demands the downplaying of this very distinctiveness.

Located within this context, youth migration from Ladakh to Indian cities has been driven by a parallel economic logic and aspirations in a globalized world. Attention to the specific experiences of young migrants outside Ladakh illuminates intergenerational changes within their region as much as the negotiations within the Indian mainstream. Cultural citizenship is a deliberate oxymoron (Rosaldo 1994) that provides a framework for understanding the contradictions negotiated by Ladakhi youth migrating to Indian cities. The disparity between a unique identity that is significant to Ladakhi politics, membership within the Indian nation, and globalized cosmopolitanism, plays out in the lives of young migrants. Cultural citizenship, Ong (1996) argues, is a process of subjectification, where subjects are produced by a dialectical process of the demands of the nation-state and aspirations of individuals. Attention to Ladakhi youth migrants adds another layer of complexity to this process. In regions such as South Asia, which have historically produced distinct cultural communities, Ladakhis have only recently begun to locate themselves within the modern nation-state. While questions of identity have been so central to public debate within Ladakh, student migrants to major cities in India face an entirely different reality. Their identity is afforded

little importance in the rest of India beyond representing a minority from some distant tribal region. However, against the backdrop of such apparent contradictions, studies such as this one provide a rare window into the intergenerational changes taking place in Ladakh, as well as a reflection of its changing relationship within the Indian nation.

Notes

1. Established residents of Leh town, the administrative capital of Ladakh.
2. The traditional Ladakhi woollen dress.
3. The traditional Ladhaki toilet, a dry composting one that does not use water.
4. A common Ladakhi greeting.
5. Leh college is referred to locally as degree college.
6. See for instance, Raj and Gettleman (2017).
7. Quoted in Dasal (2019).
8. Representation submitted by Kalon Tsewang Rigzin for the LBA, "on behalf of the people of Ladakh" to the Prime Minister Jawaharlal Nehru on the eve of his first visit to the region in July 1949 asking for Ladakh to be merged directly with India (cited in van Beek 1998, p. 38).

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PART IV

Case Studies from the Kashmir Province



CHAPTER 12

Behind Occupation and Surveillance: The Armed Forces Special Powers Act and the Right to Privacy in Kashmir

Ather Zia

Introduction

The last regional monarchial rulers under the British paramountcy imposed a territorial and administrative unity over the disparate geographical and cultural provinces—namely, Kashmir, Jammu, Ladakh, and allied regions. After 1931, Kashmiris clamored increasingly and concertedly for an independent democratic sovereignty. However, by 1947 the logic of partition subsumed their demands and forced only two options upon them—choosing either India or Pakistan. The state was subsequently divided for administrative purposes between the two.

By 1989, Indian-administered Kashmir (also called Jammu and Kashmir or J&K for short)[1] had entered what Alastair Lamb (1992, p. 332) has called a "terminal colonial situation" and broke into a popular armed militancy against India. Human rights organizations report, as a result of Indian counter-militancy policies, over 70,000 Kashmiris, both

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combatants and non-combatants, have been killed (Batool et al. 2016). Furthermore, approximately 10,000 Kashmiris have been disappeared while in the custody of the Indian security forces. Over the years, there have been several popular street uprisings. In 2016, a brutal response to protests resulted in more than 100 people being killed by the Indian forces and more than 10,000 Kashmiris being imprisoned. Furthermore, there are estimates of people with pellet-gun injuries to their faces ranging between 3000 and 17,000, in what has been called the "world's first mass blinding" (Waheed 2016; Zia 2019a).

The contested frontiers and postcolonial layeredness of Jammu and Kashmir are exacerbated by nested statutes, orders, and laws forged by India, complicating the polity so much that it does appear to be, as experts call it, a constitutional nightmare, especially for India. This chapter contributes to the growing critical scholarship on Kashmir, which urges that the dispute in J&K be understood without the presentism that is forced by contemporary Indo-Pak political and social geographies. Kashmir, as some scholars (Lamb 1992; Bose 1997, 2004; Noorani 2011, 2013; Robinson 2013; Bhan et al. 2018; Zia 2019b) are increasingly urging, needs to be framed historically, against the backdrop of the arbitrary nature of the region's partition in 1947, the UN's intervention, and India's concerted policy of coercion and legal expansion in the territory.

In 2017 the "right to privacy" was enshrined into the Indian Constitution as a fundamental right for all citizens. The analysis in this chapter pivoted around understanding the ramification of this judgment for Indian-administered Kashmir. This was done against the backdrop of the region's semi-autonomous status, as well as the enforcement of the Armed Forces Special Powers Act (or AFSPA for short), under which everything is subject to surveillance and scrutiny at all times. The AFSPA is based on a 1942 ordinance drawing on British colonial legislation from the nineteenth century, which was used to suppress the Indian independence movement (Bhan et al. 2018). It is enforced when it is deemed necessary for the military to take control of a region as a result of the local government's failure to maintain public order. AFSPA and the Jammu and Kashmir Disturbed Areas Act (DDA) have been in effect in J&K since 1991, in response to armed militancy in the region (see the chapter by Hussain in the present volume for a discussion on militancy).

In 2017 when I began writing about the right to privacy verdict, I anticipated that the extension of the judgment would be part of the concerted assault by the government of India on Kashmir's autonomous

status. As discussed during this chapter, such laws are not perceived as a means of ensuring citizenship rights for Kashmiris, but rather a means of enforcing Indian citizenship and extending Indian laws inside Kashmir. In 2015, the Rashtriya Swayam Sevak Sangh (RSS)—an extreme right-wing, ethno-nationalist Hindu militia founded on ideals of Hindu supremacy, and fascist and Nazi ideology—backed Public Interest Litigation (PIL) in the Indian Supreme Court seeking to repeal Article 35A of the Indian Constitution (Zia 2017, 2020; Bhasin 2017).

Article 35A protected the territorial sovereignty of Kashmir and reserved the indigenous people's rights to franchise and property (see the chapter by Wani et al. in the present volume). The PIL brought the attack on the special status of Kashmir to the forefront, and all Kashmiri eyes were firmly placed on the judiciary. On August 5, 2019, with their current majoritarian strength in India, the ruling Bharatiya Janata Party (BJP)—the political arm of the RSS—de-operationalized Kashmir's special status known as Article 370, officially ending Kashmir's autonomy and its territorial sovereignty through 35A. The special status was removed without consulting the Kashmiri legislature or the people, a move decried as illegal (Parthasathy 2019), and "an unconstitutional deed" accomplished by "deceitful means" (Deshmane 2019 n.p.).

Subsequently, the state of J&K was bifurcated and demoted to two separate Union Territories of Jammu and Kashmir and Ladakh to be directly administered by the Indian government. The region was forced into curfew, and an extra 48,000 troops were added to the existing 700,000 plus forces already present. Kashmir was under a state of siege. A complete lockdown followed the removal of special status with an information blackout that lasted for over six months. Toward October 2019, even though the ban on some cellphone services and landlines was lifted, the internet shutdown and partial restrictions on mobility continued.

A large number of Kashmiri resistance leaders, civil society activists, as well as India's own collaborators and client politicians, were arrested. At one point, more than 13,000 young boys had been detained, and many were imprisoned in jails outside of Kashmir (Maktoob 2019). Kashmiri journalists were barred from reporting. Foreign journalists did cover the situation initially but were later stopped from going to the region. The trickle of news reports that surfaced in the international media reflected a fearful population still resistant to the removal of autonomy.

The Indian government continuously projected the situation on the ground as normal, but a humanitarian crisis was unfolding. The lack of

communication exacerbated the scarcity of essential supplies, medicines, and healthcare. Kashmir has suffered $2.4 billion worth of economic losses (Reuters 2019). The curfews and lockdown imposed by India is not a new phenomenon in Kashmir, which is known as the world's largest open-air prison and highest militarized zones (Bhan et al. 2018).

The enforcement of the full citizenship rights of non-Kashmiris inside Kashmir through removing Articles 370 & 35A is seen as precursors to demographic change and settler colonialism. There is currently no civilian government in Kashmir. The last civil administration was suspended in December 2018, and the region put under the rule of the governor, who is directly appointed by the government of India. Using the example of privacy, this chapter illustrates how rights function in Kashmir under the Indian regime. Rather than providing protection or fostering individual freedoms, the "rights" afforded to Kashmir remain the mode by which a persistent legal annexation and expansion of India's jurisdiction take hold in the region. It discusses how, given the fears regarding the erasure of 35A, the implementation of the right to privacy by the government of India was perceived as part of the continuum of the Indian state's hegemonic aspirations, which seek Kashmir's unquestioning submission.

The Right to Privacy

> Fundamental rights are the only constitutional firewall to prevent [the] State's interference with those core freedoms constituting liberty of a human being. The right to privacy is certainly one of the core freedoms, which is to be defended.[2]
>
> —*Puttaswamy* judgment (2017)

In August 2015, nine judges of the Supreme Court of India assembled to "determine whether privacy is a constitutionally protected" right and, if "privacy is to be construed as a protected constitutional value, [whether] it would redefine in significant ways our concepts of liberty and the entitlements that flow out of its protection" in *Justice K. S. Puttaswamy (Retd.) and Anr. vs Union Of India And Ors* (hereinafter the *Puttaswamy* case).[3] During a landmark judgment handed down in August 2017, the bench unanimously declared that the "right to privacy is an integral part of the Right to Life and Personal Liberty guaranteed in Article 21 of the Indian Constitution."

In recent years the main concern with privacy for Indian citizens has been around the incursion that the Aadhar card—a unique identification number issued by the Indian government to an Indian citizen, used as a proof of identification and accessing government services or applying for jobs and the like. In order to acquire the unique 12-digit identity number, an individual has to provide fingerprint samples and iris scans. While the judgment does not change the Aadhar procedure, it did intensify debates regarding such measures. Nonetheless, the judgment has confirmed privacy as an intrinsic right within the fundamental rights chapter of the Indian Constitution, and optimism followed the ruling as a potentially exciting era in India law (Kumar 2017).

While the declaration of the judgment in India was being celebrated (Mahapatra and Choudhary 2017), its implementation in Indian-administered Kashmir became a paradoxical cause for concern among the political leaders of the resistance struggle. The latter viewed it as yet another attempt to erode Kashmir's autonomy. Such concerns were reflected among the state's population too. A 75-year-old Kashmiri, who I interviewed and will be identified as Mr. Bhat called this judgment "*lori petha soruf* (passing a snake over a staff)." He explains: "it might look like assistance but is actually dangerous." A middle-aged Kashmiri named Aslam reflected, "our rights have been snatched from us; we live under draconian laws…the Indian government has historically engaged in '*tadd*' (cheating) toward Kashmiris, and they are also '*taraan*' (duping us)."

Another Kashmiri named Yusuf A. expressed his views on how the Indian administration is perceived:

> [T]he entire world knows how India entered Kashmir through the eye of a needle. In the last 70 years, it has made a door large enough for an elephant to pass through. Every law they enforce is designed to bring Kashmir into India's "*changul*" (vice-like grip).

These remarks add to a discourse that describes how India has fortified its relationship with Kashmir through what I refer to as "legalized" annexation.

It is through presidential orders and constitutional amendments that India has gradually undermined Kashmir's autonomy and sidelined the UN mandate for a plebiscite. This chapter analyzes how the Indian regime, under the guise of rights for Kashmir, has historically deployed law as a tool for gaining more control over J&K rather than bolstering

the personal freedoms of its population. In this vein, the right to privacy verdict when it was passed was seen as a cause for concern inside Kashmir. It points to what has stereotypically become known as the "trust deficit"—by now a trope in media and political circles, highlighting a lack of trust on the part of Kashmiris toward the Indian administration, particularly in regard to the extension of constitutional jurisdiction.

Such skepticism of any supposed extension of human rights legislation in Kashmir can also be understood against the backdrop of two laws—namely, the AFSPA and the DDA—currently in operation in the state. AFSPA is a series of statutes enacted by the Indian Parliament, which is notorious for creating conditions enabling human rights violations. Within the regions, it has enforced custodial and arbitrary killings, torture, disappearances, rapes; in other words, cruel, inhumane, and degrading treatment is commonplace (Chatterji et al. 2009; OCHCR 2018; Allen 2010). The AFSPA allows security forces in areas declared "disturbed" to shoot-to-kill (Amnesty International 1999). Specifically, it enables military personnel to

> [A]rrest without warrant, any person who has committed a cognizable offense or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest. (Amnesty International 1999, p. 21)

In a situation where anyone can be apprehended on the mere suspicion of hostile intent, there becomes a legitimate basis for the "armed forces" to take action, as if in a war zone (Bhan 2013; Verma 2016; Zia 2019b). The AFSPA has been deployed by the Indian authorities to curb Kashmiri dissent against its rule. As mentioned earlier, there are more than 700,000 Indian military personnel in the region, and the soldier–civilian ratio of 1:8 makes Kashmir one of the most militarized zones in the world (Imroz et al. 2012; Mathur 2016; Bhan et al. 2018). This number increased further still as a result of the post-abrogation siege from August 2019 onwards.

Since 1993, the civil administration has been run with the help of a unified command, which includes various branches of the Indian armed forces, including the army, border security forces, central reserve police force, and the local J&K police. The general officers commanding are the security advisers to the head of the state (Ray 1997). The militarized

governance in Kashmir has become the centerpiece of keeping a tight hold over the territory and its restive population. Yet AFSPA violates fundamental rights as enshrined in Articles 14, 19, 21, 22, and 25 of the Indian Constitution, which include the right to life, liberty, freedom of speech and expression, peaceful assembly, free movement, the practice of any profession, and protection against arbitrary arrest and freedom of religion, among others. Thus, the act has already led to a de facto abrogation of fundamental rights in J&K (Kazi 2009; Mathur 2016; Bhan et al. 2018). Against this backdrop, the remainder of the chapter explores how the right to privacy verdict plays out in Kashmir.

How "Rights" Function in Kashmir

India's judicial annexation can be illustrated by tracing the regimen of rights that have been implemented in Kashmir, a reason why even the "right to privacy," as Mr. Bhat's comment earlier about the "snake" suggests, is implemented with an agenda. When Kashmir adopted its provincial constitution, it did not have a section on fundamental rights. In 1954, a presidential order extended Indian citizenship to Kashmiris, who, until then, were only designated as the "permanent residents" of the dominion of the J&K. Simultaneously, the fundamental rights of the Indian Constitution were also extended to the region, becoming one of the proverbial Trojan horses in India's larger policy of legal annexation of Kashmir. The fundamental rights charter of the Indian Constitution is unique in permitting preventive detention to curb threats on national sovereignty or public order.

Rather than protecting citizens' rights, the charter primarily enabled the Indian government to control dissent inside Kashmir. A legal essay by Haley Duschinski and Shrimoyee Ghosh (2017) analyzes in painstaking detail how from 1954 onwards, India has used this feature to its advantage in order to repress Kashmiri sentiment for sovereignty. The authors illustrate how India legitimized its governance of Kashmir through legal rulings, calling it "occupational constitutionalism," a form of legal incorporation of Kashmir that "became sedimented through the work of the courts across time" (Duschinski and Ghosh 2017, p. 34).

In Kashmir, violations of fundamental rights and detentions have become routine under the AFSPA. Simultaneously, the invocation of fundamental rights by client politicians of India is also used in direct as well as tangential ways to make a case for abrogating Kashmir's special

status under Article 370, which occurred on August 5, 2019. An example of this is the 2013 PIL filed by a pro-Indian politician based in the Jammu province, which sought a judicial inquiry into the reason behind the firing and use of lethal force by the Indian army.[4] In July that year, during shelling by Indian troops in the Kathua region, four civilian protestors were killed and forty-two injured. Locals had gathered to demonstrate against the Indian Border Security Forces (BSF), members of which had allegedly desecrated the Holy Quran.[5]

The petition overlooked the fact that India has established fundamental rights in Kashmir, as mentioned above, but these rights are not absolute or uncontrolled and stand essentially suspended under the AFSPA. The PIL ignored the implementation of AFSPA and the legal cover that it gives Indian troops to maim and kill with impunity and instead placed the blame squarely on Kashmir's special status (*The Economic Times* 2013). The apparatus of the democratic system in Kashmir—ranging from electoral processes to law and order mechanisms—requires a military bulwark to uphold it and corral its population into submission. The state of siege that exists in places under AFSPA was aptly summarized in the title of a Human Rights Watch (2008) report, *Getting Away with Murder: 50 Years of the Armed Forces Special Powers Acts*. The report concluded that AFSPA is a tool to legitimize state abuse, oppression, and discrimination and grants the military widespread powers to arrest without warrant, shoot-to-kill, and destroy property.

Since 2001 the Delhi government has denied permission to investigate even one of the fifty cases sent by the J&K government for prosecution against the armed forces. Even a mere debate on the selective removal of AFSPA is not accepted by the army, which refers to it their holy book (Ganai 2018; Das, n.d.). In fact, the army is so free to act as they wish that a report by the Public Commission on Human Rights observes that they become the highest decision-making authority and the "civil government is tantamount to proxy military rule" (Public Commission on Human Rights, Kashmir 2007, p. 4).

In April 2013, Rashida Manjoo, the UN Special Rapporteur on violence against women, criticized AFSPA for eroding fundamental rights, including freedom of movement, association and peaceful assembly, safety and security, dignity and bodily integrity rights, for women in J&K and states in north-east India. In 2012, Cristof Heyns, the UN Special Rapporteur on extrajudicial or arbitrary executions detailed how "the

powers granted under AFSPA are in reality broader than that allowable under a state of emergency as the right to life may effectively be suspended under the Act and the safeguards applicable in a state of emergency are absent." Heyns reiterated, "the widespread deployment of the military creates an environment in which the exception becomes the rule, and the use of lethal force is seen as the primary response to conflict" (Amnesty International 2013, p. 7). He called for the repeal of the law stating, "retaining a law such as AFSPA runs counter to the principles of democracy and human rights" (ibid.).

In January 2011, Margaret Sekaggya, the UN Special Rapporteur, described being deeply disturbed by the large number of cases of human rights defenders who claimed to have been targeted by the police and security forces under such measures. These critics echo international and national human rights groups and activists, including Amnesty International, who have called for AFSPA's repeal for years, with little purposeful response or definitive action from the government. The Indian state and the government of J&K continued with the law on national security grounds, despite occasional tensions between the army and the local state government over the jurisdiction. The loss of personal freedom to life, liberty, and property is acute in a place under a permanent state of emergency, where the exception that has become routine.[6]

Privacy and the AFSPA

This section intends to give a first-hand account of how personal freedoms exist in Kashmir. If one is to hold dear the literal meanings of privacy defined by the Merriam-Webster dictionary as "freedom from unauthorized intrusion, [and the] state of being let alone and able to keep certain, especially personal, matters to oneself,"[7] I argue that privacy does not exist in Indian-administered Kashmir. The citizen rights that protect fundamental freedoms stand suspended both in letter and spirit. These following ethnographic vignettes, starting with a short passage from the right to privacy judgment, juxtapose the ideals of freedom, and how those actually exist in Kashmir, which is only through their absence.[8] Thus the right to privacy remains neither a basic right nor a privilege for Kashmiris.

Home Under the AFSPA

> The house of everyone is to him as his castle and fortress and is his defense against injury and violence and for his repose.
>
> —*Puttaswamy* judgment (2017).[9]

A family in the innards of the old historic downtown in the capital city of Srinagar is getting ready for the night. They close the windows and doors, checking the latches and turning off the lights, usual routines that tire no one for they make people feel in control of their privacy. The young parents get their three children ready for bed, while their old parents offer the final prayer of the day. All is well until they hear a loud banging on the door. Within minutes, Indian paramilitary 'commandos' climb over their low brick fence and kick open the door. The young father is dragged out in his undershirt and sleeping shorts. He is beaten and kicked and bundled into the waiting jeep.

His bloodcurdling cries wake the neighborhood, but due to fear, no one comes forward. His wife, mother, and kids are herded into one tight corner in their courtyard. His old father, while being kicked, is made to accompany the soldiers as they search their home. Their stock of rice, oil, and spices is kicked to the ground. The beds are razer-bladed open; the ceiling is hacked; in less than half an hour, the house is turned upside down.

A week later, the young man is released—a case of mistaken identity, or so the army said. There was not much explanation given, nor did the family seek any. There were happy to have their son returned to them alive, which does not happen often. "It is a policy to induce terror in the neighborhood; it happens every day around us. Our lives and our homes have been desecrated," said the young man when I met him.[10]

Love Under the AFSPA

> Roger Clarke has developed a classification of privacy based on Maslow's pyramid. The values described in Maslow's pyramid are self-actualization, self-esteem, love or belonging, safety, and physiological or biological need. Clarke's categories include … Privacy of personal communications, which is expressed as the freedom of communication without interception or routine monitoring of one's communication by others; [and] Privacy of personal data, which is linked to the concept of informational privacy.
>
> —*Puttaswamy* judgment (2017).[11]

On the way to the examination center, a young boy of seventeen is stopped at a checkpoint by the paramilitary forces. They pat him and rummage through his bag. The soldiers take his phone and begin to examine its contents. They ask him about a young girl who features in many pictures. He says it is his sister. After a slow search, one soldier flings the phone back at the boy and kicks him to indicate he can leave. As the boy hurries off, the soldier shouts, "the way you put your arms around her makes me think you get lucky with her; we will visit you too." Late for exams, the boy runs, his heart beating. He feels elated that he got away with saying the girl was his sister. She is his girlfriend. As he runs, he is trying to forget the fear, and humiliation, which he knows will be encountered again.[12]

Morals Under the AFSPA

Clarke's categories [also] include… [P]rivacy of the person, also known as bodily privacy.

—*Puttaswamy* judgment (2017).[13]

A young Kashmiri lady has to post a package to her sister living abroad. She is using her lunch hour for the errand and needs to return to her office on time. At the General Post Office in Srinagar, before she can enter the building, she will be body searched, and her bags will be checked. In the cramped booth, five female paramilitary troopers surround her. One begins to frisk her, while another checks her bag, finding tampons. Since she is short of time, the Kashmiri lady suggests that they can throw the tampons away. The soldier disagrees, saying they have to open the individual tampon packages to ensure no ammunition has been concealed. This thought seems to amuse them, and they all share a laugh.

One soldier asks the lady if she is married. She says no. The soldier retorts, condescendingly, "then why are you using tampons; do you not know your hymen will break?" The lady says nothing and waits until all the tampons were shredded one by one, with deliberate slowness, almost like a game, and thrown away. The Kashmiri woman knows that this was not the last time her body will be touched, prodded, and commented upon, and it will not be the last time she will be late to the office because of the siege around her.[14]

No Privacy Under the AFSPA

> Somewhere in the early 2000s, I was a newly minted civil servant, having passed the Kashmir Administrative Service exam. I was posted as the Block Development Officer of the capital of Srinagar. It was the first time a direct recruit, a young Muslim woman to boot, had held the post. My parents were proud but did not show it since I was restive in a job that called for extreme servility to the state apparatus. Yet it had, in a short time, garnered some clout and prestige for me. One morning while in the bathroom, I heard noises outside the main gate of our house. After a few minutes, the banging got closer; now, there were hard knocks on my bathroom door. I heard my father, in a loud but clearly nervous voice, telling me to come out immediately. I lost no time. I suspected it was a random cordon of the area, and that the paramilitary or the police or the army was inside the house.
>
> This was not the first time, but it was the first I was under the shower when it occurred. I threw clothes on while still wet and soapy. Nervous when I opened the door, I found four nozzles aimed at me. My father looked frightened and was tangling and untangling his fingers in the back. After confirming I was only a family member inside the bathroom and not a militant hiding, the soldiers dispersed, and their officer called me over. It seemed as the contingent was waiting for me to come out, my father had tried to offer our civil servant credentials as evidence of non-militant life choices. The officer began to ask me about my posting in the most patronizing tone.
>
> The soldiers had initially barged into our home after hearing noises on our roof, which they mistook for a militant trying to flee. By the time I was pried out of the bathroom, they had ransacked the house. Some men were in the attic, their guns trained on neighboring roofs. They soon confirmed that it was just a cat jumping from one tin roof to another, but our home had nevertheless been turned into a battle zone. The loss of privacy seemed small in comparison to how precarious our survival was.

These are a few routine incidents I have narrated here, chosen to trace the most mundane and least fatal experiences that manifest under the state of siege. They are extremely symbolic of the utter lack of privacy and suspension of fundamental rights people face in Kashmir (Zia 2018).

Conclusion

This chapter illustrates how rights function in Kashmir under the Indian regime. Rather than providing protection or fostering individual freedoms, the "rights" afforded to Kashmiris remain the mode by which a persistent legal annexation and expansion of India's jurisdiction take hold in the region. The response of Kashmiris to the right to privacy judgment speaks to the much-vaunted "trust deficit" between New Delhi and Kashmir. It is what Yusuf, whom we met earlier, means when he speaks of "*tadd*" and "*tarun*." Rather than seeing it as a means for extending personal freedoms, which are already suspended under AFSPA, Kashmiris have remained fearful that the bolstering of the privacy law among Indian citizens and the abrogation of Article 35A would go hand in hand.

Even while the Indian Supreme Court verdict on privacy states that nobody wants "the State intruding into their homes or private property at will or soldiers quartered in their houses without their consent"[15] in Kashmir, such conduct has become part and parcel of everyday life. A Kashmiri constitutional expert argued that the privacy judgment would have no real impact in Kashmir given "the parliament itself authorities it [the AFSPA], such that it has the sanction of the law" (Yaseen 2017, n.p.). He had also reassured us that since Kashmir was not a regular Indian state, its special status would be upheld, regardless of what other laws come into place, be they the AFSPA or the right to privacy. This has since proven to be wishful thinking.

The BJP, which currently forms the government in India, was historically against Kashmir's autonomous status. The ideologues in the party's RSS sibling group openly claim that Kashmir's Muslim "majority [is] oppressive" and a "headache for the country" (Zargar 2017). The scrapping of Article 35A has resulted in the loss of state subject law, the protection of property, the protection of employment, and lead to opening up the region for settlement by all Indian citizens. However, the abrogation, in turn, raises the question about the legality of every Indian constitutional order in J&K from 1950 onwards (Ahmed 2018). The AFSPA, the PIL against Article 35A, and the right to privacy form a continuum of assaults upon Kashmir's special status. Enforcing the full citizenship rights of non-Kashmiris inside Kashmir through removing Articles 370 & 35A is a precursor to demographic change and settler colonialism, as seen in Palestine. Therefore, India's extension of "rights" in Kashmir is, in reality, the erosion of rights in Kashmir.

Notes

1. I will henceforth use (Indian-occupied, -administered or -controlled) Kashmir, or Jammu and Kashmir to refer to this region, depending upon the historical context. The nuances in the nomenclature used for the Kashmir region largely remain unexplored, and over the past seventy years different terms have been used interchangeably and uncritically. A 2018 UN report notes: "There is no specific decision of a UN intergovernmental organ that clarifies which terminology should be used to describe the region of Kashmir. The Secretary-General's reports and letters have used the following terms: Kashmir, Jammu and Kashmir, State of Jammu and Kashmir, Indian administered side of the Line of Control in Jammu and Kashmir, and Pakistan Administered Kashmir. In a statement of 17 August 2016, the Secretary-General referred to Indian-administered Jammu and Kashmir" (OHCHR 2018, p. 6). While the varied nomenclature obfuscates the political history, it reflects the multilayered-ness of the Kashmir issue and its chronically unresolved status in the deeply complicated postcolonial polities of India and Pakistan. The use of a particular nomenclature reflects political loyalties or aspirations of the user. However, it also reflects the deep ignorance that has been perpetuated primarily by the Indian government, first by downgrading Kashmir from an international dispute to a bilateral one and finally by calling it a domestic matter.
2. WRIT PETITION (CIVIL) NO. 494 OF 2012, p. 40. A copy of the judgment is available online: https://main.sci.gov.in/supremecourt/2012/35071/35071_2012_Judgement_24-Aug-2017.pdf.
3. See also WRIT PETITION (CRIMINAL) NO. 76 OF 2016.
4. Sudesh Dogra, who is the political secretary of the Jammu and Kashmir National Panthers Party (JKNPP), a pro-India political party recognized by the Election Commission of India, filed the PIL.
5. See *The Indian Panorama* (2013).
6. See Agamben (2005, p. 23) defines the state of exception as the suspension of law for the preservation of the juridical order which is predicated on the blurring of or the indistinction between legal and illegal, public and private, state and law, war and peace, law and violence, life and norm, criminal and combatant, the political and the juridical and so forth. He states that "In truth, the state of exception is neither external nor internal to the juridical order, and the problem of defining it concerns precisely a threshold, or a zone of indifference, where inside and outside [of the juridical order] do not exclude each other but rather blur with each other."
7. Merriam-Webster, s.v. "privacy (n.)," accessed May 13, 2020, https://www.merriam-webster.com/dictionary/privacy.

8. The ethnographic evidence included in this paper was collected from my fieldwork in Kashmir, which was undertaken between 2008 and 2017.
9. WRIT PETITION (CIVIL) NO. 494 OF 2012 (Part C, p. 14).
10. N. Shah, personal interview, Srinagar, May 17, 2012.
11. WRIT PETITION (CIVIL) NO. 494 OF 2012 (Part L, p. 200).
12. Mohammad Mateen from Khanyar, a freshman who studies commerce. Personal interview, August 12, 2014.
13. WRIT PETITION (CIVIL) NO. 494 OF 2012 (Part L, p. 200).
14. Shaila S is a computer engineer. Personal interview, June 1, 2014.
15. WRIT PETITION (CIVIL) NO. 494 OF 2012, p. 39.

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CHAPTER 13

Women in the Kashmir Conflict: Changing Roles and Negotiating Spaces

Soudiya Qutab

Introduction

Wars can have multidimensional impacts for both men and women (El Jack 2003) as gender asymmetries prevalent in non-conflict times are often exacerbated during armed conflicts (Sharpe 2010). When resources such as food, health care, legal remedies, and political power become scarcer for a whole community due to conflict, access for women becomes even more difficult (Mazurana and McKay 2001). Furthermore, during conflicts, women face sexual violence more frequently, as women's bodies are often associated with the honor of their communities (Ali 2010). Sexual violence is also perpetrated as a form of ethnic cleansing, as witnessed in Bosnia-Herzegovina and Kosovo, where the Serbian forces punished women of the Kosovo Liberation Army by raping them (Human Rights Watch 2002). El Jack (2003, p. 16) explains that "by raping women who represent the purity and culture of the nation, invading armies are also symbolically raping the nation itself." Consequently, the policing of spatial divisions for men and women between the private and

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the public—and the inside and the outside—can occur within communities that fear violation of their females. This can lead to greater stigma being attached to women who venture into public spaces when conflicts occur (McDowell 1999).

Yet, Manchanda (2001) reminds us that during periods of war, the dominant image of women as sufferers and losers threatens to overshadow or obscure the many creative strategies they adopt for the sake of their survival and that of their families. An oft-cited example is when, during World War II, women joined the labor force *en masse* in Europe, permanently changing societal norms around access to public space. The struggle to survive often pushes women into new roles—as peace negotiators, decision-makers, and armed combatants. It is indeed paradoxical that even though conflicts cause immense pain and suffering for women, they also create spaces for their agency, while actively reshaping personal and social relationships and political obligations (Manchanda 2001).

This chapter explores the impact on women of the armed conflict in Kashmir, which broke out between militants and the Indian military in 1989. Waves of violence led to many deaths, as well as leaving thousands disabled, widowed, orphaned, jailed, and disappeared in what Bose (2003, p. 112) describes as, "a massive human rights crisis." The populist struggle for *azadi* (freedom) also created social space for women to come out of their domestic seclusion. In the early 1990s, women acted as shields for men against the assault of the armed forces. When men were becoming particularly vulnerable to arrest and torture, they withdrew from public spaces, and in their place, it was women, young and old, who came into ensure the survival and continuity of their families.

Women marched to the UN office in Srinagar, braving cane charging and tear gas. They learned to negotiate with those in positions of power for the release of their male kin from custody and staged sittings outside jails as a way of putting pressure on security forces. Losing husbands and sons who had been the primary earners and decision-makers, due to arrests, abductions, or killings, ushered women into predominantly patriarchal territories. Others aided militants and risked their lives by passing on messages, food, or weapons, or taking care of the injured fighters. This unusual stretching of roles from domestic to public and then political had a profound impact on many women, who gained agency and participated in the facilitation of the resistance against state hegemony (Kazi 2012).

Kazi (2009, p. 140) describes how "The movement for *azadi* had strong resonance among Kashmiri Muslim women and simultaneously

afforded them an opportunity for political self-expression." Some local women's organizations emerged in the 1990s, the most prominent among them being the Daughters of the Faith (Dukhtaran-E-Millat, DM) and the Council of Muslim Women (Muslim Khawateen Markaz, MKM). Asiya Andrabi from the DM and Behnji of the MKM became popular figures, driving women to protest demonstrations and promoting the concept of *azadi*. These groups, however, were not representative of all women, as Ray (2009) points out, due to their particularly conservative interpretation of Islam, which did not resonate with most Kashmiris. Crucially they lacked appeal among the secular and intellectual communities.

However, even when women were playing active political roles, they often lacked due recognition and acceptance from their own communities (Kazi 2009). The Indian security forces also meted out harsh punishment to Kashmiri women for their support of the insurgency. Sexual harassment ranging from everyday eve-teasing to rape became commonplace. Militants also punished women suspected of being army informers (ibid.). Kashmiri men were often rounded up at night during military crackdowns and identification parades.[1] This left women to defend their homes and children, and during such search operations, harassment, and rape by the Indian army often occurred. A report by Medicines Sans Frontiers published in 2005 revealed Kashmiri women to be among the most concentrated sufferers of sexual violence in the world (de Jong et al. 2008).

The village of Konan Poshpora in the Kupwara district of Kashmir has become almost synonymous with a mass rape on the night of 23 February, 1991. Women of the village continue to face stigmatization and difficulties when trying to marry and start families as a result. The children of the raped women are also humiliated, with many being unable to pursue their education (Noorani 2002). Therefore, Kashmiri women face both the brutality of the Indian forces followed by rejection from within their own communities. Another village that speaks to the wrath of the conflict is Dardpora in the same district, known as the "village of the widows." A large number of married men were killed during militancy. It is estimated that there are 20,000 widows in Kashmir due to murders like this (Kazi 2009, p. 148). In addition, 8000–10,000 men have been declared missing, many of whom were abducted by security personnel. Their wives, however, never receive confirmation of their whereabouts or whether they are still alive and are known as "half widows," unable to mourn or to

remarry (Qutab 2011). Many women also became displaced as a result of the ongoing conflict, and this is especially the case for Kashmiri Hindu Pandit[2] women.

Communities living in close proximity to the Line of Control (LoC), which divides Jammu and Kashmir, are killed and maimed due to landmines and cross-border firing between the Indian and Pakistani military. Women residing along this dividing line have also quietly suffered innumerable rapes committed by the army, due to the shame of speaking out against them (Hans 2010). Jamwal and Suchismita (2011, p. 81) describe how, "in the border districts of Rajouri and Poonch, women living along the LoC are the most threatened lot, and in their case, the threat comes from both the security forces as well as from the militants." What exacerbates the sufferings of women affected by the conflict in the twin districts of Rajouri and Poonch, is the sheer level of poverty and the lack of basic health facilities because the border region is literally in the middle of a war zone.

Given the ongoing nature of the conflict in Jammu and Kashmir, we know that generations of women have dealt with the consequences of periodic increases in violence. One of the most common outcomes is the loss of a male family member, either because he is killed or abducted. The impact this can have on women is explored using empirical findings from research conducted with women in rural areas of the Kashmir Valley. The purpose of the study was to understand the following: What are the women's experiences of losing a male breadwinner in the armed conflict? How do women redefine their roles when the male family member is no longer present? How do women experience the societal responses to their redefined roles, and how do they respond?

Drawing on the personal experiences and testimonies of fifteen women using in-depth interviews and observations, the phenomenological study set out to provide a deeper and empathetic understanding of how the lives of these women had changed. All the interviewees were aged between 37 and 58, were mostly illiterate, and belonged to low-income households. In this way, the study was able to examine how losing male family members is experienced by women who did not have prior access to public spaces through, for example, higher education or labor market participation. Seven of the women had lost a husband; six had lost one or more sons, one a brother, and one an uncle. All the deceased or missing males were the main "breadwinners" for their respective households. Their occupations included tailor, schoolteacher, baker, gardener,

laborer, carpet weaver, bus driver, shopkeeper, painter, and mason. The study was carried out from 2015 to 2019, and the names of women and places have been changed or withheld to protect their identity and ensure confidentiality. Some parts of the interview have been quoted verbatim in Kashmiri and Urdu, in order to maintain important elements of the narrative.

Complicated Grief

Phenomenological research seeks to derive meanings from lived experiences and strives to understand the essence of those experiences (Moustakas 1994). The women's stories recorded during the study were based on their lived experiences of the violent loss of loved ones in the armed conflict. The women's narratives were analyzed, and the main themes, which emerged from the data, are presented.

The research participants vividly remembered the event of losing their male family members with tremendous bitterness and sadness. Shock and disbelief were the common experiences reported by most participants, with the questions "Why our loved one?" "Why did this happen?" and "What did we do wrong?" lingering in their minds. The participants expressed that the suddenness of the event and the frightening nature of the killing or abduction left a deep impact on their families. 52-year-old Sheikha, whose husband, a painter, went missing in 1992, narrated the following ordeal:

> He used to paint vehicles, signboards, etc. He had come here to purchase some paint and never came back. For eight years, I searched for him, but found no news of him…At that time, I had little children. I had three children—three boys; our middle son was very attached to his father, and he went insane. He lost his senses; all he would say is, "Where did my father go? Where did my father go?" He was so young when it happened. He was never normal again. When he was 30 years old, he ran all the way to the adjacent district and died in a road accident. We came to know after 12 days. We filed a missing person's notice in a local newspaper, and after 12 days, we came to know about him. By then, he had already been buried in the other district for six days. People buried him, even though they didn't know who he was. But they recognized him from the newspaper and informed us. We went to get him, but the people said, "No, you should not trouble the dead," so we left him buried there. They all said he was so good and pious. He was so innocent. Since then, I have felt ill. My

> legs have given up; I have diabetes; I have thyroid problems— even today, I managed to reach here only with great difficulty. *Jab mera ladka mar gaya pehle aath saal usko dhoondti rahi, fir kahan neend karti, kuchnahi, kya ban gaya, meri zindagi ko kya hogaya* (For eight years I looked for my husband everywhere. I could not get any sleep at all, none. I wondered: "What has become of my life? What happened to me?" And then my son died).

Sheikha's husband's disappearance wreaked havoc on her family. Not only did it leave Sheikha distraught but also led to the premature death of her son, whom she described as having lost his senses. He was sadly met with an accident in another district and was buried by strangers. The severe emotional strain faced by the son is a sad reality of how many of the close family members react to losing a loved one under such circumstances. This prolonged unresolved grief is common in the cases of sudden disappearance and has been termed by experts as "complicated grief"[3] (Qutab 2011, p. 121). The main markers of complicated grief are preoccupation with the image of the lost loved one, strong feelings of guilt, loss of warmth in relationships, hostile feelings, seemingly hyperactivity, restlessness, and at the same time not being able to start or maintain an organized activity (Bllauw and Lahteenmaki 2002).

The sudden separation of her husband, coupled with the untimely and tragic death of her son, has severely impacted the health of Sheikha, and since then, she grapples with mobility issues. She spent eight years in search of her husband to no avail. She describes wondering with bitterness what became of her and why she has had to face such countless ordeals. The bewilderment she describes was common in cases of sudden and unexpected loss. However, it was also evident how she had not been able to fully accept her husband's absence, even after all these years,

> I have hope. I will have hope until my last dying breath. When someone is dead, *tasali hoti hai* (one gets closure). But when I am outside—say I go to a doctor or somewhere—I still imagine coming home and someone calling me to say he has come back. I think like that. I miss him still.

The lack of closure she describes is common for many "half widows" discussed above (Qutab 2011). For the families of missing people, the lack of closure is a painful experience, keeping them in a constant state of limbo. Rituals such as funerals help grieving family members deal with their loss and prepare them to start the process of re-integration into

society (Bllauw and Lahteenmaki 2002). However, as half widows are unable to take part in such ceremonies, they often fail to reconcile with the loss, leading to perpetual grief (Qutab 2011).

Accessing Public Space in Search of the Disappeared

For the family members, the sudden disappearance or abduction of the loved one results in the urgent need to locate and/or bring him back. Women, even though unfamiliar with ways and means of doing so, would often be at the forefront of such efforts. Zarifa, a 58-year-old whose son Mushtaq, a carpet weaver, was abducted in 1993 says:

> I feel I am just a small person. What can an old and helpless mother do? I can just beg for him. I have placed my scarf at the feet of many military officers and officials for even a small hint of where my son is. But I just get pushed around and thrown out. Some people just lie to me so that I do not come again. But I cannot leave my son in their hands. I will search for him as long as I can, as long as Allah gives me life. What answer will I give to his dead father when I meet him in the hereafter, that I failed to get our dear son back?

Zarifa was uneducated and unfamiliar with the "system" in which she was sure her son was caught. She, as a mother, appealed to officials to release her son or at least give her some news of him. She thus made attempts to negotiate within unfamiliar power structures to seek his release, even if it meant endangering her personal security. She describes being pushed around and fobbed off by officials and knowing that she will continue to face humiliation returns to the offices in her quest for answers. The public places she describes are largely dominated by men, where political decisions are made, and women's concerns are mostly muted or absent, as they are given limited access (Harcourt and Escobar 2002).

Her experiences resonate with what Winter and Leighton (2001) discuss as a form of structural violence, which occurs when people are disadvantaged by political, legal, economic, or cultural traditions. In conflicts, the disadvantaged face greater risks to their personal security and denial of the basic rights to access justice. We hear this again from Hasina, a 52-year-old, whose son Bilal, a carpet weaver, went missing in 2003:

> I was going to such places where even men shudder to visit to search for my son. I was too concerned for his life to be afraid.

Hasina risked her personal safety in order to locate her son. She defied the limitations set by gender norms in doing so. The potential risks to her safety were outweighed by her need to do whatever she could to gain some information on his whereabouts.

Sumaiya, 45-year-old, whose husband Saqib, a daily-wage laborer, has been missing since 1998 relayed the following,

> I had delivered my youngest daughter and had just been discharged from hospital when my husband was detained. The next day I was on my feet and started asking people where he could be. They told me he is in so and so place. In a couple of days, I started walking and trekked the hills on foot to reach the jail where he was said to be detained. He wasn't there, I went to camps and police stations and everywhere, sometimes I was alone, and sometimes I had my relative. People said about me, "she is sleeping with police to get her husband released." I ask them if I did, would I not have been able to have him released. People just talk because I am a woman. But I know how desperate I was to find him.

Sumaiya showed extraordinary courage to find her husband, even defying natural barriers by trekking mountains soon after giving birth, risking her personal safety and health in the process. As well as the difficulties faced in accessing male-dominated spaces discussed by the other women, Sumaiya was also subject to social censure when people accused her of "sleeping" with the officials to seek her husband's release from detention. She knows they say this because she is a woman, and her gender is, therefore, under attack. Such censure adds to the disadvantage of women who, rather than garnering the social support they need from community members at a time of extreme stress, venture out into alien terrain with a sense of dual discrimination (Mazurana and McKay 2001). However, all her struggles proved futile as she was unable to locate her husband.

Manzoora, a 56-year-old who lost her son Hanif, a bus driver, 20 years ago, recalls,

> *Gayas, tsandni gayas, dopnom subhan traven, pagah traven, pat trovekh ne kihin, athaye loug ne…dapanaesess he emis pooch teach karaan, pat log ne atheye…filhal cheaz taameyth poochtach, yelina ethi log nakenh. Biyeaesis tsandhan, bayi tsond ne kensi. Panni maaje tsande. Yeli na ethi log na. Beaes*

> *paanayi gashaan, me chuna pormut ne kehn.. tetiaes na aasan kahn timayi aes wanan. Wein kyah karr…Biye dunyas gashan. Yimaw dyuth me mar ti, bi gayas bimar, magar me trow na nerun.* (I went looking for him. They said, "We will release him tomorrow," but that never happened. They said, "We are questioning him." His questioning seems to go on permanently. When he could not be located, I was forced to look for him myself. A mother will search even when no one else will. I would go to these places myself. I am illiterate, so I would ask for help from people I found there. I searched the whole world for him. I was also beaten. I fell ill as well, but I did not quit looking for him).

Hanif went missing while at work. His mother described going to different places to look for him. When she was finally informed of his location, she visited the jail frequently but never got to see him. Every time she went to the prison, she was told that her son was busy being questioned and that he would be released the next day. Manzoora never heard from him again. She describes how, as an uneducated woman who was unable to understand official terminology and procedures, she would ask for help from whosoever she found in the places she visited. She was beaten and mistreated in her dogged pursuit for information, and her health suffered. Yet even today, in her old age, she participates in sit-ins of the Association of Parents of Disappeared Persons[4] as the only way she can try to gain justice and answers.

Even when breaking gender stereotypes, by accessing male bastions for her son's sake, the traditional role of a mother remains intact. It is now twenty years since she began fighting the case for her sons' release, and she said with sadness, "it seems as though his questioning still continues today." Manzoora's story also speaks of the overarching structural violence which denies access to justice described above. However, in Kashmir, this is aggravated by the impunity awarded to the military under the Armed Forces Special Powers Act. The act means the military has no obligation to provide any information to women like Manzoora, Zarifa, and Sheikha (see the chapter by Zia in the present volume). Complete impunity given to the armed forces means that going to such places in search of loved ones is especially more dangerous for such women.

Becoming a Breadwinner

Often when men disappear during a conflict, there are changes in the traditional roles within the family, community, and the public domain. Ali (2010, p. 129) describes how,

> These changes force women to assume new roles, bearing full responsibility for their children, elderly relatives, and the community in general. They become the heads of households and the breadwinners, taking over responsibility for earning a livelihood, caring for farms and animals, trading and being active outside the home, activities often traditionally carried by men.

The women in this study, as the case with economically disadvantaged women in Kashmir more generally, are rarely provided with an education or vocational skills. Nor did they have much need or opportunity to engage in public life as Dabla (2010, p. 199), explains

> Women generally remained confined to their family household in the traditional situation. The out-family role of women was neither identified nor encouraged. Their world was confined to their family households…they could not develop their individuality or be independent, especially on the economic front. In reality, they remained dependent throughout their lives as mothers (on sons), as wives (on husbands), and as daughters (on the male parent).

However, the loss of a male family member also meant, for our women here, the loss of the main breadwinner. Being killed or abducted, therefore, also had severe financial repercussions for the dependents left behind. Nayeema, whose husband, Abdul Samad, disappeared in 2003, discussed this challenge,

> In the initial days, some relatives and neighbors helped us, but slowly they left us too. They had their own families to look after and were themselves so poor. I had four children and myself to feed and didn't know anything. My husband was everything for us. I had no skills. On one side, my heart hurt from his loss. On the other, I had to toil so hard I didn't have time to grieve. My husband used to work as a tailor at home. I don't know how to tailor nor do my children. Here in this village people don't learn anything, especially the women. They depend only on the husband. Then all of a sudden, the responsibility of my home fell on me, and I couldn't

> do anything. I couldn't think of learning any work because I had to take care of my home. I had to do all the work, the woman's work and also the man's. Normal life ended for me.

Nayeema found herself ill-equipped to earn for her children. She described being confined to household chores both before and after the event, firstly due to societal restrictions on women learning non-domestic skills, and subsequently due to having to stay at home to raise small children as a lone parent. Nayeema has three daughters and a son; her youngest child was still an infant at the time of her husband's abduction. She discussed the sadness she felt for her children being deprived of a father at such a young age. Life for her and her young family became a matter of survival, and sadly, Nayeema had to part from her children for a period given the desperate situation she faced at the time. Having no time to learn a skill, she had limited options, and therefore her only strategy was to engage in physical labor:

> I didn't have any time to learn anything, as I was looking after the children and doing the daily household chores… I am uneducated; where could I find work? I joined some women in our village who went to the forest to collect firewood. Some women also worked in the rice fields. I worked hard and used my hands and back to earn. I sent the two older children to live in an orphanage cum school, as I earned so little. My relatives were also poor and could not afford to take my children.

When Shabina's husband was killed, she too was faced with the responsibility of running the home all by herself. Her lack of education and skills proved a major disadvantage; however, she had a small piece of land and would now have to oversee the work of laborers who sowed rice on it. By working alongside the men, she was able to reap a modest harvest and earn enough to feed herself and her children. Spending money was also a challenge, as she had never made any financial decisions—which is viewed as a man's job. Now she had to take this on as well, adding to her responsibilities. She recalled,

> I was uneducated and had no skills. *Path pyow me tyut heikun yeth nakahn hadd hi chu* (Then I had to manage so many seemingly unlimited things). *Luken hind muhnew seththi path karan paye heketh* (When I had laborers working in my fields, I had to stand with them and instruct them). Only then would they work. And when I would have some money in my hands,

> I would have to think, "Should I spend on this thing first or that?" It seemed like such an effort to think about how best to spend what little I earned to make sure I was doing the right thing for my family.

Although some writers such as Manchanda (2001) describe losing male breadwinners through conflict as providing new opportunities for women to become self-sufficient and therefore gain more power over their own lives, the women in this study did not view it in this way. On the contrary, time and again, they discussed the hardships that arose in terms of financial responsibilities as the new head of the household as well as the anxiety of being forced into the public domain. These experiences were recounted as being physically and emotionally challenging.

Others, such as Sen (1999, p. 190), describe agency as, "a recognition of people as responsible persons…who act or refuse to act and can choose to act one way rather than another." However, this view of agency is, at best, short-sighted, and, for the women in this study, filled with contradictions. For example, Sheikha reflects on toiling for her family as a cultural expectation;

> Women have courage; we have always been taught to work and work, for others, and keep on working till we die. We don't live for ourselves, always for our family.

Here Sheikha expresses the tacit influence of social norms in her life, such that women are taught to work tirelessly for the families. She discusses how the family's wellbeing comes first, and hers does not seem to hold much importance. Therefore, even as Sheikha assumes more responsibilities in the conflict, her importance within the household does not increase, and her health and wellbeing are not improved. Thus, the socialization she and the other women illustrate through the transcripts is to do as much as possible with no expectations of an increase in power or recognition in return. In Sheikha's case, her agency was not based on her choices to act or refuse to act in a particular way. Her options were limited, and her decisions were motivated by compulsion rather than by choice.

Sharifa, 40 years old, whose husband Ghulam Hasan, a laborer, was killed in 2000, now works as an artisan to make ends meet. She recalls,

> It was so difficult taking care of my family. I used to spin yarn, do manual labor, I also sewed other people clothes for money to rear my small children, all by myself. *Himmat maine ki, hath nahi failaya* (I displayed strength and did not beg). Now I do a little *ari* (embroidery) work so I can support myself, which means I get work from an intermediary, but he pays me almost nothing. I wish I could get a job instead. *Me che teesa teesa problem, had khot zyade* (My problems know no bounds). I get paid very little, and prices are so high. I work hard. No one supports me except that sometimes I can get some basic help from Shama Ji, who runs a NGO which is her great kindness. Sometimes when I have to go out, I lock my son indoors. This troubles me greatly, as he needs me all the time.

Sharifa's current income is insufficient to meet her needs, and she relies on a local NGO for assistance. She discussed longing for a job that would give her a better wage, and her anxiety over having to leave her child alone at home, as she has no one to take care of him in her absence. She described feeling let down by her circumstances, even with hard work and toil, she faces a gamut of challenges. Meema, a 57-year-old, whose son Amir, a baker, was killed in 2010 says:

> My wages are not enough for me to manage. Sometimes I get paid in cash. Sometimes I get some rice or (cooking) oil, and sometimes nothing. Neighbors help me occasionally. I have a lot of debt that I owe the shopkeeper, which I pay back in small installments when I get money.

Dwindling and unsustainable remuneration caused Meema a lot of trouble. She worked hard as a manual laborer in the fields. However, she described how her health had deteriorated and was unable to sustain the work. Now she washes dishes in people's homes for very little in return. She still relies on charity and has found herself in debt.

Both Sharifa and Meema lacked adequate negotiating powers to be able to demand better wages for their labor, due to the gendered constraints they faced in equipping themselves to make a living, coupled with patriarchal structural violence which legitimizes less pay for women. Livelihoods and earning are often gendered due to prevailing attitudes which limit women's abilities to access resources or utilize them for improving their outcomes (Kabeer 2018). This may translate into employers hiring more males and women being paid less (Nazneen 2010).

They both discussed their frustration about being trapped in a cycle of poverty, which they are unable to escape despite working long hours

and multiple jobs. The women also discussed the toll on their mental and physical health from the loss of loved ones coupled with the sudden change in roles and lifestyle. Meema described,

> *Yeli yiman seth mazur karum, yikyah, Yem nam ti ruudee na kuni, yim zatch ti na rozi kehn, mazure ker ker* (The nails of my hands were ripped off from such hard work; my clothes were reduced to rags). Now I don't have much life in me. I live on medicines; my eyesight is also nearly gone, and I cannot do physical work anymore because I developed a heart condition. Ever since my son died, my heart suffers. I have to take blood pressure medicine, but sometimes I have no money for it.

Zarina, who is 45 years of age and lost her husband in 2012, says:

> I don't ask for charity. When I have endured so much, why would I choose to beg? A woman can do anything, even wash people's dishes. And for whom? For her children. This is a fact. It's not like someone will give me money as charity because they feel sorry for me. No—no, I do not need that. After coming here, I do all my work by myself, and also my brother's work—also my mother's work. I can do any work. But I cannot do any bad work, God forbid. Why would I do any bad work?

Zarina discussed how she was adamant that she would not take charity from anyone and would fight through her circumstances. She discussed the shame in being pitied by others. She now lives with her mother and brother in their home, and does their domestic chores along with her own, resulting in an increase in housework, as well as having to earn an income through cleaning. The topic of engaging in "bad work"—begging, stealing, or prostitution—was something that vulnerable women felt could lead others to view them suspiciously. Zarina describes how a woman can do anything for the sake of her children and thus the stigma of suddenly losing the male family member is not only about the loss of earning but can also leave women feeling as though they have lost their honor in the eyes of the community they live in.

In the study, widows found themselves to be the object of speculation and slander and, as a result, described being more mindful of their behavior. Kazi (2009, pp. 152–53) explains how, "The social policing of widows induces its own set of anxieties…even as individual trauma and economic insecurity are the most immediate outcomes of widowhood, its social experience is mediated through a sequential gender bias." Zarina

described how she felt stigma for leaving her in-laws home after the death of her husband because they did not get on, and so she moved in with her mother:

> Now I am with my mother, even though I am not happy here. Sometimes I think, when I was in my in-laws' place, even if they would treat me badly, still I would be living with them and be more dignified, people would say, "She is living with her in-laws."

As a married woman, Zarina finds it difficult to reconcile with living in her parental home as a "returned wife." Yet moving in with her mother and brother is viewed as more socially acceptable than living alone with her children. The societal notions of what is deemed appropriate behavior so impinges upon the psyche of a woman that she prefers to be "socially acceptable" even if it means being humiliated and mistreated. Such traditional perceptions and norms are rigid and make the lives of women more challenging. Shabina is a 53-year-old whose husband Razak, a schoolteacher, was killed in 1993. She now lives with her three daughters in a small village. She and her daughters have faced social censure for living alone as four women, which makes her feel very vulnerable:

> People also talk about us. For instance, if I go outside, people will say, "*Yimen chuna hebte keinsi hund*" ("See this mother and her daughters—they don't have any fear of anyone"). When my daughters are out, I am only half alive until they come back. I am so tense, worrying about whether they will come back home safely. *Khuda wendi kareen agar bakshi magar dunyehik luuk chi na bakhshan e keinse* (Allah forgives but people in this world do not forgive anyone).

Shabina's two younger daughters are enrolled in education, and her eldest is now a schoolteacher. After her husband's death, Shabina, as with many other women in her situation, took care of her children alone and worked on their agricultural lands alongside other laborers. She discussed how within society, women are expected to be meek, sheltered, and protected, and are not forgiven for working outside the home even if it is a matter of survival. As already discussed, this phenomenon is not new for women who, especially in conflict situations, suddenly take on the male roles, yet the community can remain in opposition to such changes (Ali 2010).

Reflections

During the armed conflict in Kashmir, women have played unconventional roles, overcome gender stereotypes, and engaged in political spaces, as well as in everyday negotiations for survival and resistance. Women who suffer the loss of a loved one, especially a male breadwinner, experience many trials and challenges. As seen from the transcripts here, the sudden separation from a family member, which leaves the women and their children in bewilderment, as the case of Bilqees and Meema, can last for years and results in prolonged and "complicated grief." For those who know their loved ones are deceased, at least there is some kind of closure; however, for those whose husbands or sons are missing, as the case with Sheikha, the sorrow is difficult to reconcile, the hope they describe is bittersweet.

As described, many women take it upon themselves to negotiate with armed forces for knowledge of the whereabouts of the male family member, which can lead to physical harm. Gender norms become redundant for such women who describe having no other choice. Accessing public space, which is overwhelmingly male terrain, means these women are more prone to sexual abuse and social censure. Their identities as a "grief-stricken" mother or a wife were the only way they could legitimately navigate traditional stereotypes of both their communities and security forces.

The women in this study were mostly illiterate and therefore struggled to understand official and legal processes. Their lives were mostly limited to the private realm, and they were kept away from "socially valued" knowledge and skills afforded to males (Spain 1993), which worked to their disadvantage. Their literacy levels and lack of training also impacted the kinds of paid work they could do in order to support themselves after the loss of their primary breadwinner. Ironically, most women had to engage in manual labor—an occupation that is commonly perceived as one of the most masculine there is. Despite it being a matter of survival, many women face social censure and criticism for engaging in such work. The women thus provide illustrations of how livelihoods remain gendered, affected by limitations imposed by social norms, resources, and identities (Kabeer 2018) even in extreme circumstances like armed conflicts. This is also noted by Ali (2010, p. 117), who writes, "On the community level, conflict may create a space to make a redefinition of

social relations possible, but in so doing it rearranges, adapts or reinforces patriarchal ideologies rather than fundamentally changing them."

Female-led households or those consisting of all women (such as Shabina's) were under public scrutiny. In societies where women's identities are closely associated with the male partner, his loss has additional significance, as described by Zarina who felt she had to detail her sources of income explicitly, and in order to maintain her dignity move in with her mother and brother after her husband's death. Social ostracism and censure are exacerbated by the fact that the women live in a heavily militarized zone where rape and harassment by security forces are commonplace. This also plays out in other ways, as described by Sumaiya, who was accused of using her gender as a way of accessing information through sleeping with police. It is a reminder that in conflict zones where the power lies with the occupying force, the "powerless" can be viewed with greater suspicion given their lack of options for obtaining justice. Therefore, assumptions about the lengths women like Sumaiya will go to in the face of no alternative legal or political intervention can lead to greater stigmatization when entering the public domain.

As discussed by Manchanda (2001), war can provide an opportunity for women to access spaces ordinarily closed to them. The loss of male family members from battlefield death or abduction forces women to become more independent and take on decision-making roles. Sen (1999) also considers women's earning power—together with her role outside the family—as central to her agency, resulting in the achievement of independence and empowerment. Yet, the women in this study did not revel in having to become independent decision-makers. In fact, it was the opposite, as Shabina's earlier statement about money reveals: "And when I would have some money in my hands, I would have to think, 'Should I spend on this thing first or that?' It seems like such an effort to think about how to spend the money." With time and deteriorating health, women lose the ability to earn, making them more dependent on their children, and having less authority in their households. The impacts of years of hard manual labor, the stress of having to make decisions they felt ill-equipped for, negotiations with officialdom, and maintaining a sense of dignity within their communities have made a profound impact on their lives.

The agency of the women interviewed in this study is apparent, and as demonstrated, adversity has brought unknown strength and resilience, even if borne out of personal tragedy and compulsion. However, despite

the important contributions these women have quietly and un-assumedly made, they evince no sense of personal achievement. Perhaps this is the most noteworthy finding to add to the literature on the changing role of women during war and armed conflict. Thus, even when women transcend gendered boundaries, deviating from accepted spheres and behaviors can result in them being forced to internalize stress and take more risks. Kazi describes how, "even as Kashmiris' gendered tragedy caused many women who were earlier restricted to traditional roles to seek employment, the flip side is the increase in patriarchal control over them and social regulations about how women should behave in public" (2009, p. 63). Yet there is an undeniable additional variable influencing patriarchy in places like Kashmir, where an intense military presence coupled with complete impunity given to security forces, significantly increases the threat of sexual violence (see the chapter by Zia in the present volume). It is hardly surprising that under such conditions, female access to traditionally male-dominated spheres can lead to a greater sense of vulnerability and concern rather than representing agency or empowerment or being a cause for celebration.

Notes

1. During the military crackdowns, local men were required to come out of their homes and gather in an open space. They would have to appear one at a time before a masked military informer (a militant or suspect captured by the military) with the aim of identifying militants (guerrillas) or civilians actively involved in helping militants from the community (Bose 2003).
2. Pandits are Kashmiri–Hindu upper-caste Brahmins.
3. A study conducted in 2010 by a local psychiatric diseases hospital and Medicines Sans Frontiers revealed that complicated grief was prevalent among 79% among the families of disappeared persons in Kashmir Valley (Hussain et al. 2010).
4. The Association of Parents of Disappeared Persons is an organization comprised of parents and relatives of persons who have disappeared after custody (Anjum 2007). The members of the association meet once every month to protest for the release of or information about their lost loved ones.

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CHAPTER 14

The 1947 Massacre and Its Impact on Sikhs in Kashmir

Komal J. B. Singh

> I don't decide to represent anything except myself. But that self is full of collective memory.
>
> —Darwish (Maya 2002)

Introduction

The morbid tale of partition continues in the memories of the people who witnessed its carnage. It was not merely a division of land but the division of lives, which has left a deep impact on the psyche of communities (Mallot 2012). Although there are many accounts of partition history, they remain limited primarily to the Punjab and Bengal (Butalia 1998; Chatterji 2007). In contrast, the partition narrative and its impact in Jammu and Kashmir (J&K) are absent from mainstream academic studies, despite the ongoing tensions the division created.

As a way of redressing this gap, this chapter explores the impact of partition on the Sikh community in Kashmir. In doing so, it focuses on a massacre that took place in the Baramulla District during 1947

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and describes how memories of the event remain and form part of the community narrative for Sikhs in Kashmir. Accounts of Sikhs being killed, women abducted, and children maimed have been passed on from generation to generation. As such, the trauma remains an integral part of how community members view themselves, even those who did not personally experience the massacre.

There is an extensive literature on memory, trauma, and identity (Ray 1999; Douglass and Volger 2003; Winter 2006; Mallot 2012). Bell (2006), for example, discusses how incidents such as terrorism and war can shape the way a person experiences their place within the world. This, in turn, influences their political perceptions and affiliations. In this view, even trauma experienced in the past can remain a chief component that shapes present identity both individually and collectively. Alexander (2016, p. 4) adds, "Cultural trauma occurs when members of a collectivity feel they have been subjected to a horrendous event that leaves indelible marks upon their group consciousness, marking their memories forever and changing their future identity in fundamental and irrevocable ways."

Thus, the study of memory—especially of traumatic pasts—can play a pivotal role in helping us understand present-day group identities. As Douglass and Volger (2003, p. 12) explain, trauma can act as a "social glue," which holds groups together based on ethnicity and shared victimization. Mallot (2012, p. 3), whose work explores the impact of the partition, in particular, writes, "memory can serve to articulate or consolidate identity, validate or deny the identity of others, celebrate or mourn past events or establish claims to agency, justice, or nationhood."

Through personal stories and first-hand accounts of a traumatic event, this chapter describes how shared memories of the massacre at Baramulla remain part of the way Kashmiri Sikhs view their collective history. I argue that the collective memory of trauma is exacerbated by an ongoing feeling of insecurity within the state of J&K due to its disputed nature. Furthermore, as Sikhs are a small minority with the state, the chapter points out that they have internalized a marginal position within a landscape that is commonly viewed as a battle for sovereignty between Muslims and Hindus (Rai 2004).

Background

The creation of India and Pakistan occurred after the catastrophic event of partition. Muslims and Hindus killed each other *en masse* in many

parts of the subcontinent, most notably in Punjab and Bengal. Nevertheless, the violence and carnage of the partition were far-reaching, and it led to the displacement of more than 10 million people on both sides of the border (Puri 2012, p. 22). While the fire of partition spread uncontrollably, Kashmir initially stood as an exception to this violence, not least because its prince did not advocate joining either domain (see the chapter by Hussain in the present volume). However, during the month of August 1947, when the border areas of Punjab were engulfed in bloodshed, tension began to brew in Jammu as Punjabi refugees crossed the northern border. Similar kinds of tensions were visible in Muzaffarabad, which in 1947 was home to significant Hindu and Sikh populations.

However, it was Poonch that became the first flashpoint of violence and resistance. The people of Poonch had expressed their frustration with the prince and his ruling administration and policies. The growing hostility led to a very public call to overthrow the regime and resulted in a full-blown rebellion. This uprising was indigenous rather than externally agitated, as occurred in other parts of the state (e.g., Jammu city) and was initiated by local objections to harsh taxes. Two notable figures linked with mobilizing the rebellion were Sardar Qayyum Khan and later Sardar Mohammad Ibrahim Khan, both Poonchi (Whitehead 2007). However, Bhattacharjee (1994, p. 126) explains how the residents of Poonch had a "history of friction with the Maharaja," and as many of them had served in the British army during the Second World War, "they organized an armed revolt, undoubtedly encouraged by Pakistan, but provoked by Dogra oppression." Furthermore, Balraj Puri (1981, p. 58) describes how "the state army fired at anti-government demonstrations, which became violent," and thus, the tone was set for the weeks that followed.

In response to the uprising that began to spread across the state, a huge number of Muslims were brutally massacred in Jammu, with reports of the death toll ranging from 237,000 to half a million (Stephens 1963). Recent scholarship on partition has begun to explore the communal carnage within J&K, there is undeniable evidence to prove the anti-Muslim activities in Jammu, but at the same time, Muslims also killed many Sikhs and Hindus in J&K in 1947 which has remained largely unreported (Snedden 2013, p. 56). In Jammu, Muslims—who up until that point formed the majority of the residents—became a minority within a matter of weeks (see the chapter by Hayat and Ahmed in the present volume). No one has ever been held accountable for the crimes.

It is argued that these events led to the mobilization of tribal mercenaries known as Pakhtoons or Qabalis (as they will also be referred to in this chapter), who came from the North-West Frontier (the border area between Pakistan and Afghanistan) to invade and support Pakistan's claims over J&K. The tribesmen entered the state under the command of the Akbar Khan, a major general in the Pakistan army (Jagmohan 1991, p. 85). On October 22, 1947, the Qabalis attacked Muzaffarabad, which had sizable numbers of Hindus and Sikhs.

Why the tribesmen invaded J&K remains one of the biggest questions asked by historians. It is commonly accepted that they did so to save their fellow Muslims. Whitehead (2007), for example, describes how the Pakhtoon had a long tradition of fighting for the cause of Islam. The killing of Muslims in Jammu certainly had the potential to trigger and unite them in the cause of saving fellow Muslims in J&K.

However, this is unlikely to be the entire story—there are numerous accounts from Muslims describing also facing brutality and looting at the hands of the tribesman. Sewa Singh (2005) writes that the Qabali did not even spare Muslims exemplified by the killing of prominent National Conference leader Maqbool Sherwani in Baramulla. This, of course, poses a question as to the actual motivations of the invaders. For some, at least, the opportunity for self-gain was also quite likely why they came to J&K (Snedden 2013). Yet, despite the bloodshed, migration, and tensions occurring in other parts of the state, the Kashmir Valley remained peaceful.

Sikhs During the Tribal Invasion of Muzaffarabad and Baramulla

Tribesmen arrived in J&K on October 22, 1947. The famous slogan of the Qabalis was said to be "*Hindu ka zar, Sikh ka sar, Muslman ka ghar*" ("Take the Hindu's money, the Sikh's head, and the Muslim's house"). Despite efforts on the part of the local people to resist the invasion, the tribesman headed for Domel, near present-day Muzaffarabad. Anoop Singh (2007, p. 93) describes how:

> The Qabali entered Muzaffarabad city, creating panic. They started damaging property, setting houses on fire, and killing innocent people. Young women were taken into custody and sent to Qabali camps. D.C.

Chand and the National Conference leader, Master Abdul Aziz, were also taken into custody and later killed.

The towns of Kotli, Domel, and Muzaffarabad, were well-established settlements across the River Jhelum. Sikhs from these locations had gathered together and collected any available arms and ammunition they could (Singh 2007, p. 93). Some rifles were given to them by the Maharaja's state forces for protection; others donated their private guns. S.M. Ibrahim Khan (1990) writes that in Muzaffarabad, there was a strong, armed *jatha* (volunteer group) of Sikhs in the Gurudwara (a Sikh temple). However, it soon became apparent that the locals could not withstand the tribesmen. Khan (1990, p. 133) describes how "Sikhs put up quite a stiff resistance till they were overcome." As lives were being lost, hundreds of Sikh women committed suicide by jumping into wells rather than facing the prospect of rape and abduction (Rahim 1995, p. 44). It was here that Dhuni Chand, husband of Krishna Mehta, the deputy commissioner, was killed.

Eventually, the entirety of Muzaffarabad was ransacked, and many people were captured. The famous library of Akali Kaur Singh was burned, and the Khalsa Boarding House was destroyed (S. Singh 2005, p. 225). This ultimately led to Hindu and Sikh communities becoming extremely vulnerable. Due to a combination of "migration, kidnapping of women, natural causes-and the deliberate murder," by March 1949, non-Muslims numbered less than 2% of the population as compared with 12.5% in 1947 (cited in Snedden 2013, p. 56). Despite having an established community in Muzaffarabad for centuries, there are no Sikhs in the area today.

As soon as the town of the Muzaffarabad fell, the tribesmen began their approach toward Uri, a small town on the now-Indian-administered side of J&K, where the LoC was later drawn. Before partition, this was the only way to enter Kashmir. There is evidence from testimonials such as Akali Kaur's, who was well-known among Sikhs for his writing on religion that Sikhs had been sent from Muzaffarabad to warn Baramulla and other villages that the tribesman had attacked and taken hold of the city. Other testimony confirming this came from Jathedar Kapoor Singh, who unfortunately lost his life during the siege (A. Singh 2007, p. 93).

Baramulla is divided into two parts, the new town and the old town, which are separated by a bridge above the River Jhelum. The new town, even today, resides along the national highway, which connects Srinagar to

Uri, where the present Line of Control (LoC) has been established (see the chapter by Hussain in the present volume for a discussion on the LoC). The bridge toward old Baramulla connects it to a cluster of villages known as Rafiabad. Prior to 1947, the Sikhs in Kashmir referred to the old area as "Kamraz" and the present new Baramulla town as "Krun." During the 1947 tribal raid of Baramulla, both Kamraz and Krun were attacked. Having been informed by the Sikh leaders from Muzaffarabad about the atrocities committed by the tribesman, many people from Krun had already begun to head toward Srinagar, in an attempt to save their lives.

Sikhs who lived in Kamraz,[1] however, did not leave due to the isolated geography (A. Singh 2007, p. 97). Furthermore, the socio-economic condition of Sikhs in Kashmir was known to be poor as most were agriculturists, and very few had ever been to "Shehar"[2]—the local name for Srinagar. The route was unfamiliar to most, which no doubt also contributed to apprehension about making the trip. Nevertheless, whoever was able to attempted the journey. They avoided following the highway, as it was deemed too dangerous. The alternative was to cross through the tough hilly terrain of the forest on foot. Those from Baramulla's main town aimed first to reach Singhpora, a Sikh village on the way toward Srinagar. From Singhpora, they would head to Goyana then on to Dardapur, so they were able to inform whomever they crossed paths with, and pick up travelers to join their *kafila* (caravan) along the way.

As mentioned, on the other side of the Jhelum River, the residents of the Kamraz area remained stuck due to their geographical positioning. Two Sikh leaders, Khanaya Singh and Baldev Singh—who had caught word of the fall of Muzaffarabad—brought whatever guns and ammunition from Srinagar they could find to help protect the people who were unable to leave Baramulla. They managed to distribute them among the Sikhs in Krun. However, they were unable to reach Kamraz before the Qabalis did (A. Singh 2007, p. 98). Standoffs between locals and tribesmen led to deaths on both sides.

Many women and children were abducted and never returned. A testimony from Sheel Kaur describes how she was the only Sikh survivor from her village, Chandosa, in Kamraz. She narrates how local Muslims assured her and other Sikhs that they would remain safe and protected. This would have been the case. However, someone informed the tribesmen of their presence, and the village was attacked after all. It was here that

Sheel Kaur, with the help of local Muslims, collected all the bodies of the deceased Sikhs and cremated them.[3]

As the Maharaja's state forces understood the gravity of the situation and the scale of the tribal attack, they decided (under the command of Brigadier Rajinder Singh), to blow up the bridge leading upto Uri. However, this only delayed the tribesmen to a certain extent and they eventually reached Mohura, the site of a large hydroelectric plant which was captured. Brigadier Rajinder Singh was also killed in action along with his men (see the chapter by Kumar in the present volume). It was a result of these events that, on October 24, the Maharaja asked India for help (Jagmohan 1991, p. 86).

Remembering the Losses

In his 1993 work, *Sikhs in Kashmir,* Jasbir Sarna, documented the names of 1000 out of 2332 Sikhs killed in 1947 from several villages in Baramulla. From this, he produced the first list of those from the area who lost their lives in 1947. Sarna describes how:

> From October 22 to November 5, 1947, [the] genocide of Sikhs continued…On the morning of October 27, [the] invaders got control of Baramulla. They caught women for seduction purposes in special camps and sent special parties for looting and killing of Sikhs towards Sopore, Handwara, Bandipura, Gulmarg, Beru, and Badgam. (Sarna 1993, p. 28)

Himat Singh (2018) in his book, *Sacrifice for Kashmir,* conducted an ethnographic study on the events. His work also contains testimonies from across Kashmir and the names of people who were killed, together with the villages they belonged to. As such, it provides both a historical record and a form of commemoration of the deceased. The number of people killed in Baramulla remains contested. The number of Sikh deaths in Kashmir, however, is estimated at approximately 16,000—including men, women, and children (Sarna 1993, p. 31). Sarna provides the count based on his own investigations, by which he records the total number of deaths in the Kashmir Valley as 2332 and in Muzaffarabad and other areas at 13,668 (Sarna 1993, p. 32).

Pandit Gwashlal Koul writes that in 1947 the number of people killed ranged from 15,000 to 20,000 (cited in S. Singh 2005, p. 220). In 1986, the Gurudwara Committee of Baramulla conducted a survey and found

that 1800 people had died, out of which 257 were from Baramulla and Krun, 1096 from Kamraz, and 490 from Uri (S. Singh 2005, p. 225). In another source, the Muslim headman of a Baramulla village claimed that around 22,000 Hindus and Sikhs were killed on the route from Kohala to Uri (cited in Snedden 2013, p. 72).

Although documenting figures in this way is vital for historical accounts and remembering the deceased, the remainder of this chapter focuses on how the massacre shaped Kashmiri Sikh community consciousness through personal accounts. Although people witnessed the death of loved ones, and experienced abduction and many other atrocities, those who lived through what took place during those fateful days in Baramulla have not shared their stories beyond their immediate families or communities. As such, their accounts have not been made available for wider audiences. This chapter acts to redress this and, in the following section, describes first-hand narrations of Kashmiri Sikhs who were impacted by the events of the division of J&K. The accounts featured below are drawn from field-work conducted by the author between 2017 and 2019. The names of all respondents have been anonymized to protect their privacy.

Stories of the Sikh Survivors of the Baramulla Massacre

Sikhs constitute 1.8% of J&K's population, according to the Indian Census of 2011, and form the smallest religious group in Kashmir. Due to the ongoing conflict in J&K, the Kashmir Valley has already lost its diverse character. The exodus of Kashmiri Hindu Pandits in 1989 and 1990 further exacerbated this (Pandita 2017). Sikhs have chosen to remain in the valley despite three decades of insurgency in J&K, leading to violence against the community. Atrocities include an assault on a Sikh religious procession in 1989 (Mudgal 1989) and an attack at Chittisinghpora in 2000, during which thirty-five Sikhs were killed, followed by the killing of seven Sikhs at the Mehjnoor Nagar by an unidentified gunman (*Daily Excelsior* 2017). As Satish (2014) notes, even during such times of alienation, Sikhs have stood firmly in Kashmir as flagbearers of *Kashmiriyat* (the ethno- and socio-cultural values of Kashmiris).

Post-division, Baramulla town remains one of the most religiously plural in Kashmir. According to the 2011 Census of India, Muslims constitute 90.93% of the total population of Baramulla, while Sikhs form 5.62%, Hindus 3.14%, Christians 0.19%, and Buddhists 0.02%. There are

reminders of the cross-communal collaboration at the time of the tribal invasion dotted around the town. As soon as you enter Baramulla, you encounter the Degree College, built by the military as a memorial to the soldiers of the Indian army who laid down their lives for the people of Kashmir. A few kilometers ahead is the well-known St. Joseph's hospital where Tom and Biddy Dykes, an army officer, and his wife, were killed in 1947, along with others at the scene. Approximately Sixty kilometers from Srinagar, on Srinagar–Uri highway, the Sherwani hall in Baramulla was constructed in the memory of the National conference worker Maqbool Sherwani who is remembered for his bravery against the tribal invaders. Immediately across the road, one can find the Cariappa Park named after K.M. Cariappa, a military general (Chakravarty 2017). These symbols of conflict stand as important reminders of the horrors witnessed by the beautiful and religiously diverse town.

During compilation of various testimonies, even after seven decades, there is not even a single Sikh family in Baramulla which does not have direct link to the events of 1947. They also believe that during the invasion of the town, the Qabalis targeted Sikhs in particular in retaliation for the killing of Muslims by Sikhs in Punjab. Many such narrations exist orally among the locals, yet they have not been recorded in any formal way. It is understandable that during the immediate aftermath of 1947, the priority of basic survival meant that penning stories was not even a consideration. However, I argue that there are other influences at play. Although the Sikh community in Kashmir describes drawing strength from religion, through practicing "Chardikala"—a philosophy of survival in the face of victimhood—it is this very spirit that has also led to self-imposed silence, not only regarding the past but also the current issues they face in Kashmir as a minority community.

Janak Singh, a direct survivor, was among one of many I met who felt his story remained unheard. Although decades had passed, a sense of insecurity as a member of a minority community always remained with him. Janak Singh recalled:

> We used to tell our writers to write our sacrifice, but instead, they used to write stories just of fiction. We have sacrificed; still, we couldn't tell anyone. Our sacrifice remains unheard and unrecognized.

There is a strong sense among people that their suffering has not been acknowledged outside of their immediate community. This has created a

sense of continued alienation among survivors. For example, Ajit Singh Mastana[4] described how 1947 was a period of suffering for all. However, he felt Sikhs were impacted to a far greater extent, resulting in the entire Sikh belt in Jammu and Kashmir becoming displaced. He stated:

> *Aasie aapna ethaas nu kisi nu nahi dekhaya payee* (We couldn't tell our history to anyone). Though it is being said that all suffered, how Kashmiri Sikhs suffered is not known to anyone.

During the tribal invasion, Srinagar became a city of refuge for many who had fled Muzaffarabad and Baramulla. Refugees were initially assembled at the exhibition ground. Later the newly elected government of Sheikh Abdullah allotted temporary rooms for the refugees within the abandoned houses of Khatris and Hindus, who had left the city at the time. The experience of being in a refugee camp left a deep impact on many. Prithpal Singh was 16 years old in 1947. He, along with his family, came to Srinagar from Baramulla as refugees and lived there for some months. It was here that they were provided with an empty house that had belonged to Punjabi Khatris. Families were given one or two rooms within such houses, depending on their size.

Eventually, when it was deemed safe enough to return to Baramulla, Prithpal describes how the "Sheikh's government gave us 250 rupees, and we came back and settled down."[5] On the way back to Baramulla, the buses stopped at the Badgam district to let refugees off. Already displaced and not knowing what would await them in Baramulla, some decided to take a chance further afield when presented with the opportunity at Badgam, instead of making their way home.

One such refugee was Trith Singh,[6] who, with his family, went to Delhi. He recalls, "It was announced in Badgam that those who wanted to go to Delhi could go. We were brought in a Dakota to a Delhi camp. But after some time, we were brought back in army buses to Srinagar." He described how life in the camp in Delhi was miserable, with thousands like them facing an uncertain future. Rather than remaining, they chose to return to Kashmir even though this meant starting their life again from scratch.

Sikh refugees who left what is now Pakistani-administered Kashmir have lived their entire lives with memories of a place now on the other side of an impermeable border (LoC). Even today, despite the passing of so many years, they describe their original places as "home."

On being asked about the memory of 1947, there were varied responses. Suchwant Singh, who came from Pakistan-administered Kashmir after two years as part of a refugee exchange program organized by International Red Cross said,

> There is no day that we don't think of that incident. In the camp, we use to hear just grief and sorrows of others. Life changed; we were laborers in camps in Muzaffarabad. Even after we were free, it was difficult to get back to studies, but I did. I studied at Khasla School in Srinagar. I studied agriculture at Panjab University. Later I retired as director of the agriculture department. *Kitha mazdur ikitha head of department bana, bus zindagi da ek pahlu hain* (From being a laborer in Pakistan to the head of the agriculture department, I traveled a long way).

Suchwant Singh describes moving ahead with a new life in a new place, despite the memories of his time in Muzaffarabad remaining. He discusses his life as one of the success stories in the face of adversity. However, many described feeling tainted by the experience.

Women and Children

Babu Singh was only 13 days old when the massacre took place. He lost his parents, siblings, and entire extended family. He was saved by a Muslim woman in Baramulla who raised him for three years. She was a widow, and her brother-in-law objected to her keeping the child. Babu described how the man used the fact that he was the son of a Sikh family as an excuse to rid himself of a possible threat to having to share his property with another male family member in the future. Whatever his motivation, the women decided to give Babu back to the Sikh community. In his accounts, Babu described how the lady (now deceased) meant no less to him than his own mother. He described owing his very life to her. Babu explained how, although he had been returned to his community, he was not taken care of and was forced to work and could not go to school. Babu became a driver to earn a living as soon as he was able. He noted that:

> If you are an orphan who will care for you? Though today we still have that property in that village [his parents' village, which had been invaded], what is the purpose of it? We don't have people to live in it. The tribal invasion changed my life forever. I couldn't get an education; I became a

> driver because it was a question of survival for me. People of my age group are doctors, or engineers and I am nothing (*magar aasa ko mohsebat da maaraa asya*). When your parents die, nobody takes care of you.

The tragedy of 1947 affected women in multiple ways. In addition to killings and displacements, abductions were commonplace for women from all religious communities. There were post-partition efforts on the part of both Indian and Pakistani governments to repatriate women back to their original families and communities (International Committee of Red Cross cited in Rey-Schyrr 1998; Fletcher Report cited in Butalia 1998). Whitehead's (2007) work refers to several Sikh women who were abducted. For example, he mentions Inder Kaur, a 22-year-old from Baramulla, who was abducted by Mohammad Aslam Khan of the Hazara District in Pakistan (Whitehead 2007, p. 170).

Margaret Brown also provides accounts from Kashmir during the same period. She described events in the town Sopore, where a young Sikh woman who was abducted by a Muslim man knocked one day at Brown's window. The woman came inside for some time and then returned to the man with presumably nowhere else to go (Brown 1992, p. 67). Although women's experiences of 1947 were, in many respects, different from their male counterparts, they are seldom given the space to talk about their pain and suffering.

During my own experience of interviewing women survivors, I found male members of the family frequently intervened in the conversation, often taking the lead in narrating the story. However, despite this, I was still able to record accounts from women. Seeta Kaur[7] was a young child when the tribal invaders abducted her from Baramulla. During the chaos, she became separated from her family. Her parents were killed along with many other Sikhs from their village. She was very reluctant to share her story. However, she recounted:

> *Main is baar gaal na kardi, mughkakh ho gaindawa eh sochkar* (I don't talk about this; I really feel bad about it). I was quite young when this happened; I think I must have been a seven-year-old. At the time we left home, there was so much gunfire all around us. I reached the place named Satrna and then went to Dengiwacha, where a Pakistani captured me, and then I was taken to the police station in Baramulla main town. From Muzaffarabad jail, I was taken to Lahore, and then we were taken to Golden temple to take a holy bath. I was young, so this is all that I remember.

Seeta Kaur refrained from going into detail about the events, and her reasons for wishing to do so are obvious. Honor and shame are interweaved within these stories (see the chapter by Qutab in the present volume). Seeta Kaur not only speaks about herself but describes being part of the collective voice of Sikh women who suffered similar fates. She frequently uses the plural "s*adanaal*," which means *with us* rather than *with me*. She also narrates her experience in the collective, stating, "*Bura haal bankyaa ta yaara, sikh ni kolaye gaya chun chunkar* (They were bad days; they took Sikh women)." "*Changiya changiya lay gaya radee wade churgaya* (They took all beautiful women, and the others were left)." "*Baadh bura haal hoya bachaya* (We had a very bad time, my child)."

She describes how her life completely changed with that one incident. Not only did she lose her parents and many family members, but also when she was returned to Kashmir, she stayed with her brother, who had his own family to take care of. As a result, the only option available to her was marriage, regardless of her desire to study. As both a vulnerable young woman with no parental support and an abductee, she was unable to make her own choices. She recalls being very young when she married and discussed how her husband played not only the role of partner but also of guardian. "*Main niki jiaa siya, tera fufra menu paala* (I was a small child, and your uncle [her husband] brought me up)."

Leel Kaur,[8] another survivor, was only eight years old when the tribesmen invaded Kashmir. As a young child at the time, she witnessed history unfold before her eyes. She tells the story of how many women, like her, were saved from killing themselves, a common practice to escape the prospect of abduction, sexual abuse, and subsequent shame (Mehta 1954). Leel Kaur recounted how the community elders decided that as soon as the *morcha* (a fortification or a line of entrenchment) fell to the invaders,[9] all the women and children were to assemble in Gurudwara and set themselves on fire. However, one man opposed the mass suicide and killing of women. She recalls,

> As soon as they [the Qabalis] attacked, someone said to bring all the women and children into the Gurudwara and let them burn them all. Bhagat Singh of Kanhama and many others who were sensible said: "If you want to burn them all, why are you fighting!?" He said, "Please don't do this. I have not come with my daughters that they should be burned." *Eh kam na karu, jis bachna hossie bach gassie, jis marna hossie mar gassie* (He said that whosoever has to die will die; let's not kill people like this).

She shared her feelings of gratitude to those men who saved women's lives during those difficult times. She described how many women were not as fortunate and did commit suicide to save their honor. Recalling the events, she said, "Even today we get scared, but where to go? *Etha jama etha palyea ethee baitha da wa* (Here we were born, here is where we were raised, and here is where we will stay)."

Conclusion

As the tragedy of Kashmir continues to play out as a battleground, its people and their experiences remain sidelined. This chapter, however, redresses this by adding to a discourse on minority communities in J&K. Sharing first-hand accounts from survivors of the invasion of Baramulla provides an insight into the traumatic experiences of partition in J&K through the lens of Kashmiri Sikhs. As described in the section above, there was a sense of profound suffering that remained unacknowledged beyond the Sikh community itself. As Gulzar Singh, one of the survivors I interviewed for this chapter, stated, "I was waiting for 70 years of my life to be heard. Now I will rest in peace even if I die. Indeed, this was a long wait." Yet, for the most part, these rarely spoken tales of pain and trauma have already been lost.

There is a sense of choosing to remain silent, a choice made in a place where religious identities are viewed in terms of only Hindus and Muslims in a long fight over territory. In this perceived battleground of Kashmir, among the "us versus them" narrative—in which all claims are contested and debated—the history of Sikhs and other minority communities is left at the margins. This is all the more reason to keep reminding scholars and politicians alike that the history of Kashmir has always been one that is multi-layered and multidimensional (see the chapters by Hussain and by Ishaq in the present volume for a discussion on the ethno-linguistic and religious diversity of J&K).

Coming back to the events of the division of J&K, we are reminded of the communal harmony initiated by the National Conference leaders with the arrival of the tribesmen. Survivors still recall how—under the leadership of Sheikh Abdullah, Budh Singh, Sant Singh Teg, Prem Nath Bazaz, and many others—a local militia was formed to resist the invaders. The memory of local Kashmiris of all religious communities united under the flag of the National Conference remains with us. This was one of the reasons for the inter-communal comradery, despite violence in the valley

against Sikhs at the time. Boundaries between the communities did exist pre-partition, but they were not as clear and delineated as perhaps today. Many commentators describe how 1947 marked the emergence of the religious identity, rather than ethnic or linguistic, as becoming the most important one by which individual and communities defined themselves (Mallot 2012). This, too, occurred within Jammu and Kashmir.

Weedon and Jordan (2012, p. 150) explain how:

> Alternative narratives of the past can offer socially excluded groups a sense of ownership, which can empower them through positive identification. They can also work to transform dominant narratives and help produce a more nuanced and just understanding of the past.

One important way in which this memory of suffering has been commemorated among Sikhs in Kashmir is the Akhand Path, a three-day religious ceremony. Every year during the last week of October, Sikh villagers engage in rituals within all known locations where people died. In this way, physical spaces are preserved for both mourning and unity, and the sites of remembrance act as a historical record for future generations.

Memorial events, such as the Akhand Path, and accounts, such as those described in this chapter, remain an important reminder that although the survivor's memory may be a personal one, it is the means through which a whole society engages with its history. Honoring the losses of homes, families, and land in this way acknowledges the impact that the massacre continues to have on the lives of people and their psyche. Here the repertoire of stories reminds us that the aspirations and challenges of the period they describe continue to form part of a community's narrative of collective survival.

Notes

1. People who live on the other side of Jhelum were called Kamraz. This area is basically a cluster of rural villages in Kashmir. Presently this whole area is called Rafiabad.
2. Srinagar is referred to as Shehar in local everyday communication.
3. Her grandson, who was in the lap of his mother in 1947, told me this story. They have also built a small memorial in their own house.
4. Personal interview in 2018 in Srinagar.
5. Personal Interview with Prithipal Singh, Sharkawara Village, Baramulla, Kashmir, August 2017.

6. Personal Interview Trith Singh, Badgam district, Kashmir, June 2018.
7. Personal Interview, Baramulla, 2017. The interviewee's name has been changed on request.
8. Personal Interview, Ichama Village, Budgam District, Kashmir.
9. Sikhs led a resistance against the tribesmen in many places. In the villages of Satrna, Icchama and Attna it is believed that Sikhs fought head to head with the tribesmen.

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Conclusion: Afterword—A Clarion Call

Tahir Abbas

In the shadows of the Himalayas stands the forgotten struggle of Jammu and Kashmir (Kashmir for short), whose plight remains precarious as India tightens its grip, placing the future of the territory in even more uncertainty and insecurity. The region of Kashmir is one of the most contested in the world. However, the vast majority of commentators, analysts, and social thinkers in the West routinely omit a careful analysis while those in the region face immense pressures on their freedom to report and write on the issue. For too many, the matter is a bilateral question between India and Pakistan when the reality is an urgent and necessary need for the self-determination of the people of Kashmir. In presenting some closing arguments to this vital collection of scholarly input on the topic of social and political life in Jammu and Kashmir, I outline some distinct sociological concerns. I also take this opportunity to issue a clarion call to activists, scholars, and thinkers to place the needs and wants of Kashmir first and foremost, even if either neighbor—India or Pakistan—remains somewhat limited in its perspectives, whether this is by design or an accident of history.

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At the end of the Second World War, Britain was unable to hold on to its existing territories and left various parts of the world in a somewhat hurry. The conflicts in the north of Ireland, Palestine, and Kashmir are all a legacy of the hasty departure of the British from once-colonized areas. While there is some peace in Northern Ireland, hard-fought after many years of struggle and strife on all sides, the situations in Palestine and Kashmir remain utterly shameful. One can no longer point the finger at the failed British policies of yesteryear; instead the lack of international support concerning these fragile hotspots comes into sharp relief. With a great deal of bias in media and among geopolitical actors and states concerning these sites, the future of these territories is uncertain.

* * *

When Islam came to Kashmir in the thirteenth century, there was no India or Pakistan. A center of Buddhist and Hindu religion, art, culture, and knowledge, when Islam arrived, so did greater syncretism. However, there was also conflict. The Muslims, the Sikhs, and the British battled over the province from the seventeenth to the nineteenth centuries. Hindu rule from the mid-1800s until partition in 1947 led to prevarication on the part of the ruler Hari Singh over the question of whether Jammu and Kashmir would succeed to India or to Pakistan. He ultimately sided with the former. Thereafter, Jammu and Kashmir became semi-autonomous, although both India and Pakistan continued to stake a claim to the territory as a whole. While the United Nations granted a plebiscite in 1948, that opportunity has yet to be realized. It leaves the Kashmiris caught between two bitterly opposed neighbors. When tensions mount in the territory, India and Pakistan argue that it is a bilateral matter and the world switches off, leaving the Kashmiris with no voice.

Today, a wave of authoritarian populist religious nationalism is sweeping India. The recent 2019 election placed these paradigms at the heart of the campaign. Now Narendra Modi, a youth member of the Hindu nationalist Rashtriya Swayamsevak Sangh (RSS), implicated in the assassination of Mahatma Gandhi in 1948, is compelled to sustain a particular worldview that calls into play the status of Hindu India on a global stage. Over recent years, the institutions of India have been carefully and systematically marginalizing Indian Muslims, some of whom face random mob attacks based on spurious claims of smuggling beef or forcibly converting Hindu women, all of which appeal to the idea of

Islam as an invasive and uninvited force. At the same time, Pakistan, now under the leadership of Imran Khan, is still getting to grips with issues of development, cronyism, and corruption that have plagued the country for generations. With a population that is likely to double to 350 million within 30 years, there are numerous challenges in Pakistan relating to education, land and property rights, and representation. While Pakistan provides regional autonomy to Azad Kashmiris, on August 5, 2019, India revoked Article 370 of the Indian Constitution, which effectively eliminated a range of rights once held as sacrosanct. It is now possible for people outside of Indian-occupied Kashmir to purchase property, permitting the accumulation of capital by external interests, which is likely to undermine the already delicate balance in Jammu and Kashmir. While many of the Hindu Pandits fled the region in the 1990s due to rising Kashmiri insurgency supported by Pakistan on occasion, authority and control persist in the hands of India's Hindu majority.

Presently, some 8 million Kashmiris—who have been variously facing lockdown since August 2019—remain surrounded by over 900,000 Indian troops. All forms of communication, travel, transport, and trade have been halted. Telephone lines were opened only in early March 2020, allowing Kashmiris to talk to their loved ones inside and outside of the territory for the first time in many months. There are talks of as many as 15,000 young men "lifted" in the middle of the night and detained, often hundreds of miles from their homes, and without the knowledge of their families. Youth who resist on the streets face being pelleted, and then they are searched, and those found with marks on their bodies are not treated but whisked away to faraway jails. Medical supplies have been dramatically reduced, and the economy has suffered drastically as the main markets remain shut and transport is unavailable. Traders, workers, and travelers have all lost opportunities. The Indian government now wants to shut down seven departments in Jammu and Kashmir (the Information Commission, the Consumer Disputes Redress Commission, the Electricity Regulatory Commission, the Commission for Protection of Women and Child Rights, the Human Rights Commission, the Commission for Persons with Disabilities, and the State Accountability Commission). There seems to be a concerted effort to break the will of the people who have continued to face the tragedies of occupation for over seventy years.

One issue that Kashmiris are opposing is the Israeli-like settlement programs, which have severely dislodged the Palestinians from their

homes and their lands. Kashmiris face the brunt of a mighty occupying force, which displays all of the characteristics of an oppressive regime, driven by ideology, religion, and the sheer egoism. External powers disempower groups and ultimately physically remove populations from their historical origins, replacing their memories with new histories in the image of the oppressor. These recent Kashmir clashes have raised to the surface tensions that have been simmering for decades but catalyzed by assassinations, reprisals, curfews, and various human rights abuses that have resulted in a ban on media and the internet, the shutting down of mosques, and the vigorous enforcement of a closedown of the region in all but name. While Pakistan and India blame each other, it is the population of Kashmir that faces the brunt of the conflict and the tragedies that unfold daily.

* * *

Within not only the region itself but also elsewhere across the world, the voices of Kashmiris are almost without representation. It appears that the only real way to resolve this matter is to recognize the right to self-determination of the people of Jammu and Kashmir. They must determine their future independent of the interests of both neighbors. However, this is a long way from occurring unless the fair-minded of the world appreciate the tragedies of the reality of Kashmir for what it is, on its terms. If these nations dramatically diminished spending on defense and security, more could be put into education, trust, and peacebuilding between neighbors, all of which would be underpinned by the economic and cultural interdependence that was the hallmark of a greater India before the beginning of the colonial habits of divide and rule—the legacy of which continues to this day.

For the West, India is a counterweight to China, an old ally of Pakistan. Hence, Western interests are not to resolve the Kashmir issue as it threatens economic opportunities and regional cooperation with India. Therefore, it is more vital than ever that the people in Kashmir have the authority to determine their future, not least because both neighbors have been unable to solve the conundrum. Pride, hubris, and degrees of nationalism have prevented both neighboring states from overcoming their immense sense of loss—but at what cost? The tragedy of Kashmir has resulted in hundreds and thousands of people having been killed or gone missing, tortured and abused, and with the constant presence of

the Indian army on one side, the vast majority of Kashmiri Muslims who dominate the local geography continue to face a daily struggle for one that remains forgotten by some many.

The tensions in the region are also affecting the diaspora from Jammu and Kashmir. The recent visit by "Howdy Modi" to the United States illustrates the extent of Indian influence there. Nearer home, the UK has the largest ex-pat community of Azad Kashmiris in the world. There are approximately three-quarters of a million across the country with only approximately 500 families from Indian-occupied Kashmir in Britain. Political demonstrations concerning the recent events in Jammu and Kashmir in the major cities of the UK often become a stage for some to focus on the idea that it is a conflict between India and Pakistan, further silencing the voice of the Kashmiris.

The vast majority of the British diaspora are Paharis who herald from the Mirpur district of Azad Kashmir. They were originally displaced in the 1960s, due to the building of Mangla Dam, which submerged 300 villages and swallowed many homes, with a significant number coming to the UK as part of the chain migration processes of the time. However, many of these Azad Kashmiris are not recognized as such, since they are identified as Pakistani. Yet, many reject this marker and argue that, in reality, Pakistan has done little or nothing for the Azad Kashmiris, resulting, therefore, in many being caught between different identities. Only in the last two decades or so has the social science literature come to the stark realization that when speaking about Pakistanis, the reality is that people are effectively referring to Azad Kashmiris. Their migration, diaspora, and transnational linkages to the sending regions have now made them of special intellectual interest. While elitism prevents scholarship in the West from being able to penetrate the importance of understanding local and global experiences concerning Kashmiris, the issue has compounded historical attempts to explore the reality of Azad Kashmiris in the region.

Little is known of the internal struggle facing this body of people during a traumatic time of political change. It is difficult to obtain independent and analytical perspectives on the range of different issues at play that pulled people and groups in different directions during the choice to accede to Pakistan or India during the time of partition. How has the regional polity of the Azad Jammu and Kashmir been shaped over the

decades, and what kinds of implications have there been for local communities as part of the political process which can be understood in a wider historical and sociological context?

* * *

There can only be a democratic solution for Kashmir, with the Kashmiris deciding their political future through free choice, without having to negotiate the interests of their eager neighbors. However, this seems to be a long way from becoming a reality, with little or no international support to make it happen. Meanwhile, often regarded as one of the most beautiful parts of the natural world, Kashmiris face the reality of being disdained by the world. Both India and Pakistan need to allow Kashmiris to determine their future and the international community must step in to ensure exactly that. This important and highly pertinent collection will help readers navigate the subtleties in a complex part of the world, but it also takes scholarship forward from the constant focus on the colonial history of the region or only the Valley itself. The collection also represents an important opportunity to hear voices from the ground—which to date have been sorely lacking. It is also apparent that the bilateral talks between India and Pakistan continue to achieve little or no progress on resolving the conflict of Jammu and Kashmir; nor are they able to meaningfully represent the people who reside in these territories. As such, this book is one of the first of its kind. Written for a global audience, this book marks the first step that should encourage many others to follow.

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