

### **CHAPTER III**

#### **Local and National Context which Arousing Conflict**

Conflict is a depiction from diversity, the importance of conflicting parties, and values and beliefs that differ and arise from social change (Hugh Miall, 2000). The conflicts in the Kashmir region also can not be separated from the history when the British colonized India and divide the territory of India into India and Pakistan. Britain also states that the royal states and princely states may choose to join the country of India or the country of Pakistan. However, the statement does not apply to Kashmir territory, as Hindu Kashmiri leaders choose Kashmir to join India while the majority of Kashmiris are Muslim.

The Kashmir conflict also caused local, national and international context, however, in this chapter, the writer will explain more detail about local and national context which cause conflict in Kashmir region. Local context will explain about awareness, differences in vision and mission of Kashmir people and actors or scope such as individual, elite and ethnic group in Kashmir. Beside that, in national context writer will analysis the relations between systems of state with political and socio-economic.

#### **A. The Local Factors of Kashmir Conflict**

The protracted conflict in the Kashmir region is caused by several factors, both internal and external factors. Internal factors can be caused

by local context and national context, including unacceptable citizen policy, unfair treatment, discrimination or human rights that considered to be unfair toward the interest and human needs of Kashmiri (Azar, 1990).

Nowadays, the international world is faced with the frequency of conflicts in various regions, even internal conflicts that occur in a region can have a profound effect on local communities and the surrounding environment. Conflicts that occur in a region also caused by bad government leadership factors and a government which cannot fulfil the basic desires of individuals or groups, it situation can generate disappointment and even rebellion from their citizens.

### **1. The leader who can't satisfy of their people**

In the Kashmir region, the lack of leadership also happened, it underly because of Hari Singh as leader of the Kashmir region in that time made various policies that led to the insurgency by Kashmiris. On August 15, 1947, Kashmir decided to stand on its own and did not join the territory of India or Pakistan (Hingorani, 2007). However, at the same time, the government decided to close the Pro-Pakistan newspaper and implement some emergency policies. Hari Singh finally decided to ask for help to the State of India and Hari Singh approved the merger of Kashmir with the Indian government under Instrument of accession which signed on 26 October 1947 (Schofield, 2002).

It decision estimated as the factor which increases the conflict escalation in Kashmir, many people did protests and riots but Hari Singh declared to do the scorching of Muslim villages. It certainly raises the anger of the Muslims, Pakistan as well as a Muslim country trying to provide assistance by sending military assistance to help the protests carried out by the people of Kashmir (Hussain, 2011).

The decision which taken by Raja Hari Singh as the factor which made the Kashmiris take rebellion, then the rebellion that was done was due to the interests of ethnicity and religion. According to John Burton, conflict as a form of protest-based frustration about lack of opportunities for development and the lack of recognition of identity, and to the Kashmir conflict the Kashmir residents opposed the decision to merge the of Kashmir region into part of India (Džuverovic, 2013).

The rebellion groups which rebelled in Kashmir region are classified into 3 front, they are:

- a.** The group who want Kashmir region to be Independent State who spearheads by JKLF (Jammu - Kashmir Liberation Front) group, this group seeks to establish an Independent State of Kashmir under secular government (BBC, 2012).
- b.** The group who want to Kashmir joining Pakistan or becoming a part of Muslims country of Pakistan. This group is large enough, especially in Kashmir valley region. In addition, the groups which

explicitly pro-Pakistan are Hizbul Mujahideen and Tehreek-e-Hurriyat that part of All Parties Hurriyat Conference (Ramachandran, 2016).

- c. The group who want Kashmir joining to India, This group usually from Hindu people, like BJP (Bharatiya Janata Party) (Ghosh, 2003).

## **2. Elites in Jammu and Kashmir**

Internal factors that cause a conflict in a country also can be caused by certain elites, the elite who often impose his ideology to organize and take a policy and also the elite or leaders who want to secure their position or power for his personal interests. They also have a considerable impact on an internal conflict, when a leader should accommodate the interests of his people but with considerable power and influence, make decisions that can not accommodate the interests of his people (Hugh Miall, 2000).

In this case the policy of merging the Kashmir territory into India by Hari Singh was not the result of a mutual decision by the people. Its decision also as the factor that Kashmiri did rebellion, the condition of the peoples which majority are Muslim, as one the factor that Kashmir did not agree for merging with India.

The elite in Jammu and Kashmir decision also have a big impact towards the condition and situation in the region. The situation which known is the Kashmir unrest 2016. When Burhan Wani as the Hizbul commander was killed, it makes a

shutdown throughout the valley with the rebel. Approximately government also angry in clashes for all over the Valley and avoid public for meet “Azadi” (Ahmad, 2016). The government also use several methods, such as using Pellet guns, tear gas, paper gas and even straight bullet used to prevent assemblies and marches. In the Valley region, the government also use curfew without relaxation and added troops in the Valley region (Abdul Majid, 2016).

Based on the press reports, that situation makes 94 persons were killed, over 15.000 were injured, and around 780 people get hit in the eyes and losing they eyesight permanently. More than 9000 people also arrested and 500 people already listed under the draconian Public Safety Act, 5500 youth people also reported. The attack happened in over the Valley, Squads damaged residential places, the household was destroyed, damaging vehicles, breaking window panes, several places were burning and inmates were beaten (Ahmad, 2016).

This situation happened under the model of "Operation Calm Down", Indian Army and Jammu and Kashmir police try to manage this situation, also with the CRPF and SSB (Sashastra Seema Bal). However, it cannot prevent youth people stop do rebel. In that time, the message from rebel was clear, "Now or Never", We Want Freedom" and "Go India Go Back", the government cannot resolve the problems, only use the force to escalating of tensions (Ibid.).

### **3. The demand of Reactionary Justice**

On October 26, 1947, Maharaja Harry Singh entered into an agreement of merging Kashmiri territory against India under Instrument of Accession. The content of Instrument of Accession is in below :

**The Instrument of Accession of Jammu And Kashmir State (October 26, 1947)** (Central Excise Hyderabad Government, 2010)

Whereas, the Indian Independence Act, 1947m provides that as from the fifteenth day of August 1947, there shall be set up an independence Dominion known as India, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modifications as the Governor-General may by order specify, be applicable to the Dominion of India.

And whereas the Government of India Act, 1935, as sod adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof;  
Now thereof,

1. Shriman Indar Mahandra that I accede to the Dominion of India with the intent that the Governor – General of India, the Dominion Legislator, the Federal Court and any other Dominion authority established for purpose of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purpose only of the

Dominion, exercise in relation of the State of Jammu and Kashmir (hereafter referred to as “this State”) such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force is hereafter to as “the Act”)

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.
3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.
4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be demand to form part of this Instrument and shall be constructed and have effect accordingly.
5. The term 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 (in) an

Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to Make any law for this State authorizing the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purpose of a Dominion law will at their request the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default or agreement, determined by an arbitrator to be appointed by the Chief Justice of India.
7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future construction of India or to fetter my discretion to entire into arrangements with the Government of India any such future construction.
8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or, saves 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.
9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be constructed as including a reference to my heirs and successors.

Given under my hand this twenty-sixth day of October, nineteen hundred and forty-seven.

HARI SINGH

Maharaja Dhiraj of Jammu and Kashmir state,

However, the agreement was not recognized by the people of Kashmir as well as Pakistan because it was not as planned by Lord Mountbatten on 27 October 1947 for India to hold a referendum to give the right of the people of Kashmir to join India or Pakistan (Schofield, 2002). Furthermore by this Instrument of Accession, make India have jurisdiction claim to extend external affair, defence, and communication over the Jammu & Kashmir.

#### **4. Religion Differences**

Kashmir lies in the strategic geographical region of Central Asia (India-Pakistan), South Asia (Afghanistan) and East Asia (China), strategically located making Kashmir has a diverse population of cultures and religions. Particularly in the Kashmir Valley region that enters the Indian territory, the Kashmir valley has a vast majority of the population who are different in the view of life and religion with the majority of the population in Indian territory (Mashad, 2004). This has also led to the emergence of groups that in India's view are a separatist group, or groups seeking to join Pakistan.

Nowadays, Kashmir do not have any great political leadership, it makes the leadership in Kashmir controlled by religious leaders and using the issue of continuing violence the valley in their regular congregations. Mirwaiz Molvi Farooq as the head priest of Kashmir said that more youth people of Muslim seen in the mosque because they get some sort of relief or respect in the mosque after being humiliated by Indian security forces in the places of worship (Oberoi, 2011).

Kashmir change into complex problems, because of India and Pakistan tried to use the sentiment sector for their advantages. If Muslim radical groups in Kashmir decided to integrate with Pakistan, then it will make extreme radical Hindu groups in Jammu asking for a division of Jammu and Kashmir into three states with the basis of religion (Ibid.).

Kashmir conflict additionally due to India and Pakistan are knee deep within the Kashmir issue and each of them are using the religious racial card, and make tough to resolve the conflict. in the truth that the ethno-political issues can make third-party influences into internal problems. In that period, non-Muslim also avoid the valley when Sikh and Hindu massacre killing employees from Bihar and Nepal (Ibid., 172).

However, the spontaneous reaction after 11 September, the administration tried to against the waves of gun culture in Kashmir and pursuit foreign militants and tried to stop foreign militants policy on society (Bose, 2011). The administration also trying to stop illegal money into Kashmir by

identifying the property of the new Islamic group, which assumed involved in separatism. It can be seen that India tried to use same strategies against terrorists in Kashmir like the United States used against the Taliban in Afghanistan (James, 2005).

The slogan "independent Kashmir" after lengthy terms has changed into Islamic jihad, it spearheaded through radical leaders bent on installing the rule of Allah. Since the event of 11 September, Muslim militants in Kashmir additionally rethinking again about the position of foreign Islamic militants in Kashmir (Oberoi, 2011).

## **B. The National Factors of Kashmir Conflict**

### **1. Discriminatory Distribution**

The unequal distribution felt by people of Kashmir, the Kashmiri felt India was unfair about the existence of the Kashmir region. When the majority Muslim group in the Kashmir region was 94.96% in 1981, India paid more attention to Jammu whose majority of citizen embraced Hindu 66.25% (Ali, 2005).

During the start of the Indo- Aryan civilization, Jammu and Kashmir ever be the center of learning for the Persian and Sanskrit languages (Peace Kashmir). Furthermore, the militant activities in the Jammu and Kashmir increasing and the political interruption happened, it factors make the path of education in Jammu and Kashmir obstacle. After several years, the

government tried to increase education sector in Jammu and Kashmir using inspiration and asked people to stay in the state for higher education. Based on the last census which reported in 2009. Jammu and Kashmir had an impressive literacy rate of 59%, and the literacy ratio of Kashmiri men and women stand a ratio of 65.75: 41.82 percent (Best India Edu, 2014).

**Table 3.1 Literacy Rate in Jammu and Kashmir**

NO	Item/social Indicator	Key Social Indicators Magnitude							2011		
		Unit	1961	1971	1981	2001					
						Rural	Urban	Com-bined	Rural	Urban	combined
1.	Literacy Rate Total	%	11.08	18.58	26.67	49.78	71.92	55.52	63.18	77.12	67.16
A	Male	%	16.97	26.75	36.29	61.65	80.00	66.60	73.76	83.92	76.75
B	Female	%	4.26	6.28	15.88	36.74	61.98	43.00	51.64	69.01	56.43

Source: The Directorate of Economics and Statistics, J&K

**Table 3.2 Comparison Literacy Rate Between J&K with India's Literacy Rate**

Jammu and Kashmir in Indian Economy						
NO.	Item/ Indicator	unit	J&K		India	
			Year	Magnitude	Year	Magnitude
I	ii	iii	iv	v	vi	Vii
A.	Education					
1.	Literacy rate	% age	2011	67.16	2011	73.0
2.	Female literacy rate	%	2011	56.43	2011	64.6
3.	Male literacy rate	%	2011	76.75	2011	80.9
4.	Gender Gap	%	2011	20.32	2011	16.3

Source: The Directorate of Economics and Statistics, J&K

Actually, the Jammu and Kashmir education was established in the year 1970. In that time, the government established more than 15000 schools within the state's boundaries, including India, Jammu and Kashmir region. School in Jammu and Kashmir also used Hindi as the medium of instruction (Best India Edu, 2014). However, the majority of Kashmiri is Muslim, but Government still used the Hindi language as the medium of instruction in education, it showed that government impose Kashmir majority to use Hindi as their language for studied and their curriculums.

As stated on the journal of scholarly research journal for humanity science and English language, in the region Jammu and Kashmir state, based on the several surveys, reports and census gender inequality, there is a gap between males and females in education sectors. Based on the data, there is 27% gap between males and females in case of literacy rate. Actually, the literacy rate of education of females has increased from 9.28% to 49.12% but the gender gap also increased from 17.47% to 27.63% (Tabasum, 2014). Jammu and Kashmir also categorized as the region which has the worst sex ratio, although government or non-government organizations already take several actions, nevertheless, they got failed to curb the social menace in Jammu and Kashmir region.

In the region of Kashmir, the education of females is poor and pathetic. In the region of

Kashmir, women as subjected to discrimination, oppression and inequality. The role of women be admitted to domestic affairs and they prevent from education (Dabla, 2000). After the independence of India and Pakistan, actually there were several educational institutions in the state Jammu and Kashmir, but the majority of educational institutions in the state largely concentrated in the towns. Especially in literacy rate of the state, only five percent at that time.

The Human Development Index in Kashmir indicates below the all India level, and in the sector of Gender and Development Index, Kashmir in the 28 of the 35 states and union territories for the index was calculated in 2006. Besides that, based on political and economic participation and decision making and power of economic resources, the Gender Empowerment Measure in the ranks 33 out of 35 states and union territories (Tabasum, 2014).

The discrimination in education sectors, especially towards Kashmiri also as the factors that make Kashmir people wish for be allied with Pakistan and separate from India. According to John Burton, Conflicts can occur because of the assertion of individualism. Conflict can happen because of the protest based on frustration about lack of opportunities for development and also the lack of recognition of identity. The tension of the conflict can increase if conflict or violence coming from the issue conflict, or violence is coming from the issue of class, status, ethnicity, gender, religion, or nationalism (Cunningham, 1998).

The discriminatory distribution still happened in Jammu and Kashmir, especially education for woman. The woman still difficult to get education access and admitted only to domestic affairs and also prevent from education. It also supported by the gap between man and woman in the literacy sectors, Government also used the Hindi language although the majority of Kashmiri is Muslim for a medium of instruction in education. It makes the tension of the conflict can increase.

## **2. Low Economic Development**

After joining the Indian territory, Kashmir has not progressed in the field of economic growth, moreover, there happened high inflation and increasing poverty of the population. Poverty and economic disparity can certainly be a factor of a conflict in a country where the welfare of society cannot be met, and when the distance between hope and reality cannot be minimized, the occurrence of a conflict in a country also cannot be avoided.

This factor can also be analogized when the economic condition of society weakens, and people live in conditions of prolonged economic crisis, then the society will demand and ask his government to immediately take the policy even not reluctant to overthrow the regime of his government if their demand are not fulfilled.

The Jammu and Kashmir region occupies the 19<sup>th</sup> rank in population, with 12,5 million people lived there. Economic development in

Jammu and Kashmir influenced by agriculture sectors, it can be seen by 70% of the Jammu and Kashmir population get livelihood by agriculture and other sectors, besides that three regions including Jammu, Kashmir and Ladakh have different geographical outlook and agro-climatic zone (Directorate of Economics & Statistics of Jammu & Kashmir, 2015).

Jammu, Kashmir and Ladakh region also have own characteristics which can cropping pattern and productivity of crops. In the region of Kashmir that Paddy as the main sector in Kashmir, followed by maize, oilseeds, pulses, vegetables, fodder and grain. In the region of Jammu, grain is the main crop, followed by maize, paddy, pulses, oilseed, fodder, vegetables. In the region of Ladakh, barely as the main cereal crop and also wheat (Ibid.).

Actually, Jammu and Kashmir are an industrially which can be classified as a weak industrial base. Meanwhile, governments give support for Jammu and Kashmir with loans and incentives to establish some industrial units, several small and medium scale industries in Jammu and Kashmir already existed in the new area in the state.

Large industries which based on mineral in Jammu and Kashmir state also inhibited by the fragile ecology. Several mineral deposits which available in Jammu and Kashmir such as bauxite, limestone, sapphire, gypsum, coal and marble, and several of mineral located in border areas and cannot be founded easily. It condition caused by

the roadways are only transportation in that region, because of the railways are not developed well in that region (Directorate of Economics & Statistics of Jammu & Kashmir, 2008).

The number of males which employed also decreased by 2.79 percent to 1.74 based on the data from the sixth economic census of 2013 with the fifth economic census of 2005. This situation also can make the youth people unrest in the Valley. The cumulative FDI equity inflows also received by the state from April 2000 to March 2016 were a dismal Rs 37 crore (Rs 1 crore in 2013-2014, which surged to Rs 25 crore in 2014-2015 to again dip to just Rs 11 crore in 2016-2016) according to the Reserve Bank of India's regional office in Jammu (Sasi, 2016).

Fiscal deficit in period 2013-2014 already calculated at 5.2 %. It also already maintain in revenue surplus although the quantum became decreased in 2013-2014 by Rs. 1030 crore from the surplus of Rs 1100 crore in 2012-2013. Actually, in 2012-2013 the states own revenue has increased by 7.54% from Rs 5833 to Rs 6273, and central taxes and duties were taken on average 73.10 percent of the total revenue receipts of the state during the period 2012-2013 and around 66.30% in 2013-2014. However, a marginal decline of 6.80% in the state dependence on the transfer of central resources indicated by the resources which transferred by the Central Government. The ability of Jammu and Kashmir increase spending as a counter to the minimal foreign investment also

limited (Directorate of Economics & Statistics of Jammu & Kashmir, 2015).

<b>GROSS STATE DOMESTIC PRODUCT AT CONSTANT (2004-05) PRICES</b>				
(% GROWTH OVER PREVIOUS YEAR) AS ON JULY 31, 2015				
STATE	2011-12	2012-13	2013-14	2014-15
J&K	7.66	5.34	5.63	-1.57
All-India GDP	6.69	4.47	4.74	NA
(Source: NITI Aayog data/ state Budget)				
<b>ANNUAL GROWTH RATE OF INDUSTRY AT CONSTANT (2004-05) PRICES (IN %)</b>				
STATE	2011-12	2012-13	2013-14	2014-15
J&K	4.15	4.81	1.18	NA
Source: Central Statistics Office				

**Picture 3.1 GSDP Comparison Between J&K with All-India GDP in 2011-2015**  
Source: Indianexpress.com

GSDP / GDP for the year						
S. No	Item	Unit	At current prices		At Constant(2011-12) Prices	
			J & K	All India	J & K	All India
			2015-16(A)	2015-16(A)	2015-16(A)	2015-16(A)
1	GSDP/GDP	croreRs	116101.98	13567192	91806.25	11350962
2	Per capita income	Rs	74580	93231	57858	77431
Growth Rate						
1	GSDP/GDP	Percent	13.07	8.71	7.79	7.60
2	Per capita Income	Percent	13.69	7.31	6.57	6.23

**Picture 3.2 GSDP Comparison Between J&K with All-India GDP in 2015-2016**  
Source: The Directorate of Economics and Statistics, J&K

The ranks of Jammu and Kashmir also in the bad position for attracting domestic investment, based on the report on Assessment of State Implementation of Business Reforms 2015 which reported by the World Bank that Jammu and Kashmir was among the worst performers with a rank of 28 out of 32 states and Union territories (World Bank Group, 2015). NR Bhanumurthy, professor, National Institute of Public Finance and Policy also stated that the low FDI in Jammu and Kashmir may not be a complete surprise with domestic investment also being weak if viewed of its troubled history (Sasi, 2016).

The lower investments in Jammu and Kashmir can be captured in a slowdown in the growth rate of the state. It can be seen by the latest available state wise growth data which maintained by the NITI Aayog, the gross of state domestic product of Jammu and Kashmir at constant price (2004-2005 series) is projected to have fallen sharply to (-) 1.57 percent in 2014-2015 from 5.63 percent in 2013-2013, 5.34 percent in 2012-2013 and 7.66 percent in 2011-2012 (Ibid.).

On 2013-2014, the sectoral percentage contribution in GSDP reach to 15.80% of primary sector, 24.27% of secondary sector and 59.93% of tertiary sector, besides that on 2015-2016, the sectoral contribution of the GSDP at constant prices, the percentage has been 15.89%, 27.11% and 57.00% on primary, secondary and tertiary sectors.

Based on the table GSDP/ GDP, GSDP/GDP in Jammu and Kashmir on 2015-2016 more lower than other region in India, capital income in Jammu and Kashmir if compared towards other region in India also lower, in Jammu and Kashmir the capita income around 57858, and all India around 77431 capita income (Ibid.). It showed that the economy in Jammu and Kashmir still low if compared with another region in India.

The lack of development and equality from Indian Government towards Jammu Kashmir also make this conflict is more difficult to be solved. The difficult to establish the Large industries based on mineral in Jammu and Kashmir state also as the factors that the economic development in Jammu and Kashmir inhibited. Kashmiri thought that incorporated with India not increasing economic in its region preferable, it also as the factor separatist movement created and make the conflict more complex and more difficult to be solved.