

# CONSTITUTIONAL HISTORY OF JAMMU AND KASHMIR

- 1846** ● After the signing of the Treaty of Amritsar, the Dogra ruler Maharaja Gulab Singh buys Jammu and Kashmir from East India Company.
- 1944** ● The 'New Kashmir Resolution' is proposed which includes socio-economic transformation, the end of monarchy and feudalism which will turn Kashmir into a democratic republic and grant them citizenship rights to the people of Jammu and Kashmir.
- 1947** ● On 14 August India gains independence from the British rule and is divided into India and Pakistan. Princely states, who are not a part of either country are given two choices: stay independent or join either India or Pakistan. India tries to convince the undecided states to join India, however Maharaja Hari Singh signs a standstill agreement with Pakistan.
- In October, the Instrument of Accession is signed under which the Maharaja decides to accede to India. The first India-Pakistan war starts over Kashmir.
  - In November, Jawaharlal Nehru, the first Prime Minister of India remarks 'I have repeatedly stated that as soon as peace and order have been established; Kashmir should decide about accession by plebiscite or referendum under international auspices such as those of the United Nations.'
- 1948** ● India takes the Kashmir conflict to the United Nations. Kashmir is officially recognized as a disputed territory and Resolution 47 is officially passed by the United Nations Security Council. The Resolution discusses Ceasefire, Withdrawal of Indian and Pakistani troops and Plebiscite in Kashmir under International supervision. UN Commission on India and Pakistan is also created.
- 1949** ● Sheikh Abdullah takes over from Hari Singh and negotiates Kashmir's relationship with New Delhi. This leads to providing special status for the Kashmiri citizens and the formulation of Article 370. India is granted two-thirds of Kashmir while Pakistan is granted one-third. A ceasefire is also proclaimed by the UN.
- 1950** ● India breaks the resolution through the Indian Constitution under which Article 1 states that the entire state of J&K is a part of India. Article 35-A defined the state's 'permanent residents' and provided them with special benefits. Article 370 gives the Kashmiris a 'special status'. Many Pro Pakistan Kashmir leaders are arrested.

- 1951** ● Elections are held in J&K. Resolution 91 is passed by the UNSC which states that elections in the state are not a substitute for a plebiscite. The Jammu Kashmir Constituent Assembly is created. This is opposed by Hindu nationalists who demand 'one country, one constitution, one flag'.
- 1952** ● The Delhi Agreement is signed which states that besides three matters listed under the Instrument of Accession; Sovereignty will remain in J&K, Kashmiris will be considered citizens of India, the Kashmiri government will decide permanent residency requirements in the state and Kashmir will have its own flag, constitution, prime minister and president.
- 1954** ● The 'Presidential Order' is passed using Article 370 which provides the Indian Parliament even more powers than those under the Instrument of Accession and the Delhi Agreement.

In February, a report is sent to the constituent assembly which set out provisions of the Indian Constitution. The same report is sent to the Indian Government for 'appropriate action'.

In May, Article 35A is inserted into the Indian Constitution.

- 1955** ● A Plebiscite Front is formed to oppose the government led by Indian loyalists.
- 1956** ● The J&K Constituent Assembly adopts a new constitution which declares J&K as an integral part of India. The permanent residents Law prohibits non-permanent residents from settlement in the State, owning property, having government jobs, scholarships etc. Kashmiri activists reject this declaration.



- 1957** ● The Constitution of J&K came into force under which Article 147(c) states that no amendment can be made to the Constitution in relation to the provisions in the Constitution of India which are applicable on J&K.

The UNSC passes Resolution 122 which states that 'will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations' will determine the status of Kashmir. It also states that the administrative and legal changes by the J&K Constituent Assembly are invalid.

- 1962** ● A war begins between India and Pakistan. India loses control over Ladakh, an integral part of J&K.

- 1965** ● The second Indo-Pak war starts. The war ends with a ceasefire on 23rd September 1965. India removes the designations 'Prime Minister' and 'Sadr e Riyasat' from its loyalist Kashmiri officials.

- 1966** ● Small Kashmiri groups emerge and call for complete independence of J&K.

- 1972** ● A Line of Control is established as Pakistan and India sign the Shimla Agreement. The Agreement also mentions that the final status of Kashmir shall be decided bilaterally.

- 1983** ● Indira Gandhi starts campaign in Jammu and ignites Hindu passions against Kashmiri Muslims.

- 1984** ● In April, India captured the Siachen Glacier in Kashmir which is controlled by Pakistan.

In July, the Indian Governor interferes in Kashmiri politics.

- 1986** ● Farooq Abdullah forms a coalition government with Congress in Kashmir.

- 1987** ● Opposition parties such as the Muslim United Front are tortured and arrested.

- 1988** ● Jammu Kashmir Liberation Front declare armed struggle against Kashmir. Jammatal-Islami calls for resolution through dialogue and constitutional means.

- 1989** ● India starts operation to capture JKLF.

- 1990** ● The Indian military causes several massacres in Kashmir. Farooq Abdullah's government is dismissed. A Hindu Nationalist bureaucrat is made Governor.

- 1990** ● In January, many Hindu families migrate to Jammu. The Armed Forces Special Powers Act is imposed which gives a free hand to the Indian military. Massacres in Kashmir continue.

- 1991** ● Indian forces enter Kunan and Poshpora and rape Kashmiri women.
- 1993** ● The All Parties Huriyat Conference is formed whose main goal is the right to self-determination however they don't oppose the idea of merging with Pakistan.
- 1994** ● India passes a Resolution which states that Kashmir is an 'integral part' of India and state this as non-negotiable.
- 1998** ● Insurgency spreads to further parts of Jammu and hundreds of Kashmiris are killed.
- 1999** ● A third war between India and Pakistan starts in Kargil.
- 2001** ● Indian and Pakistani leaders meet however fail to come to a conclusion regarding the Kashmir Conflict.
- 2003** ● In April, India launches operations in Jammu against Muslim insurgents.  
  
In May, India and Pakistan declare a ceasefire along the LoC, and restore diplomatic relations.
- 2004** ● The Indian PM Manmohan Singh and Pakistani President Pervez Musharraf arrange talks in New York to discuss Kashmir.
- 2006** ● The 4-point formula is proposed by Musharraf which talks about free LoC movement for Kashmiris, self-governance for Kashmiris on both sides of LoC, Phased withdrawal of troops and an Indo-Pak mechanism to implement and create future path towards a final resolution.
- 2007** ● Safar-e-Azadi is launched by JKLF to put pressure on India and Pakistan to include Kashmiris in the talks.
- 2008** ● PDP Congress government gives 100 acres of land to the Amarnath Shrine Board, which is a non-Kashmiri entity, to build infrastructure for Indian pilgrims. This leads to protests and the land deal is cancelled.  
  
An economic blockade on Kashmir is imposed.
- 2010** ● Indian forces impose a curfew and kill more than 100 Kashmiri's during a protest.
- 2016** ● A month long curfew is imposed by the Indian military after the killing of Burhan Wani, a commander of the militant organization Hizbul Mujahideen.  
  
In the case of State Bank of India v Santosh Gupta and Anr. etc. (2016) the Supreme Court of India states that the Constitution of J&K is subordinate to the Constitution of India.

- 2017** ● The 'Operation All Out' by India intensifies. Many are killed including young Kashmiri civilians.
- 2018** ● BJP exits the coalition with the PDP and the Indian governor takes over who dissolves the Legislative Assembly.
- 2019** ● A Kashmiri bomber attacks an Indian military convoy in South Kashmir. India begins air strikes in Pakistan. Indian begins to ban JKLF and Jamaat Islami and arrests its leaders.

A crackdown is launched by the APHC activists.

In July, thousands of Indian forces enter Kashmir.

On August 5th, Articles 370 and 35-A are 'read down' and revoked.

A complete curfew is imposed in Kashmir and all forms of communication are cut off.

On October 31st the State of Jammu and Kashmir are split into Union Territories under the Jammu Kashmir Reorganization Act. The territories are Union Territory of Jammu and Kashmir and the Union Territory of Ladakh.

A crackdown is imposed and India takes over the land and residency requirements and use.

The Jammu and Kashmir Reservation (2nd Amendment) Bill 2019 is passed to amend the Jammu and Kashmir Reservation Act 2004 which allocated 10% quota to the economically weaker sections J&K in jobs and educational institutions.

- 2020** ● A new Domicile Law is enacted by India allowing Indian to become residents of Kashmir.

The Indian government also establishes new laws which expand military bases and thousands of new housing units.

