

Pre Independence Jammu Kashmir had Four regions

Total Area 222,236 km²

- Jammu
- Kashmir
- Ladakh
- Gilgit

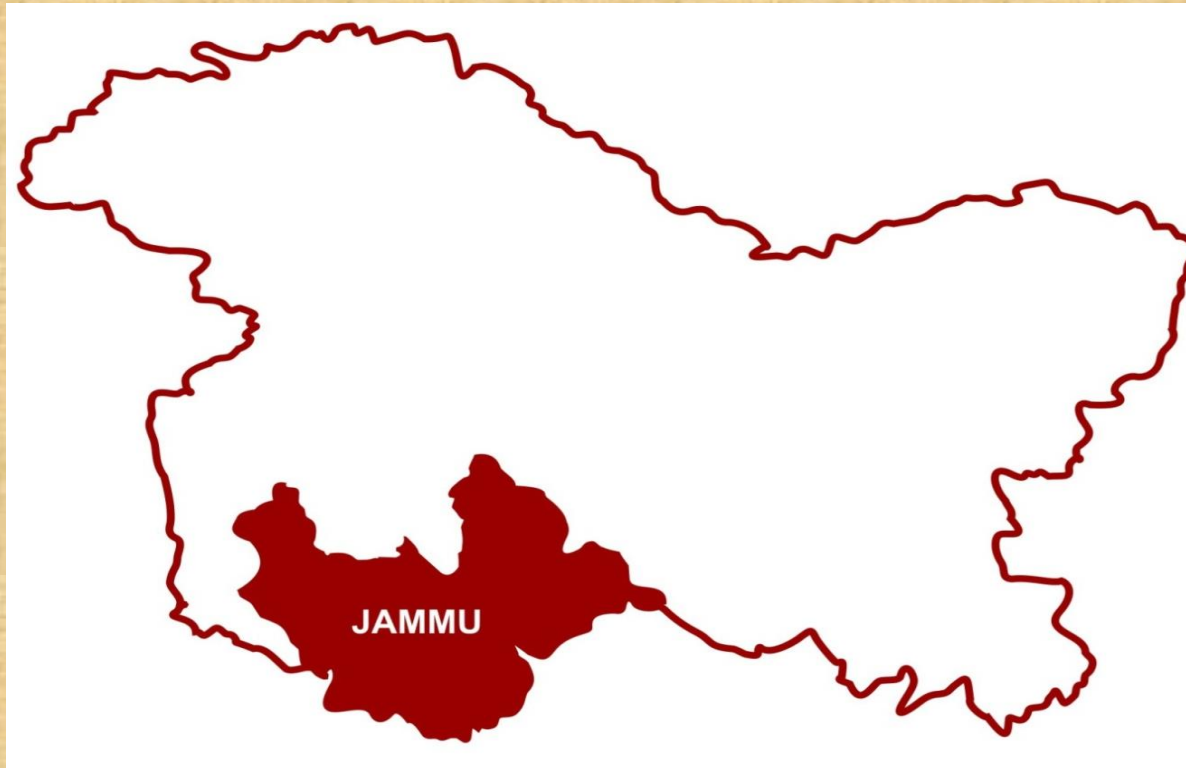
Title of Maharaja Of Jammu & Kashmir

“ स्वस्ति श्री रघुकल कमल दिवाकर श्रीमान
कर्नल हिर्जे हाइनेस राज राजेश्वर
महाराजाधिराज श्री 108 श्री महाराजा हरी सिंह
जी बहादुर इन्दर महिंदर सिपाह ऐ
सल्तनत इंग्लिशिआ G.C.I , K. C.V O,
A.D.C जम्बू कश्मीर तिब्बत आदि देशाधिपति“

Source- Seal of the Maharaja

Post Independence Jammu Kashmir comprises mainly three regions

- Area with India i.e jammu, Kashmir and Ladakh
Total Area – 1,01387 Sqkm
- Pakistan Occupied jammu kashmir i.e Mirpur, Muzzafarabad , Gilgit and Baltistan
- China occupied Jammu Kashmir i.e Shakshgam Valley and Akaschin
- Total Area under China and Pakistan = 120849 Sqkm



Jammu

2nd largest part of the State.

10 Districts

Area- 27000. Km

Kashmir

The smallest Part of Jammu and Kashmir

Area- 15000 sq-km, 10 Districts

Densely Populated .



Ladakh

The Largest Part of the State.

Area- 59,000 sq.Km.

Buddhist Majority region.



Problem is

We know

- Sheikh Abdullah
- Syed Ali Shah Geelani
- Mirvaiz Umar Faaroq
- Yasin malik
- Syed Salaahuddin

We don't know

- Pandit Prem Nath Dogra
- Maqbool Sherwani
- Major Shaitan Singh
- Sher Singh Thapa
- Firoz kacho

Problem is we know
Lal Chowk But don't know Demchok



We know Kashmir and kashmiri Separatists but don't know

- Dogra living in Jammu area.
- Gujjars living in Poonch and Rajouri Districts(Jammu)
- Pahadi living in the hilly areas of Jammu and Kashmir
- Shina living in Gurez and Drass valley
- Balti living in Suru Valley
- Buddhists living in Zaskar, Changtham and Nobra valley
- Bropka living in Batalik or Aryan Valley
- Noorbakshi living in Nobra valley (Turtuk Area)

Pakistan Occupied Jammu Kashmir and China Occupied Jammu Kashmir

1. Gilgit- Baltistan
2. Shakashgam
3. Mirpur, Muzafabad
4. Aksainchin



POJK and COJK

- POJK Consist two areas i.e Mirpur Muzzafarabad (Area of Jammu and Kashmir region)
- Gilgit baltistan- Culturally and socially close to Kargil
- GB has seven districts- Districts- Hunza, Skardu, Diamir, Sigar, ghisar Ghanche, Astore and Gilgit.
- almost 11000 families got separated in 1947 in GB
- Cojk – Shakshgam Valley and 36000sq Km area Occupied in 1962 war

Myth -2

- **Jammu Kashmir is a dispute.**

Jammu and Kashmir is not a dispute.

- Pre Independence ,administratively India can be divided in two parts :-

1. British India – Directly ruled by British Crown

1. Princely States- Indirectly ruled by British crown.

Princely States and British India



Accession was full and Final

- ❖ Under India Independence Act British Dominion was divided into Dominion of India and Dominion of Pakistan.
- ❖ After lapse of paramountcy more than 550 Princely States were given the option to accede to any of the two Dominions.
- ❖ Maharaja Hari Singh signed the STANDARD “Instrument of Accession on 26th October, 1947 and acceded to India.
- ❖ Governor General of India Lord Mountbatten signified the Instrument of Accession on 27th October, 1947.

Constitutional Status of Jammu and Kashmir.

- ❖ **Under First Schedule, Article 1** of Constitution of India - Jammu and Kashmir is the 15th State of India.
- ❖ **Constitution of Jammu and Kashmir- “**
- ❖ **Section (3)** - The State of J&K *is and shall be* an integral part of the Union of India.

Section (5) –The executive and legislative power of the State extends to all matters *except those with respect to which Parliament has power to make laws* for the State under the provisions of the Constitution of India.

section 147 – Provided further that no bill or amendment seeking to make any change in ;

(a).This Section; or

(b). and provisions of sections 3 and 5 ; or

(c). The provisions of the constitution of India as applicable in relation to the State,

Shall be introduced or moved in either house of the Legislature.

Constitution of Islamic Republic Pakistan 1973

❖ The Territories of the State shall comprise of Provinces of

1. Balochistan
2. Khyber Pakthunkhwa
3. Punjab
4. Sindh

The Islamabad Capital Territory, hereinafter referred to as the Federal Capital

Federally Administered Tribal Areas.

❖ ***Source- Constitution of Pakistan***

Jammu and Kashmir and UN

- ❖ Under UN Charter responsibility of UN Security Council – “maintaining international peace and security whenever peace is threatened”.
- ❖ GOI made a complaint to the Security Council under **ARTICLE 35** of UN Charter on aggression by Pakistan.
- ❖ Request to the Security Council to ask the Government of Pakistan:-
 - (1). *To prevent **Pakistan Government personnel, Military and Civil, from participating or assisting** in the invasion of the Jammu and Kashmir State;*
 - (2). *To call upon **other Pakistani nationals to desist from taking any part** in the fighting in the Jammu and Kashmir State;*
 - (3). *To deny to the invaders : (a) access to any use of its territory for operations against Kashmir, (b) **military and other supplies**, (C). **All other kinds of aid** that might tend to prolong present struggle*

Issue was Aggression not Accession

1. It is not a territorial dispute .
2. It was a case of aggression from Pakistan on the territory of India.
3. UN always agreed to the fact that Accession was legal and valid.
4. UN declared Pak as an aggressor State and asked them to vacate the territory of the State

Interpretations of UN Security Council Resolutions

1. **The unconditional withdrawal of troops** sent or maintained by Pakistan on the soil of Jammu and Kashmir .
2. Disbanding of AJK Government as well as AJK Army.
3. The territorial integrity of Jammu and Kashmir would be fully restored.
4. People uprooted due to aggression would be resettled in their homes.
5. India would maintain required number of forces.
6. UN appointed Plebiscite commissioner would conduct plebiscite , but under the Jammu and Kashmir government.

Issue of Plebiscite is irrelevant

- ❖ India never accepted plebiscite , in fact we accepted plan of Plebiscite with pre condition- Krishna Menon
- ❖ MC Chagla in UN in 1964- In international law if there is resolution **accepted by two parties, “not implemented” then it could not be there for ever.**
- ❖ In 1972, Shimla Agreement ,both India and Pakistan resolved that they will resolve their difference through bilateral negotiations .
- ❖ Boutress Ghali in 1991 and Kofi Annan in 1998-

“According to UN Charter, if two contesting States concluded a bilateral agreement by virtue of which Peace and normalcy are restored and the agreement is ratified by respective Parliaments, the role of Security Council comes to an end “.

Myth -3

- Jammu Kashmir has been given a special status under Article 370.

Genesis of Article 370

- ❖ Article 370 was Article 306-A of the Draft Constitution and was discussed in the Constituent Assembly on 17th Oct, 1949.
- ❖ **Gopalswami Ayyengar in Constituent Assembly on 17th October, 1949 regarding Draft 306 -A:-**

“ There has been a war going on with in the limits of Jammu and Kashmir.

“ The Conditions in the State are still unusual and abnormal”

“ We are entangled with the United nations in regard to Jammu and Kashmir”

“ Part of the State is still in the hands of rebels and enemies”

“ At present, the legislature which was known as the Praja Sabha in the State is dead”

““Now, if you remember the view points that I have mentioned, it is an inevitable conclusion that, at the present moment, we could establish *only an interim system*. Article 306 A is an attempt to establish such a system.” (P 495, CAD)

Nature of Article 370

- ❖ **Title of Part XXI** - Temporary, transitional and Special provisions.
- ❖ **Marginal Note of Article 370** – Temporary provisions with respect to the State of Jammu & Kashmir”
- ❖ Article 370 is thus only a “**temporary provision**” and not “special”.
- .

Implications of Article 370

1. **Constitutional anomalies created due to constitutional abuse of Article 370 – Article 35 A, amendment in Article 368, Presidential Order 1963 .**
2. **Discrimination with Schedule caste**
3. **Misgovernance due to non implementation of Union Constitution in totto -Non implementation of 73rd and 74th amendments of the Constitution, RTE, Central RTI ,Peoples representation Act of India and many other welfare laws.**
4. **Poor investment by Private Sector in the State**
5. **NO reservation for OBCs .**
6. **STs have no political reservation.**
7. **Gender Discrimination,**
8. **Discrimination with Jammu and Ladakh on the basis of region.**
9. **Neglect of IDPs and Refugees.**

Need to revisit the State of Jammu and Kashmir

- ❖ Who are the real victims of Jammu and Kashmir ?
- ❖ Pakistan Occupied Jammu Kashmir and China Occupied Jammu Kashmir should be the real issues of concern.

Real Victims of Jammu and Kashmir

- ❖ Pakistan Occupied Jammu Kashmir (POJK) Refugees-**10 Lacs.**
- ❖ West Pak Refugees- **2 lacs.**
- ❖ Kashmiri Hindu displaced from the Kashmir Valley in 1990- **4 Lacs.**
- ❖ War displaced persons from Chamb in 1947, 1965 and 1971.
- ❖ Terrorism affected people of Jammu and Kashmir region
- ❖ SCs, STs and OBCs of the State.
- ❖ Human rights violations in Gilgit-Baltistan.

Pakistan Occupied Jammu and Kashmir

POJK comprises following regions:-

- ❖ Mirpur, Muzzafarabad and areas of Poonch
- ❖ Gilgit- Baltistan

Importance of Gilgit-Baltistan

- ❖ Strategically pivotal area for access of Bharat to Central Asia, Eurasia, China, Europe and Africa by land.
- ❖ Ancient Silk Route.
- ❖ Iran is 1000 Km , Mosco is 3500 Km and London is 5952 km away from gilgit
- ❖ 8 highest peaks out of 10 are in GB.
- ❖ Alternate fresh water resources .
- ❖ Gilgit has some of the largest Gold deposits, Uranium and other valuable minerals.

Dismal state of GB

- End of Local language i.e Balti
- GBLA – 21 Resolutions , none implemented
- Demographic change in GB.
- Political activists are facing Life imprisonment
- GB has no Medical and Engineering college.
- 80% schools are not functioning
- Only NGO players like Aga Khan Foundation working in education sector. Drop out rates is very high.
- Conditions of roads are so poor. Road conditions are good where Chines investment is taking place. It is also only for their (Chinese) not for local people.
- Status of women is so poor. Still treats woman as a mere sex object. They have no right to have education , they cant work.

What is our role

Information Collection and study.

Creating awareness, consensus and will of the Nation.

Creation of well informed audience.