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# The Conflicting Identities: India v Kashmir

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## ABSTRACT

Although the perceptions of Kashmiris and Indians toward one another have not been particularly pleasant since before the implementation of Article 370, this paper demonstrates how, following its abolition, it has become nearly impossible for a person to be both Kashmiri and Indian at the same time, with the two identities standing in contrast with each other. While the abrogation may be the catalyst for the process, there is a long history stretching all the way back to the Dogra era that has culminated in the predicament before us. This article, while analysing the issue through the colonial and settler-colonial lens to analyse the antithetical identities, also demonstrates how the autonomy of Kashmir and privileges of Kashmiris have been eroded.

**Keywords-** Kashmir Crisis, Settler-Colonial Violence, Article 370

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On August 5, 2019, the Indian government voided the constitutional autonomy and special status of the state of Jammu & Kashmir<sup>2</sup> and divided it into two federally administered territories calling for an integrated and strengthened India. This was implemented through overpouring the Indian military into the state and imposing a curfew, restraining the very rights of Kashmiris for whose betterment this action was sworn for by the Indian government. While Kashmiris, aided by international voices, heavily criticised and publicly contested this move, it was hailed as an ultimate move for nationalism and a swift blow to the separatist voices in India, especially in the states ruled by BJP and its allies. This indeed led to the firm grip of India on Kashmir, but its hold on Kashmir has never been more threadbare. This paper will demonstrate how the Kashmir crisis alongside the violent state-sponsored Indian nationalism has made the Kashmiri identity antithetical to the Indian identity with active attempts at erasing Kashmir's sense of self.

Before moving ahead, it is essential to determine the meaning of the words 'Indian Nationalism' and 'Kashmiri Nationalism' in the contemporary socio-political climate. The term 'Indian Nationalism', which came into existence during the Indian Freedom Movement signifying the sovereignty of the Indian state and its capability to self-rule, has taken a negative turn. As the author and historian Gyanendra Pandey pointed out, this "pure" nationalism emphasised the "composite character of Indian society", which did not provide any pedestal to the Hindutva sentiment in India's history and self-consciousness. (Pandey 609) However, in the same text, he has mentioned that nationalism as a concept has "commonly moved along the path of identifying the core or mainstream of the nation" (Pandey 608), and as Hindus from the very beginning had a clear majority in the country, it was no surprise that Indian Nationalism started being rooted in the values of Hindu Nationalism. In contemporary politics, we have a government in the centre that is not only majoritarian but also symbolises the very ideal of Hindutva by signalling its partial nature numerous times. This has made the living conditions of India synonymous with the times of the Partition of British India as it leads us to Pandey's idea of the 'Hindu Homogenous State' which had no room for minorities, especially not for the Muslims (Pandey 613-614). Even though this claim by pseudo-Indian Nationalists of contemporary times may appear to be of

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<sup>2</sup> "Kashmir" here and later in the article is referred to the India-occupied region of Jammu and Kashmir, which largely consists of the Kashmir Valley, Jammu, and Ladakh.

secular nature, we can easily distinguish this nationalism by asking elementary questions; does it represent other religions that India foster? Does it represent the oppressed castes within the Hindu caste framework? Is it geographically representative of the South, where the literacy rate and state revenue tend to be higher than in the Hindi-speaking belt in the North?

This radicalised nature of Indian nationalism makes it the exact opposite of the *Kashmiriyat* or the Kashmiri identity because Kashmiri history also contains a narrative guided by communal politics. Kashmir, before being bifurcated, was the only Muslim-Majority state in a Hindu-Majority India. This communal contention in Kashmir can be traced back to colonialism and expansionism. In line with Pandey's view that throughout the colonial history of India, the Britishers kept "Muslims on their side" to contain the Hindu nationalism in order to create political differences between Hindus and Muslims (Pandey, 610), one can easily observe how the sympathies of the Raj were inclined towards the Hindus in Kashmir's case, for the implementation of 'divide and rule' policy as Hindu were the minority here. It becomes all the more evident as we look back into the Kashmir's political history.

In 1848, the English Raj offered Kashmir, a Muslim-Majority state, to Hindu Dogra rulers for Rs 75 lakhs (Shukla 2019). Subsequently, individuals who had been living in religious harmony, despite their diverse religions, were now exposed to the circumstances that created counterfeit limits between each other, especially among Hindus and Muslims. At the time of the Partition, Kashmir was among a handful of kingdoms with a dominant Muslim populace, however, with a Hindu ruler who was not very popular among his masses. Hari Singh initially did not intend to accede Kashmir to either India or Pakistan; however, when an unconstrained attack - upheld by the Pakistani administration- occurred, he requested assistance from the Indian armed force. In this way, he conclusively signed the Instrument of Accession, ceding Kashmir to India (Shukla 2019). Although the aforementioned history initiated the narrative of communalism, at first, it was resolved that individuals of Kashmir ought to choose their future. Be that as it may, this guarantee was not satisfied. In 1949, Article 370 was set up—this ensured administrative autonomy to Kashmir except for powers like defence, international affairs, and finance. Kashmir was even allowed to have its own constitution and flag with the authority of selected ratification of Indian laws that ought to be applied to Kashmir. However, with time, this separate identity of Kashmir became the focal point of the concerns of the Indian government. Henceforth, in 1953, the Indian Prime

Minister Jawaharlal Nehru expelled the Prime Minister of Kashmir and trimmed down Article 370, restricting Kashmir's self-sufficiency. Due to this curtailment, the discontentment Kashmiri individuals had felt for their past ruler must have moved now to the Indian government, oppressing them to the same degree as they have felt oppressed under Dogra rulers. Subsequently, this disdain must have started to fester, resulting in conscious and subconscious hatred towards the Indian Mainland.

Notwithstanding the disappointment felt by the Kashmiris, the Indian government is likewise confronted with Pakistani resistance to Indian assertion over Kashmir. Furthermore, in this way, Pakistan came up with their own narrative of how the entire state of Jammu & Kashmir rightfully belonged to them. Pakistani militant groups started using this discourse to indoctrinate Kashmiri youth who were already feeling dejected (Shukla 2019). As a result, Kashmiris split among themselves between being favourable towards India, favourable towards Pakistan, and favouring an independent Kashmir. With the same tools and ambition of polarisation as the Islamist radicals, Hindu Fundamentalists utilised the terrorism caused by the Kashmiri militancy, such as those that took place in Mumbai in 1992 and Gujarat in 2002, to demonise Muslims all over India (Madhav Khosla 3). It was hardly difficult for the Hindu Nationalists to demonise Muslims and all the more Kashmiris because, as Pandey mentions, there is a consistent suspicion for Indian Muslims as they are constantly scrutinised based on their affiliation with Pakistan (Pandey 620). This scrutiny and subsequent suspicion get aggravated with Kashmiris as the affiliation shown by a section of Kashmiris for Pakistan is pretty evident every now and then. Thus, the difference between Kashmiri and Indian Nationalism widened as it got firmly tied to the religion and its subsequent oppression. In this light, the Hindu majority Indian populace must have started seeing Kashmir as a Hindu-phobic Muslim majority region while Kashmir already perceived India as synonymous to their Hindu oppressor ex-ruler. Thus Kashmir consequently became a site of these sharply contrasting identities.

This conflict is not merely of nationality. It is also a conflict of rights. The Indian government obliterated the political self-sufficiency that Kashmir always demanded and briefly appreciated by imposing a rather authoritative control on the province of Jammu and Kashmir ("Domicile to Dominion" 2531). Since then, heavy disposal of the Indian military and the reports of its oppressive behaviour, including the accounts of war crimes and rape and, in

contrast, Kashmiri militancy and sponsored terrorism (Subramanian 2020), have further complicated the situation while redressal of these maltreatments is gravely missing or non-existent. Also, Kashmiris are battling to meet their fundamental necessities, like medical care and an education system, the absence of which breeds further disdain and urgency. However, the ultimate push that completely alienated both these identities from each other was the Modi-driven BJP government's choice to alter Kashmir's status, which concluded India's drive towards despotism and the embracing of a public picture exceptionally staunch in nature. Everywhere, however, there is a simultaneous—and, as it seems, almost necessary—desire to present the nation as given, an already formed totality, even a spirit or essence.

Before the abrogation of Article 370, the relationship between India and Kashmir was seen through a colonial lens as in the advantages that India drew from Kashmir and liabilities India imposed on her were synonymous to the relation between the colonisers and colonised. However, after the repeal of 370, many scholarly publications suggest that calling it a *settler-colonial* state is more appropriate. To quote the article written by anonymous in *Harvard Law Review*, "In settler colonialism, territory is fetishised. Land is the object of desire; the place where settlers can imagine a society of their choosing on land perceived as their own. In the heat of this desire, settlers rationalise the elimination of the indigenous who complicate the realisation of their imagined polity" ("Domicile to Dominion" 2531). As aforementioned, the objective of settler colonialism is not just to possess native land like a coloniser, but it is also to take out the indigenes who hold them up as a settler state just like the Indian "integration" move of repealing Article 370 and by that means Article 35A appears before the eyes of all 'native' Kashmiris.

Article 35A enabled the state assembly to both characterise the "permanent residents" of the state and gain explicit advantages to such residency, thus by safeguarding the rights to owning land, Article 35A served as Kashmir's primary line of defence against external intervention ("Domicile to Dominion" 2531). Therefore, in the minds of Kashmiri natives, and especially the Muslims of the valley, they were stripped of their autonomy and subsequently their identity by the majoritarian rule of hostile religion represented in the form of the Indian state. While it can be said that the Indian people as a whole did not support the move as shouts in resistance rang through the offices of Parliament (Subramanian, 2020),

what really mattered to the indigenous Kashmiris was the end result of it, which was the ghastly silence in which Kashmir was smothering in eerie darkness.

When all is said and done, this clash of identity is not merely a consequence of the India's policy moves towards Kashmir; instead, it is a culmination of numerous factors accompanied by it. However, the general maltreatment and fetishisation that India has shown towards Kashmir can be considered the primary factor in it. To state a few examples, the general violence that Kashmiri students have to go through in India comes as no surprise (Subramanian, 2020). The reason for this generalisation of Kashmiris as militants, and anti-nationals leads us to Khosla's point that even today, India's citizenship is not defined on individual terms, rather than that one is merely the face of the religion and community one belongs to (Khosla 5-6). As Kashmiris, especially Muslims, are perceived by most Indians as anti-nationals, every Kashmiri, no matter how noble, is perceived via the same lens. Moreover, apart from the apparent fetishisation of land, Kashmiri women are often fetishised, especially by Indian men. One example of it would be the trends that erupted on Indian social media stating that now that article 370 is absolved, Kashmiri women are now accessible to the rest of India. This kind of misogyny and fetishisation has resulted in sheer disgust and anger among Kashmiri people against India and vice versa, resulting in antithetical national and regional identities.

To conclude, the abrogation of Article 35A and the laws that have followed is perceived in the eyes of Kashmiri citizenry as quintessential settler-colonial violence, but so too are the general treatment of Kashmiris in the Indian realm and the policy decisions of legal regimes that came before the government who implemented the abrogation. Similarly, what scholars have called retaliatory actions by Kashmiri, which were perceived as militancy and terrorism by Indian people, have created profound differences in their subconscious, which extends to how they perceive themselves, ultimately creating two individual identities that stand antithetical to each other.

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