

## Article

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### Partition and Legacies of Violence: A Study of Kashmir Conflict

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#### Abstract

The Partition of 1947, the clashing set of images, memories and the horror of violence that erupted in the Indian sub-continent. The roots and reasons may vary in the circumstances of identity, religion, ideology and so on, but for the sub-continent, it was a trauma as well as a triumph in so many ways. It was indeed the final victory of anti-colonial struggles, the birth of new independent and separate states and granted the citizenship of a new sovereign republic. While on the other side it has changed narratives of sub-continent. The legacies of violence, displacement, refugees, rape and kidnapping from both sides created the narratives of rupture, which are still alive in terms of border skirmishes, conflicts either intra, inter or sectarian created a new wave of violence in the sub-continent. The question arises, how partition had kept the state of Jammu and Kashmir on the threshold and from seventy years, the people of Kashmir are on the liminality. Stuck in the middle of violence from 1947, Kashmir had seen nothing, but repression and genocide from both sides. After Partition, it became one's Integral part (Atoot-Ang) and Jugular vein (Shah Rag) of another. It is remarkable, that the Kashmir remained unsolved and continues to bleed for both India and Pakistan both politically, economically and religiously. The audit of this paper is to present a broad framework of Kashmir conflict, through the outlook of partition. Besides that, the paper will also cover the legacies of violence that have roots in the partition, which are negligible in the sub-continent.

#### Introduction

In the year of 1947, the Indian sub-continent witnessed both trauma and triumph in terms of Independence from the clutches of the British Empire. Whilst on the other side, the division of Indian-Subcontinent (India and Pakistan) and creation of borders existed in the same era, came to be known as Partition, which not only separated people but created a notion

of violence against each other. Large scale massacres, mass migration and communalism were accompanied with Partition. It has been estimated that 18 million people were displaced from both India and Pakistan (Talbot & Singh, 2009:2).

Partition remains one of the memories of human tragedy, which cannot be wiped clean so easily. The scars of the Holocaust and its ramifications can be felt in every sphere. The partition was not the only displacement of masses, but it was also the bifurcation of land, creation of borders between regions that flowed culturally into each other. It was also a '*batwara*' of geographical boundaries, properties, assets and most definitely a division of hearts too (Arora & Dhawan, 2010:10).

The partition that marked the establishment of India and Pakistan was a civil war between Indian National Congress (hereafter INC) and Indian Muslim League (hereafter IML) that was signalled in the Lahore Resolution of March 1940. On the other side, Muslims, Sikhs and Hindus also demanded the partition of Bengal and Punjab on the basis of language and for the preserving of cultural uniformity (Pandey, 2001). However, Partition invalidated the one nation theory propounded by INC and also repudiated the two nation theory of IML, because people from both sides were affected before and after Partition. This division did not solve either the problems of Muslims or the anguishes of India. However, it entrenched communalism in the politico-religious consciousness of the people (Arora & Dhawan, 2010:11).

The transfer of power to the two dominions of India and Pakistan was a reaction of imperial statecraft to religious conflict, which crossed the provinces of Punjab and Bengal along with Muslim/non-Muslim lines. Over seven decades, the effects of Partition continued its impact on both the states of India and Pakistan in terms of an uneasy dialogue, the unfinished business of partition and the dispute of Jammu and Kashmir that makes them distant neighbours. History had witnessed that in the post-cold war era so many European countries like Germany were united in 1989, Korea

and Ireland also turned from hard to soft associations (Talbot & Singh, 2009:3). However, India and Pakistan have moved further apart from each other due to the conflict of the state of Jammu and Kashmir.

### Kashmir on the eve of Partition

*Nahi Kuch Subha-o-zunnar ke phande mein girai, wafadari mein sheikh-o-brahman ki aazmaish hai* (quoted from Noorani, 2016).

The origins of the Kashmir conflict lies in the partition of British India in 1947 (Yousuf & Najam, 2009:1503). From the partition, the state of Jammu and Kashmir becomes an unresolved conflict between the world's largest democracy (India) and its neighbour (Pakistan). The two countries fought three wars (1947, 1965 and 1971) on the Kashmir issue. The uncertainty and lack of any conclusive resolution to the political dispute have left the population of the state of Jammu and Kashmir divided and uncertain about their future.

Kashmir has a Muslim majority population and was variously ruled by central and west originating Mughal-Afghan dynasties. In the nineteenth century, the British claimed it from Sikhs after the defeat in the first Anglo-Sikh war and British imposed an indemnity on the Sikh government. The Sikhs were not in a position to pay the demanded sums towards the British and gave Kashmir, Jammu, Ladakh and Baltistan. The Hindu Maharaja Gulab Singh (Dogra) stepped in and agreed to pay the indemnity of seventy-five lakh rupees towards the British in the Treaty of Amritsar<sup>2</sup> (Kaul, 2010:43, Dewan, 2008:133). Thus, the valley of Kashmir witnessed the Dogra rule from 1846-1947. During the period, the people led a miserable life and were treated as slaves. The imposition of heavy taxes, capital punishment and the constant terror was created by the Dogra's against Kashmiri Muslims (Ahmad, 2010).

On the eve of independence in 1947, there were five hundred and sixty-five princely states<sup>3</sup> in colonial India and each were given choice to merge either with Pakistan or India (Dewan, 2011). Kashmir was one of the largest

princely states and its Dogra ruler Maharaja Hari Singh of Kashmir wanted to remain independent and refused to accede to either nation. According to the Indian Independence Act 1947, adopted by British parliament concluded a four points formula for the division of Indian sub-continent. The fourth point reads out that princely states have the right to decide their fate by keeping in view the aspiration, geographical and other factors while taking such decisions (Bhat, 1981:15). According to such conditions, Kashmir was a Muslim majority state ruled by Maharaja Hari Singh (A Hindu). Both India and Pakistan wanted to grasp Kashmir because of its strategic location and geopolitical importance. However, geographically, economically and demographically, Kashmir was touching the aspirations of Pakistan. (Bhat, 2017: 285). While on the British side, Lord Mountbatten was doing his best to accede Kashmir to India. Taking the proposal before Maharaja with the option to join India or Pakistan, the Viceroy of Free India conducted his first meeting with the ruler of Kashmir. Maharaja Hari Singh refused the proposal and said: "I do not want to accede to Pakistan or either India, I want to remain independent" (Bhat, 1981:17). After the failure of Viceroy and the increasing bitterness between Maharaja and Sheikh Abdullah, Mahatma Gandhi visited Kashmir on 1<sup>st</sup> August 1947 and it has been said that Gandhi mission was to persuade the disobedient Maharaja to accede to India. Gandhi arranged a meeting with Sardar Vallabhbhai Patel, Lord Mountbatten and Nehru prior to his departure and the sequence of events which followed his arrival in Kashmir clearly lay bare the political motives of his visit (Bhat, 2017:289).

After the return of Gandhi, the political and administrative set up in Kashmir changed by removing the Prime Minister R. C. Kak who was replaced first by Thakur Janak Singh and then by M C Mahajan as the new Prime Minister, who was a member of Radcliffe commission<sup>4</sup>, Arya Samaj as well as having harsh attitude towards Pakistan (Bhat, 2017:289). After the appointment of Mahajan, the relation of Kashmir comes closer with Pundit Jawaharlal lal Nehru and Sardar Valliabhai Patel and on the request of Nehru, Sheikh

Abdullah was released from jail (Chopra, 2002). Prior to his release, there were clashes between the Dogra army and Muslims in border areas and an exchange of ideas by Mirwaiz Mohammad Yousuf with Pakistan leaders. Soon after his release, the issue of accession to India or Pakistan assumed serious dimensions as Pakistani leaders (Mian Iftikhar-ud-Din, Habib-ur-Rahman, Miss Nasira Sadiqi and Dr Tasir) came to Srinagar and negotiated with Sheikh (Bhat, 1981: 20). Speaking at a rally in Srinagar (Hazaribagh) sheikh declined his support to neither India or Pakistan. However, he openly condemned the formula of *Two Nation theory* and believed that religion and politics should be separated. Later on, his speeches and press conferences were wrathfully anti-Jinnah and full of praise for Nehru and other Congress leaders (Bhat, 2017: 290).

It is remarkable that the majority of people were the followers of Sheikh Abdullah's vision of Kashmiriyat (Secular) and its party leaders desired accession to India. Jinnah, who understood the hypocrisy of Sheikh and dilemma of Maharaja proclaimed that the question of accession entirely depends on the choice of the Maharaja and people of the state had no right to criticize his decision. The offers from both sides, political restlessness in various parts of state forced the Maharaja to sign a Standstill Agreement<sup>5</sup> with both domains (Dewan, 2008:146).

By signing the agreement, the Maharaja of Jammu and Kashmir detained the famous leaders of both AIMC and National Conference (NC), which infuriated the internal atmosphere of the region. Later, this atmosphere had taken the communal shape in the Jammu region. There were Hindu/Muslim riots. Due to these riots, the Muslim peasantry in Poonch, who were facing atrocities from the hands of Maharaja also revolted in the same period. The newly elected government of Pakistan founded it an opportunity and send their troops in tribal format to help the Muslim peasantry (Dixit, 2002). By October 1947, the tribesmen capture the several towns and massacred many civilians and advanced to capture the capital of valley (Husain 2009: 1008).

### The Instrument of Accession

After signing the standstill agreement, the Indian government tried to favour the politics of Sheikh Abdullah and efforts were made that Kashmir should be merged with India. The failure of the Viceroy, communal riots and the increasing bitterness between Maharaja and Sheikh Abdullah forced Gandhi to visit Kashmir on 1<sup>st</sup> August 1947. Some scholars argue that Gandhi mission was to persuade the disobedient Maharaja to accede to India and to release Sheikh Abdullah from detention. He further advised the maharaja to handover the political power to the Sheikh and assume the role of a constitutional monarch (Dewan, 2008:154). It has been argued that Gandhi arranged a meeting with Sardar Vallabhbhai Patel, Lord Mountbatten and Nehru prior to his departure and the sequence of events which followed his arrival in Kashmir clearly lay bare the political motives of his visit (Bhat, 2017:289).

Gandhi's visit to Kashmir had a great influence on the people of Kashmir. He first made the Maharaja responsible for all internal disturbances and stated that the treaty of Amritsar which gave the authority to Maharaja to rule Kashmir is a sale deed that is lapsed with the lapse of paramountcy. He further criticised Jinnah and said sovereignty belongs to the people not to the ruler (Puri, 1993:11).

The Maharaja was in a panic and sought assistance from the other princely states like Patiala. The ruler of Patiala sends his infantry battalion to help the forces of Maharaja Hari Singh. However, these forces were inadequate to drove the raiders out. Therefore, the Maharaja appealed to the Indian government for military assistance (Sum, Moorthy & Benny, 2013). The viceroy of India, Lord Mountbatten received the request from maharaja and within no time, he called for a meeting with Jawahar lal Nehru, Sardar Patel and it was decided that through the instrument of accession, the military assistance would be provided to the ruler of Kashmir (Dawson, 1994). However, there are different views among the scholars regarding the *instrument of accession*<sup>6</sup>. The question arises that who and where this

document was prepared. Most of the scholars are of the view that it never happened. The British scholars like Wolpert and French, Alaister Lamb and Victoria Schofield state that accession never happened. According to Karan Singh, the son of Maharaja Hari Singh recalls that the attack by Tribals supported by Pakistan forced the Maharaja to sign the instrument with India.

According to Balraj Puri that Sheikh Abdullah considered the Pakistan aggression as an attack to the freedom, identity and honour of Kashmir. To merge Kashmir into Indian union, Sheikh were further supported by Jawahar Lal Nehru and Gandhi (1993:13). In the introduction to *Sardar Patel's Correspondence*, Durga Das observes that the Sheikh Abdullah and Maharaja shared and worked in their own way for the similar objective of independent Kashmir, but Pakistan invasion left them no choice (1945). Sheikh Abdullah was of the view that India protected the Azadi which includes identity, autonomy and dignity, while Pakistan tried to enslave the Kashmir and it was Kashmiri leadership, who defended their decision to accede to India (Puri, 1993:14).

### Legacies of Violence

Partition and its narratives of rupture mark importance in both countries. However, the fate Jammu and Kashmir remained on liminality. Various scholars justified the Indian occupation of Kashmir with the advancement of tribal invasion that was fully supported by Pakistan. However, the genocide of Muslims that occurred before three days of tribal invasion and 10 days before the instrument of accession is unforgettable in the entire literature.

History reveals that entire British India was in turmoil, with religious factionalism between Hindus and Muslims except for Kashmir, which stood for harmony (Baker, 1994: 19). However, trouble came to the province of Jammu by communal violence. The Dogra's started to drive out Muslims from Jammu region (Anderson, 2012:70). The relations between Hindus

and Muslims began to grow uneasy, as some parts of the state were flared with communal violence (Sarila, 2005:347).

### Poonch Revolt

In 1947, when Maharaja Hari Singh was stuck in the middle, unable to decide the future of the state of Jammu and Kashmir. Besides his reign of terror was always against Muslim subjects. In April 1947, Maharaja removed the Raja of Poonch and imposed heavy taxes on the people, who hesitated to pay. The Maharaja used force to realize the taxes from the people and resented the people against the Maharaja Government (Dewan, 2008: 147).

The people of Poonch were well trained in arms and during the Second World War, Maharaja sends them to help the British. After the return, Maharaja ordered them to return their weapons to the state and later on, these weapons were distributed among Dogra's and Sikhs. The inhabitants of Poonch resented with an armed revolt which was crushed ruthlessly by the Dogra troops. Villages were burnt, women were molested in terms of rape of abduction in the revolt (Bhat, 2017:293). It has been argued that the people of Poonch demonstrated in favour of Pakistan, and the Maharaja used martial law to crush the pro-Pakistan sentiments (Dewan, 2008: 147 & Sarila, 2005: 347).

### Jammu Massacre

The genocide of Muslim in Jammu region remained secret and there is no official figure of the death toll. According to William W Baker, Maharaja not only ordered the local people of Poonch to lay down their arms, but his order was for all Muslims of the state to voluntarily turn over all their weapons to his police. When his order was resisted, the Muslims, who were five lakh in number. Among them, two lakh were murdered and the rest fled for their safety to West Pakistan (1994: 21).

A large number of killings occurred in Udhampur, Kathua and Reasi areas of Jammu province. It has argued that the Right Wing Hindu party RSS



played a key role in the Jammu massacre, who were aided by armed Sikh-Hindu refugees of Mirpur and Kotli (Naqvi, 2016). Village after village was burned, ethnically cleansed, thousands were displaced and women were raped and abducted (Dewan, 2008: 148 & Naqvi, 2016). The Poonch uprising and Jammu Massacre shaped the future of the state to a greater extent. Both these events started within the dominion of the state boundary and ended in involving newly separated countries in a significant manner (Bhat, 2017: 293). Kashmir was untouched beside having a majority of Muslims. The people of the valley shouted Hum Kya Chahte... Hindu/Muslim/Sikh Etihad (Dewan, 2008: 148).

It is remarkable that the Muslims of Poonch had historical, geographical, familial, ethnic, economic and religious links with North Western Frontier Muslims (Bhat, 2017:293). They came out in support and crossed the border into Kashmir to help their fellow Muslims, which came to be known as tribal attack/Invasion (Baker, 1994:22). By October 1947, the tribesmen capture the several towns and massacred a large number of civilians and advanced to capture the capital of valley (Husain, 2009:1008). To crush the rebels from the state the Maharaja sought assistance from the State of India and the Prime Minister Jawaharlal Nehru agreed to send troops in Kashmir on the condition that the state should accede to India. Finally, it was October 26, 1947, when the Maharaja Hari Singh agreed to sign the Instrument of Accession to India and kept a condition that Kashmir should be permitted to have its own constitution (Dewan, 2008:153).

The tribal invasion eased the way for the accession of state of Jammu and Kashmir and resembles the treaty of Amritsar. Both the agreements included the desire of the ruler and the wishes of people were not determined. However, after accession, the Indian Prime minister Jawaharlal Nehru reaffirmed the people of Jammu and Kashmir would be the right to determine their own destiny (Plebiscite) has not even been fulfilled even after the lapse of seventy years (Bhat, 2017:294 & Baker, 1994: 23).

[The Intervention of the United Nations in Kashmir Conflict](#)

The accession with India did not end the uncertainty over the final status of the Jammu and Kashmir for mainly three reasons: (a); the accession was a subject to a reference to the people of the state: (b); the issue becomes internationalised as it was referred to the United Nations Security Council for a peace settlement: (c); a war has to be waged to clear the state of invaders (Puri, 1993:15).

The Indian Viceroy Lord Mountbatten visited Lahore on 1<sup>st</sup> November 1947 and negotiated with Jinnah. At the meeting, Mountbatten proposed a UN-sponsored plebiscite in the state of Jammu and Kashmir. However, Jinnah rejected by stating that the presence of the Indian army and Sheikh Abdullah being in power, the people would be frightened to vote in favour of Pakistan (Puri, 1993:16). Jinnah put forward a proposal which states that both governors-general would issue a joint declaration calling for a ceasefire (Korbel, 1954). Jinnah put the condition that if the tribesmen did not follow the orders, the armies of both countries would take collective action against them and later the governors-general would take control, enforce demilitarization and organise a plebiscite (Birdwood, 1956).

India rejected the proposal of Jinnah, and Nehru responded that we are ready, but when peace, law and order have been established, there should be a referendum in Kashmir, which should be undertaken under the auspices of the United Nations (Sum, Moorthy & Benny, 2013:161). Besides that, India presented a proposal before the UN stating that Pakistan should compel first against the raiders out from Kashmir as soon as possible (Rehman, 1996). However, both countries showed aggressiveness and bilateral efforts failed to resolve the Kashmir issue. India, within no time, took the issue to the United Nations Security Council (Puri, 1993, Menon, 1956).

India made a direct appeal to UNSC on 1<sup>st</sup> January 1948 and wanted to draw attention of the council of the threat to international peace and security "owing to the aid which infiltrators consisting of nationals of Pakistan and of tribesmen from the territory immediately adjoining Pakistan

on the northwest, under directions from Pakistan for operations against Kashmir, a state which has acceded to the Dominion of India and is part of India” (Puri, 1993:16, Sum, Moorthy & Benny, 2013:161 & Dixit, 2002). The Government of India also requested the UNSC to call upon Pakistan to put an end immediately the assistance which is an act of aggression against India. If Pakistan does not comply to do so, the Government of India may use force in self-defence to enter Pakistani territory to take military action against the infiltrators (Ibid).

It is noteworthy that India logged the complaint under chapter VI rather than VII of the UN charter. Chapter VI deals with specific settlement of disputes, while as chapter VII deals with threats to peace and acts of aggression. Basically, India wants negotiations, enquiry, mediation, conciliation, arbitration, judicial settlement, Arrangements or other peaceful means of their choosing (Puri, 1992:17). Here the question arises that why India choose chapter VI rather than chapter VII. The question also paves the way to other doubts that there was something fishy in the sending troops to Kashmir and justifies that it was only for help. On the other hand, Pakistan portrayed the issue as India-Pakistan rather than Kashmir issue before UNSC, which got more attention in the eyes of the world (Dawson, 1994). Due to their earlier mistake, India felt that UNSC was more interested in examining India’s action in Kashmir rather than looking after Pakistan’s aggression (Ibid).

Initially, the Security Council passed a resolution on 17<sup>th</sup> and 20<sup>th</sup> January 1948 calling both countries to refrain using military might and to seek a peaceful solution. Besides that, the resolution 1948 states whether Kashmir belongs to India or Pakistan. The resolution also made a provision for a three-member United Nations Commission for India and Pakistan (UNCIP) to go to Kashmir and investigate the issue closely (Wirsing, 1994) The Security Council adopted another resolution 726 on 21st April 1948 and this resolution mentions the formation of UNCIP and the proposal of the plebiscite. Moreover, the resolution also recommended that Pakistan should

secure the withdrawal of tribesmen and Pakistan nationals and that India should progressively withdraw its forces to the minimum strength required for the maintenance of law and order. The resolution also suggested that a coalition cabinet is formed in Kashmir, representing all political groups and that Plebiscite Administrator is nominated to ensure free and impartial plebiscite (Sum, Moorthy & Benny, 2013:162).

On 13th August 1948, the UNCIP passed its first resolution 995 (Ibid). According to this resolution, the UNCIP appointed by the security council proposed to determine the future status of Jammu and Kashmir in accordance with the will of the people (Puri, 1993:17). Besides that, both parties should agree upon issuing the ceasefire order within four days. The Commission would appoint Nations Military observers for India and Pakistan (UNMOGIP) to supervise the ceasefire; troops withdrawals and the territorial evacuation were to be administered by the local authorities under the observation of the Commission (UNCIP, 1948).

After the resolution, both countries put their objections before the Security Council and after modifications, the proposal was presented to both countries on 11<sup>th</sup> December 1948. In this resolution, it was stated that the question of accession of Jammu and Kashmir should be decided through the democratic method by holding of a free and impartial plebiscite (Korbel, 1954). After accepting the revised resolution, both countries suggested a ceasefire line. The ceasefire line came into effect on 1<sup>st</sup> January 1948. The Commission later reaffirmed its revised proposal in a formal resolution 1196 of 5th January 1949. Through this, the UNCIP reconfirmed the legal status of the government of Jammu and Kashmir (Puri, 1993:18).

One of the UN mediators, Sir Owen, visited the Kashmir and observed both sides. He submitted his report to the UNSC on 19<sup>th</sup> September 1950, in which he suggested some methods of allocating the Kashmir Valley. He suggested the partition of Kashmir between two countries keeping view the sentiments the importance of geography in fixing the borders. This proposal was welcomed by Bhartiya Jana Sangh (BJS) leader Balraj Madhok by

saying that Dixon's proposal appeared to be eminently reasonable and practical. However, the proposal was also rejected at the end (Puri, 1993: 19).

On 14th March 1950, the Security Council passed Resolution No. 80 by which it appointed United Nations Representative in India and Pakistan (UNRIP). The resolution also provided for the termination of the UNCIP which was wound up by 1st July 1950. Again, on 30th March 1951, the Security Council, through its Resolution No. 91, decided that the United Nations Military Observer Group for India and Pakistan (UNMOGIP) which main functions were to observe and report, investigate complaints of ceasefire violations and submit its finding to each party and to the Secretary-General shall continue to supervise the Ceasefire in the State (Dawson, 1994).

In the meantime, India held elections in Kashmir in 1951 and formed a constituent assembly to further integrate the state. To publicly defence India's action, Nehru said in a press conference on 11 June that no country had any business interfering and that the Indian government would tolerate no nonsense about Kashmir. The election of an assembly was seen in Pakistan as a step toward consolidation of India's hold on the state (Rahman, 1996).

In 1953, both India and Pakistan started interchanging their position on the issue of the plebiscite in the state of Jammu and Kashmir, The Sheikh, who once was a strong supporter of Indian Union demanded the Plebiscite. The Indian government dismissed him from power and was put into detention. Later, the Indian government avoided the implementation of its commitments. In 1957, the Home Minister of India Pandith Govind Ballabh Pant visited Kashmir and declared that the state was an integral part of India and there is no place for a plebiscite to determine its status afresh (Puri, 1993:20).

Both countries blamed each other over the possession of Kashmir and the conflict translated into war, which broke out in 1965. The UNSC had to again interfere and passed resolution number 211 on 20<sup>th</sup> September 1965 and resolution number 214 on 27<sup>th</sup> September 1965 and demanded ceasefire and withdrawal of troops back to the position before 5 August 1965 (UNSC, 1965). However, the conflict was settled by the intervention of the Soviet Union resulted in signing the Tashkent Declaration in 1966<sup>7</sup> in which both parties agreed to restore status quo ante and to resolve the outstanding issue by negotiation.

In 1971 both countries once again meet each other in the war, when India supported East Pakistan (now Bangladesh) for its independence. In 1972, an agreement was signed, and both countries decided to end their conflicts bilaterally and this agreement came to be known as the Shimla Agreement<sup>8</sup> (Singh, 2011: 12). Due to the renewed hostilities between India and Pakistan in 1971, UNMOGIP was tasked to observe developments pertaining to the strict observance of the ceasefire of 17 December 1971 (United Nations Military Observer Group in India and Pakistan (UNMOGIP, 1971).

After the Shimla Agreement, the dual nature of Sheikh Abdullah sowed the seeds of secessionism among the people of Kashmir. In 1975, he signed the Kashmir Accord<sup>9</sup>, which strengthened the hands of India and control over legislation in Kashmir. In 1977, the Congress party withdrew its support to Sheikh Abdullah and in return, he demanded plebiscite and independence from India and strengthened the seeds of sentiments alive in the people of Kashmir (Pandita, 2003). In the 1980s, Islamization and rigid elections of 1989 paved the way to armed rebellion and used similar brutal methods as the Maharaja used in 1947 to suppress the revolt.

### Conclusion

Historically, before the existence of nation-states of India and Pakistan, the people of Kashmir have been mobilising themselves against subordination,

injustice and oppression, whether it were Afghans, Sikhs or Dogra's. After partition, the state of Jammu and Kashmir remained everyone's priority, which not only partitioned the state into two parts but also created a feeling of hatefulness among both the countries. The Maharaja supported India nor Pakistan and voiced for the third option of independence of the state. It was a tragedy that the relations of maharaja and Sheikh were not good and serious effort were made by Nehru and Jinnah in gaining the state by playing religious card. Both of these countries fought on Kashmir and merged the wishes of People of Jammu and Kashmir. One claims it an integral part, while other one calls it jugular vein. In reality, what the state of Jammu and Kashmir wants, nobody is ready to listen to it. The real cause of all the bitterness, suspicion and bloodshed that have characterized the Kashmir conflict is the uncompromising battle between India and Pakistan that traces its roots into the partition of 1947.

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## Endnotes

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<sup>1</sup> Inamul Haq is a Research Scholar at the Central University of Gujarat in India. He is a registered Doctoral Research Candidate at the Centre for Gandhian Thought and Peace Studies at the Central University of Gujarat. Haq is having area of interest in human rights, State repression, militarisation, human rights, conflict and peace process. Mr. Haq

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had published many papers in Journals like *Torture, Economic and Political Weekly, Main Stream Weekly, Pakistan Horizon, Indian Journal of Secularism, Asia Connect, Café Dissensus, South Asian Journal* and So on. Besides that, he is freelancer author and had published articles to the newspapers like *Rising Kashmir, Countercurrents, Kashmir Reader, Counter current, Indian Critical Mirror, Kashmir Horizon, Kashmir Dispatch, Daily Kashmir Images, and Kashmir Observer.*

<sup>2</sup> The treaty of Amritsar was signed on March 16, 1846 between the British and Gulab Singh Dogra. Under this

Treaty, Kashmir came under the direct control of Dogra's from 1846-1947. This treaty is considered not only illegal, but it is immoral in nature. This treaty made Gulab Singh owner of Kashmir which was supported by British military (Baker, 1994:10).

<sup>3</sup> These states were self-governing units, smaller in size, ruled by Hindu, Muslim and Sikh ruler with pretensions to royal states. These states collectively covered 45% of the land mass of Indian Sub-continent and constituted a major pillar of British rule in India (Wani & Suwirta, 2013:183).

<sup>4</sup> Radcliffe commission was also known as "Boundary Commission" which comprised both members from Hindu and Muslim community. It was headed by British Jurist Sir Cyril Radcliffe (Baker, 1994: 20).

<sup>5</sup>The Maharaja of Jammu and Kashmir signed a still stand agreement with Pakistan on August 12 in an exchange of telegrams. The main objective of this agreement was to ensure those services which existed for trade, travel and communication would carry on in the same way as they had in British India. However, India did not signed the still stand agreement as it was against the will of people. (Dewan, 2008: 146).

<sup>6</sup> The instrument of Accession that was signed by Maharaja Hari Singh gave the dominion legislature powers to make laws in the state with the respect to the matters concerning defense, external affairs, communication and ancillary matters. There was a provision in the agreement that the state of Jammu and Kashmir would be made by the free will of the people until law and order should be restored (Dewan, 2011).

<sup>7</sup> The Tashkent agreement was signed immediately aftermath of the second war between India and Pakistan in 1965. It was signed between Lal Bhadur Shastri and Muhammad Ayub Khan under the mediator of Kosygin of Soviet Union. Under this agreement both countries agreed to exert all efforts to create good neighbourly relations and settle their disputes through peaceful manners (Gopalan, 2007).

<sup>8</sup> The main features of Shimla agreement are that both the countries should respect each other's territorial integrity, sovereignty, political independence and non- interference in each other's internal affairs. Besides that, both countries lay emphasis on cooperative relationship with special focus on people to peoples contact and uphold the inviolability of the line of control (LOC) in Jammu and Kashmir (Shimla agreement, July 02, 1972).

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<sup>9</sup> This accord was signed in 1975 between sheikh Abdullah and Indira Gandhi (Pandita, 2003).