

Kashmir: 150 years of Tyranny and Oppression

On 05 Aug 2019, the Muslims in the land of Kashmir suffered yet another jolt by the order of The President of India, Ram Nath Kovind. The Presidential order comprised two parts – the first part rendered Article 370 inoperative, though not constitutionally removed and the second order was to accept the J&K Reorganization Bill 2019 which divides J&K into two Union Territory after being reduced from the status of a Union State. Prior to the order, the armed forces were beefed up, and most political leaders were held under house arrest, disconnecting all forms of communication systems and severely restricting people's movement – in short turning J&K into a large open prison. The architect of this move being Amit Shah, who is the current Home Minister of India and the President of the BJP, a Hindu nationalist party. Revocation of Article 370 that conferred special status to J&K state 65 years ago at the time of Indian Independence in 1947 had been a stated election manifesto of the BJP.

Kashmir is about 217,935 sq.km area surrounded by Pakistan, India, China and Afghanistan. Kashmir is an Islamic land, which Muslims conquered, and Islam entered towards the end of the first Hijri century. This came within the conquests of Sind and Hind at the hands of the Muslim General, Muhammad al-Qasim, which started in 94 AH (712AD). The authority of Islam then spread in the Asian subcontinent in the time of the Abbasid Khaleefah, al-Mu'tasim, 218-225 AH (833-839 AC). The authority of Islam continued in most of the Asian subcontinent, which is known today as India, Pakistan, Kashmir and Bangladesh for the next ten centuries under the authority of successive Caliphs. Today 67% of J&K state population are Muslims with the Kashmir valley exceeding 95%.

The British invasion of the Asian subcontinent started towards the latter part of 18th century, initially as traders and later usurping power from the then Muslim rulers with the support of some Muslim, Hindu, Sikh, Buddhist and other rebels. After nearly 4 decades of conflict, the Asian subcontinent came fully under the authority of the British Crown in 1858. British rule in the Asian subcontinent was either direct which covered over 55% of the Asian subcontinent with majority Muslims, or through autonomous governors that numbered 565 and an independent territory, Kashmir (with Muslim majority), that was leased to a Hindu king for 100 years. This was the start of tyranny in Kashmir that has outlived more than 15 decades with despicable crimes inflicted on the Muslims to consolidate power in Kashmir. The Muslims of Kashmir renowned for their resolve and determination persevered against this tyranny. In an astonishing incident on 13 Jul 1931, comparable to the Battle of Mut'ah during the Prophet's (saw) time, 22 Muslims were martyred in succession to complete the adhan of Dhuhur. The protest was in response to a security officer defiling the Glorious Qur'an in Kashmir.

Despite the British rule, the Muslims in the Asian subcontinent gave loyalty to the Uthmani Khaleefah in Istanbul. No wonder the Independence movement had sizeable Muslim representation. When the British eventually decided to quit the Asian subcontinent or the British Raj, it was divided into two prominent states India and Pakistan. In a ministerial memorandum dated 12 May 1946, Britain directed its 565 autonomous governors to abide by the wishes of their people regarding the unification with either India or Pakistan. There were 3 exceptions where this rule was obstructed – Hyderabad, Jonagra and Kashmir. Hyderabad and Jonagra had Muslim governor with a majority Hindu population so they were annexed to India. However, Kashmir, with its Hindu governor but majority Muslim population, was also annexed to India. A key component of this ascension in 1947 was the autonomy awarded to Kashmir that was to be realized as Article 370 in the Indian Constitution later. Hence since 1947, this led to conflict and wars between India with its Hindu population on one side and Pakistan and Kashmir with its Muslim population on the other side. Thus, India occupied 65% of Kashmir, Pakistan and China occupying 30% and 5% respectively.

Involvement of United Nations dates to 13 Aug 1948 wherein the UNSC issued a resolution for a ceasefire in Kashmir and installation of International Observation Force. This was followed by another resolution later directing India and Pakistan to withdraw their forces so a referendum may be conducted wherein people of Kashmir will decide on their future. The referendum directive was re-issued as another UNSC resolution on 14 Feb 1957 soon after the then Prime Minister of India, Jawaharlal Nehru, directed upholding Indian authority in Kashmir in 1956 – when India's constitution was formally adopted that endorsed the autonomy of Kashmir as Article 370. This article mandates

that the state government of J&K has the right to embrace laws enacted by Indian Parliament (National) at its choice and not mandatory. Article 370 carries another clause wherein the President of India can apply National laws as an over-riding clause of the J&K state government stance. The Presidential order of Aug 2019 leveraged this clause to apply all National laws on J&K at a time when the state government of J&K was already removed and was under Presidential rule via the Governor for J&K. Since 1957 the Kashmir referendum has been repeatedly side-lined by India as it feared the outcome of the referendum. Also, application of the Presidential over-ride clause in Article 370 from time to time has been a serious source of contention since 1956. It led to protest and armed rebellion of last resort from time to time in Kashmir. The overwhelming majority of the Muslims in Kashmir want either an Independent state or a state unified with Pakistan. Almost less than 5% represent the aspirations to stay united with India. Thus, it has been an unsettled issue resulting in tremendous loss of lives, property, grace and displacement against the will of the Muslims in Kashmir starting from 1858.

Pakistan, despite its principle stand on the side of Muslims in Kashmir, failed to secure nor liberate it due to its allied position with American foreign policy more than its military capability. There were major conflicts between India and Pakistan where Pakistan ceded concessions over the issue of Kashmir. They were in 1948 when Mohamed Ali Jinnah accepted UNSC ceasefire, in 1965 when Ayyub Khan surrendered three rivers that were Pakistan's share, in 1999 when Nawaz Sherif ceded Kargil. The latest betrayal happened during the time of President Pervaiz Musharraf in 2004 when he agreed that Kashmir issue will be dealt as bilateral issue between Pakistan and India and arbitrated by America. Pakistan's pro America stance and India's pro Soviet stance did lead to escalation of intervention in Kashmir. America used the resistive atmosphere in Kashmir to its advantage when it allowed Pakistan to support the resistance movements in Kashmir so it can manoeuvre the region especially post the collapse of Soviet Union.

The peak resistance period in Kashmir since Independence was from 1988 to 1999 also referred as the Kashmir Intifada, arising out of a disputed state election. India hosts a large portion of its security apparatus in Kashmir comprising Army, Border Security and Central Reserve totalling almost 750,000 personnel. To quell the resistance, India imposed AFSPA (Armed Forces Special Powers Act) in Sep 1990. This gives the armed forces the authority to kill and to arrest without warrant to maintain public order. The troops have been accused and held accountable for several humanitarian abuses and have engaged in mass extrajudicial killings, torture, rape and sexual abuse. Till date, it is estimated that over 100,000 lives have been lost. A similar number disappeared or under detention with or without charges. Thousands widowed or orphaned. Despicable crimes committed on women young and old. Since 2004 the valley saw forced disappearances of many resistance movement leaders through a network of militia steered by India with divisive elements in the Kashmir valley to quell the resistance. A State Human Rights Commission inquiry in 2011 confirmed that there are thousands of bullet-ridden bodies buried in unmarked graves in Jammu and Kashmir. Of the 2730, bodies uncovered in 4 of the 14 districts, 574 bodies were identified as missing locals in contrast to the Indian government's insistence that all graves belong to foreigners. The Muslims in Kashmir have suffered tyranny and oppression for the last 150+ years, first at the hands of British and then at the hands of India and America.

The 05 Aug 2019 announcement of India marks another new phase of tyranny – And Allah (swt) has power over all aspects. India has denied the aspirations of the people of Kashmir whether it is shrouded with 'Article 370' or removed. At this juncture it is important for Muslims to bear the correct view on these events.

1. It is forbidden for Muslims to abandon the implementation of Islam on a land that was brought under the authority of Islam. This is not from the perspective of Muslim honour, rather the need to implement the shade of Allah (swt); that is, the implementation of Shariah. Hence it is disallowed for Muslims to abandon the struggle. Allah (swt) said, **﴿أَفَكُمُ الْجَاهِلِيَّةَ يَبْغُونَ وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا﴾** **“Then is it the judgement of ignorance they desire? But who is better than Allah in judgement for a people who are certain [in faith].”** [TMQ 5:50]

2. The Kashmir issue involving India, that claims to be the largest democracy in the world, has repeatedly proved that Democracy is only a tool of convenience. Britain bragged about its Democratic institutions when it created the issue of Kashmir that was fully un-representative of the people in Kashmir. India brags about its democratic institutions when it repeatedly tramples the aspirations of the people in Kashmir with brute force. Apparently, India has the largest troop presence in the world in a specific territory for such a long period of time without being in a state of

war, not to mention the tyranny and oppression India inflicted on the people of Kashmir. United Nations serves the interest of America in its selective approach though its role is consistent when involving Muslims territories when it looks the other way. It has always and will always be a tool used by people in power to achieve the interests of those who funded them to get in power. Allah (swt) said, ﴿أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أُنزِلَ إِلَيْكَ وَمَا أُنزِلَ مِنْ قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَنْ﴾ **“Have you not seen those who claim to have believed in what was revealed to you, [O Muhammad], and what was revealed before you? They wish to refer legislation to Taghut, while they were commanded to reject it; and Satan wishes to lead them far astray.”** [TMQ 4:60]

3. Intervention of foreign powers, be it America, Britain, Russia, Europe or China, will be to leverage their national or regional interests alone and zero interest in the aspiration of Muslims or the cause of Islam. This is evident if we look at the role of Britain in creating the issue of Kashmir, or America through its tool UN or without using UN since 1947, or other powers in their stances involving the issue of Kashmir. Allah (swt) said, ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ﴾ **“O you who have believed, do not take the disbelievers as allies instead of the believers. Do you wish to give Allah against yourselves a clear case?”** [TMQ 4:144]

4. Kashmir and Palestine share a dim parallel. Both were British projects where it allowed power to be usurped away from Muslims when Palestine was given to the Jews and Kashmir was given to India. Both projects were usurped by America from Britain after the second world war, where it used them as a tool to manipulate the regions. Both have uniformed military committing human rights abuses for decades despite outrage in the world. Both have outlived generations clearly proving the true colour of Democracy. Both continue to exist due to the absence of the Khilafah Ruling system in the Muslim world which would have been the guarantor of people's lives and property throughout the world as they are sanctified in the word of Allah (swt) in the Quran. Allah (swt) said, ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا قَاتِلُوا الَّذِينَ يَلُونَكُمْ مِنَ الْكُفَّارِ وَلْيَجِدُوا فِيكُمْ غِلْظَةً وَاعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ﴾ **“O you who believe! Fight the Unbelievers who gird you about, and let them find firmness in you: and know that Allah is with those who fear Him.”** [Surah at-Tawbah 9: 123]

5. The Muslims in Kashmir do not have the state apparatus to reassert the implementation of Shariah themselves. It is the responsibility of the armies of the Muslim World to secure and liberate Kashmir. The primary responsibility is in the hands of the Armies of Pakistan. Restoration of the Khilafah state in the Muslim world will ensure the armies of the Muslim World become the protectors of the shade of Allah on Earth. This Khilafah state (Caliphate) will implement the Khilafah Ruling system that will endeavour to ensure the security of all citizens (Muslims and Non-Muslims), ensure the sanctity of life and property, ensure the right to believe in their religion, ensure the rule of law consistently, ensure the law is not derived through whims and desires but through reference to what Allah (swt) commanded (Quran) and as shown by His Messenger (saw) (Sunnah). Allah (swt) said, ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا مَا لَكُمْ إِذَا قِيلَ لَكُمْ انْفِرُوا فِي سَبِيلِ اللَّهِ أَنْتَاقَلْتُمْ إِلَى الْأَرْضِ أَرْضَيْتُمْ بِالْحَيَاةِ الدُّنْيَا مِنَ الْآخِرَةِ فَمَا مَتَاعَ الْحَيَاةِ الدُّنْيَا فِي﴾ **“O you who have believed, what is [the matter] with you that, when you are told to go forth in the cause of Allah, you cling heavily to the earth? Are you satisfied with the life of this world rather than the Hereafter? But what is the enjoyment of worldly life compared to the Hereafter except a [very] little”** [Surah At-Taubah 9: 38].

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References:

- Political Issues published by Hizb ut Tahrir / Wilayah Lebanon (2004)
<https://www.thehindu.com/news/national/explained-presidents-order-scrap-its-predecessor-and-amends-article-370/article28826722.ece>
<https://www.thehindu.com/opinion/op-ed/downgraded-at-the-stroke-of-a-pen/article28872213.ece>
https://en.wikipedia.org/wiki/Insurgency_in_Jammu_and_Kashmir