

**KASHMIR MOVEMENT: A TRANSITION FROM  
ARMED CONFLICT TO PEACEFUL RESISTANCE**

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In Partial Fulfilment of the Requirement for Award of the Degree

of

**MASTER OF PHILOSOPHY**

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SIKKIM UNIVERSITY

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Date: 10<sup>th</sup> July 2014

DECLARATION

I declare that the dissertation entitled “KASHMIR MOVEMENT: A TRANSITION FROM ARMED CONFLICT TO PEACEFUL RESISTANCE” submitted to Sikkim University for the degree of **Master of Philosophy**, is my original work. This dissertation has not been submitted for any other degree of this University or any other University.

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CERTIFICATE

This is to certify that the dissertation entitled “KASHMIR MOVEMENT: A TRANSITION FROM ARMED CONFLICT TO PEACEFUL RESISTANCE” submitted to Sikkim University in partial fulfilment of the requirements for the degree of **Master of Philosophy in Peace and Conflict Studies and Management, School of Social Sciences**, embodies the result of *bona fide* research work carried out by **Mr. Waseem Ahmad Shah** under my guidance and supervision. No part of the dissertation has been submitted for any other Degree, Diploma, Associate-ship and Fellowship.

All the assistance and help received during the course of the investigation have been duly acknowledged by him.

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To

My family and friends

Dedicated

To

People of Kashmir

*Only when you drink from the river of silence shall you indeed sing.  
And when you have reached the mountain top, then you shall begin to climb.  
And when the earth shall claim your limbs, then shall you truly dance.*

(Khalil Gibran)

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## Abbreviations

<b>ACALT</b>	-	<b>Action Committee Against Land Transfer</b>
<b>AFSPA</b>	-	<b>Armed Forces Special Powers Act</b>
<b>AI</b>	-	<b>Amnesty International</b>
<b>APHC</b>	-	<b>All Party Hurriyat Conference</b>
<b>BJP</b>	-	<b>Bhartiya Janta Party</b>
<b>CDL</b>	-	<b>Centre for Dialogue and Reconciliation</b>
<b>CRPF</b>	-	<b>Central Reserve Police Force</b>
<b>DAA</b>	-	<b>Disturbed Areas Act</b>
<b>HM</b>	-	<b>Hizbul Mujaheddin</b>
<b>HRW</b>	-	<b>Human Rights Watch</b>
<b>IJK</b>	-	<b>Indian Jammu and Kashmir</b>
<b>ISL</b>	-	<b>Islamic students League</b>
<b>JKCCS</b>	-	<b>Jammu and Kashmir Coalition of Civil Societies</b>
<b>JKLF</b>	-	<b>Jammu and Kashmir Liberation Front</b>
<b>KLA</b>	-	<b>Kashmir Liberation Army</b>
<b>MC</b>	-	<b>Muslim Conference</b>
<b>MUF</b>	-	<b>Muslim United Front</b>
<b>NATO</b>	-	<b>North Atlantic Treaty Organisation</b>
<b>NC</b>	-	<b>National Conference</b>
<b>NLF</b>	-	<b>National Liberation Front</b>
<b>PDP</b>	-	<b>Peoples Democratic party</b>

<b>PSA</b>	-	<b>Public Safety Act</b>
<b>RSS</b>	-	<b>Rashtriya Sevak Sangh</b>
<b>SASB</b>	-	<b>Shri Amarnath Shrine Board</b>
<b>SASS</b>	-	<b>Shri Amarnath Sangarsh Smriti</b>
<b>STF</b>	-	<b>Special Task Force</b>
<b>TeH</b>	-	<b>Tehreek-I Hurriyat</b>
<b>UJC</b>	-	<b>United Jihad Council</b>
<b>UPA</b>	-	<b>United Progressive Alliance</b>

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## **Chapter 1**

# **Development of Kashmir Movement**

# CHAPTER I

## DEVELOPMENT OF KASHMIR MOVEMENT

### 1.1. Introduction

In order to understand the Kashmir movement, it is necessary to look at the history and political developments in Kashmir before and after 1947. Kashmir dispute originated in circumstance when British rule came to an end and the subcontinent was divided into India and Pakistan. British India constituted more than 550 princely states or principalities ruled by local princes. The available literature on Kashmir conflict is dominant with narrative of locating Kashmir as a territorial dispute between India and Pakistan. Under the two nation theory all of these princely states were free to join the either of the dominion through an instrument of Accession. Maharaja Hari Singh, Prince of Kashmir, a Muslim majority state, procrastinated the Accession to either of the dominion till 15, August 1947 which was the scheduled time. His procrastination meant Kashmir was technically independent, however both India and Pakistan continued to covet over Kashmir after both declared their Independence. The violence during the Partition of Punjab had a direct bearing on the developments in princely state of Jammu and Kashmir. A local rebellion in Poonch against the Maharaja turned into a prolonged war between India and Pakistan. A ceasefire was mediated by UNO which left Kashmir divided between India and Pakistan.

The Princely state of Jammu and Kashmir was a product of treaty of Amritsar signed in 1846, in which Ghulab Singh was sold the territories of Kashmir, Ladakh, Gilgit and Chamba for the sum of 7,50,000 pounds. Successive Dogra rulers joined these regions of Jammu, Kashmir valley, Ladakh, Gilgit and Baltistan to form the State of Jammu and Kashmir. This treaty is infamous for the reason of selling a nation. This treaty was most disastrous for people in Kashmir who lost all rights under this sale deed. Civil, political, and even the hereditary rights of people to their land were snatched. Therefore this treaty is also called as Treaty of Dispossession. This process was Double Colonialism; British exploitation coupled by Hindu Dogra exploitation (Rasool, 2014:35). The eternal jurisdiction promised to the Dogra elite in the Treaty of Amritsar lasted exactly a century, until the moment of decolonization and partition in 1947.(Bose, 2003:16) By this time, the composition of the state according to British census 1941 was 77 percent Muslim, 20 percent Hindu, and 3

percent other (mostly Sikhs, with a sprinkling of Buddhists). Mridu Roy describes this time period as “Hindu Rulers and Muslim subjects”.

## 1.2. Pre-partition Politics

The precipitation of the events in 1930's had at least the recent history from the Dogra rule established in 1846. The immediate event which followed was the organisation of Muslim Silk factory workers against various kinds of deprivations and exclusions by Maharaja in 1924, which was suppressed by Maharaja's army. This was one of the first events in which mobilization and organisation of Kashmiri workers took place, though limited by scope, by the exploited subjects of maharaja's rule. This political mobilisation of the workers or other dispossessed by Maharaja became a precursor to the establishment of Reading Room Party at Feteh Kadal in 1928. The purpose of this party was initially to discuss the social and political reforms, somewhat similar to the silk factory workers, “to secure better education facilities and more jobs in the state administration.”(Bahera, 2000:45) A somewhat similar movement operational in the Jammu region was vying for the reforms. Known as ‘The Young Men's League’, the movement was lead by Kashmiri *Pandits*, who ran a campaign of ‘Kashmir for Kashmiris’ demanding more jobs for the state subjects against the outsiders mostly Punjabis. Overall most of the demands and the concessions sought by different groups held them together in protest against Maharaja.

These early agitations were limited in their agenda and expanse but the growing discontent against the Dogra Maharaja soon exploded in a massive Muslim agitation in 1931. Mass demonstrations turned out violent and many persons were killed by Maharajas forces (Bahera, 2000:46). They were declared as the first martyrs in the Kashmiri struggle for freedom. Martyrs day is still celebrated on 13 July in the valley with the same passion. Developments after agitation and killings united Muslims in Kashmir under the All Jammu and Kashmir Muslim Conference in 1932. Muslim Conference was widely supported by people in valley especially by the clergy, trading class, industrial labourers, artisans and peasantry. “They demanded a bigger share in the civil services for educated Muslim youth, proprietorship of land and reduction in land revenues for the peasantry, better working conditions for industrial labour and recruitment of Muslims in the army. Religious demands included the return of mosques to the Muslim community and removing impediments in

conversion of Hindus to Islam. Their growing political consciousness was reflected in demands for the right to freedom of speech and expression, freedom of press and platform, freedom to form associations and assembly, and most significantly, establishment of a democratic government with a responsible executive” (Behera, 2000:46). It was the collective suffering under many foreign rulers and for the recent the over exploitation and marginalisation of majority population by Dogra rule which organised the people in the valley within a short period of time.

The mode of political mobilization in different parts of princely state was the sermons especially after Friday congregations. When Maharaja banned such gathering in mosques in Kashmir, Mirwiaz Yusuf Shah<sup>1</sup> resisted against Maharaja’s ruling and asked people to defy the government ban on meetings and participate in his congregations. Massive mobilisation took place at this juncture of time, resulting in sporadic clashes with Maharaja Forces. Maharaja convinced the British that an armed rebellion has occurred and sought their help because Maharaja wanted to keep the exploitative policies hidden from the British and suppress people voices. “British intervention demonstrated that the princely states were mere instruments created by the colonial raj and were subject to the imperatives of Paramountcy” (Bahera, 2000:48). The realisation of this double control led to a perceptive change in many of local groups and vastly to the realisation of the then Muslim conference patron Sheikh Abdullah. It was evident that any kind imagination of liberation should mean liberation from both British and Dogra. Many subsequent events were shaped with this realisation.

The Glancy Commission which was set to inquire complaints of Muslims had earlier led to divide between *Pandit* and Hindu groups against the Muslim community, changed to progressive path and many of them joined with Muslims in protest. Glancy Commission was appointed by Maharaja to look into grievance of Muslim Subjects and it had recommended adequate representation of Muslims in state services. The Hindus and *Pandits* felt that these recommendations were not in favour of their interests. These services were dominated by *Pandits* and Hindus mostly. The Kashmir youth league in 1936 which was founded by Ghulam Sadiq and Prem Nath

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<sup>1</sup> Mirwaiz Yousuf Shah was religious leader and preacher at one of the historic Mosque of Kashmir namely Jamia Masjid located in Srinagar. As a religious leader the Mirwaiz holds good position in community, therefore, significantly influence the politics also. Mirwaiz Yousuf Shah along with Sheikh Abdullah had established Muslim conference.

bazaz also pledged support to resistance against the Maharaja for a responsible government in Jammu and Kashmir. "Such progressive movements had a significant impact on the secularisation of Kashmiri politics in making the political leadership, specially *Sheikh Abdullah* understand the conflict in a different light" (Behera, 2000:49). 1931 people's movement was soon divided between three groups. One was designed on Indian National Congress pattern by Sheikh Abdullah, another was led by Mirwaiz who were against Sheikh's Tekreek and third was Jammu based Muslims.

Workers were organising in labour movements, unions like Kisan Sabha, Peasant Association, and union of silk works, students etc. such progressive developments with liberal outline led the leaders to think on secular lines and Sheikh Abdulla was influenced to see beyond the religious nature of political organisation. The situation was demanding to focus on the exploitative nature of economic and political structures of state. Further there was discord between Muslims of different groups like Ahrars, Ahmadiyahs, and Punjabi Muslims and also sectarian differences between Shias and Sunnis. "Mirwaiz Yusuf Shah turned against Sheikh Abdullah and the Ahmadiyahs, for example, while Sheikh Abdullah was in conflict not only with the Mirwaiz but also with the Ahrars and Ahmadiyahs. Thus the chasm between the Kashmiri leadership and Punjabi Muslims deepened. Needing a new ally, Kashmir's Muslim Conference turned to the Indian National Congress, which was also spearheading a freedom movement against British colonial rule. With its secular and nationalist leadership, however, the Congress could not support a communally oriented political movement and instead urged Muslim leaders to build a united front and convert the Muslim Conference into a national organization" (Behera, 2006: 17).

At a special session in June 1939, the Muslim Conference was converted into the All-Jammu and Kashmir National Conference (Bahera, 2006: 17-18). After establishing the National Conference, Abdullah launched "Quit Kashmir" campaign, in a similar way the Indian National congress ran "Quit India" movement against the British. Quit Kashmir movement however didn't mean that Dogra dynasty should leave the princely state but Dogra government understood it as a revolt against Maharaja and Dogra dynasty, and hence suppressed it vigorously before the movement even started. Various companions of Sheikh Abdulla thought that even though it was appealing to all residents, his intentions were to regain some of the

Muslim supporters which he had lost. Soon he found himself in trouble with Maharaja and was jailed for sixteen months.

Sheikh Abdullah in a session of National Conference earlier in September 1944 adopted an elaborate socialist politico-economic manifesto known as *Naya Kashmir* to improve the living standards of his people under the oppressive conditions of Maharaja's Autocratic rule. "The Naya Kashmir document offered a complete economic programme and high ideas of reformation in every sphere of life with a defined constitutional structure and national economic plan" (Khan, 2012). The *Naya Kashmir* manifesto which was produced before Maharaja demanded wide range of reforms to the princely state. The demands were to make state of Jammu and Kashmir more constitutional, welfare state that will look into the problems of common people. Land reforms were also included in the manifesto as sheikh was desperate to get rid of landlordism and provide land to landless farmers.

### **1.3. Poonch Rebellion and Maharaja's Accession to India**

The claim of accession on 26 Oct 1947 has legal and political importance, because Maharaja of Jammu and Kashmir had not decided on the accession for 52 days from 15 August to 26 Oct 1947 to any dominion (Rasool, 2014:65). This time frame was important for political and military development in region. This time frame is also important because of armed insurgency in Poonch area which spread to whole of Jammu and Kashmir in subsequent days and was also important in shaping the present reality of the state of Jammu and Kashmir. "By August, a limited 'Standstill agreement' had indeed been concluded between the Maharaja and Pakistan, and the later had formally been given charge of running the state's post and telegraph services and supplying the population with various essential commodities" (Bose, 1991:26). India declined to sign any of such agreement with Maharaja. In the meantime, "a major local revolt against the Maharaja's authority developed among Muslims in the north-western Poonch area of Jammu" (Bose, 1997:26). Maharaja claimed that the rebellion was Pakistani backed to justify more repressive means of suppressing the rebellion. Most of the scholarly debate has settled to indigenous origins of revolt.<sup>2</sup>

This rebellion is important for understanding the historical events of 1947 and also the revolt of 1989. Rasool writes the anti-Muslim policy of elimination was

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<sup>2</sup> Writers like Christopher Snyder, P. G. Rasool, etc in their works have elaborated the nature of rebellion.

started from Pir Panjal area against which people jointly revolted. Rumours and wrong information was spread that they were attackers but in reality they were oppressed, repressed and deprived people. From this area a resistance had already started against the huge taxes levied against the Muslims. "In the spring of 1947, the Poonchis had mounted a 'no-tax' campaign. The maharaja responded by strengthening his garrisons in Poonch with Sikhs and Hindus" (Schofield, 2000: 41).

Majority of the 70000 men who served in British army in world war-II were Muslims from this Poonch and Mirpur. "After the war, the maharaja alarmed at the increasing agitation against his government, refused to accept them into army" (Schofield, 2000: 41). "After 15 August, thousands of Dogra soldiers who had fought in World War-II joined Indian Army and thousands of soldiers from Pir Panjal joined Pakistan army. At this time this was normal for both groups" (Rasool, 2014:83).

People in this area were keen to join Pakistan as the developments in subcontinent had predicted. In the subsequent days, people celebrated Kashmir Day which by the fact of coincidence also became Pakistan's day of independence. People were fired upon by the Dogra army and many were wounded. In this situation people came to know about the intentions of Maharaja. "In the belief that Maharaja had passed an order to massacre the Muslims, a thirty-two year-old Suddhan, Sardar Mohammad Ibrahim Khan, collected together the ex-soldiers amongst the Suddhans."(Schofield, 2000, 41) "Sardar Ibrahim from Sudhan tribe was the first to start resistance against and Sardar Abdul Qayoom started armed resistance from Nillabut area" (Rasool, 2014:83). The Maharaja attributed this rebellion to the infiltration from Pakistan. These people were local oppressed people who were joined by some raiders.

In the meantime, the communal situation had rapidly worsened in Jammu. The Hindu refugees fleeing from the "systematic atrocities in western Punjab and the Frontier Province arrived in Jammu, and the Rashtriya Swayamsevak Sang or RSS (the group which forms the ideological and organisational core of India's 'Hindu nationalist' movement), in connivance with the Maharaja's police, seized this opportunity to massacre and expel tens of thousands of Muslims from Jammu's eastern Districts" (Bose, 1997:26). Undoubtedly these events had a direct effect on the Poonch area in neighbouring Jammu because of the geographical proximity. "Whereas the valley of Kashmir was protected by its mountain ranges from



communal massacres which devastated so many families in the weeks following partition, Jammu had immediate contact with the plains of India and, as a result, was subject to the same communalist hatred which swept throughout the Punjab and Bengal "(Schofield, 2000: 42). Almost all the communal violence of 1947 took place in Jammu Province as Poonchis rose against the Maharaja and his 'Hindu' forces and as Hindus and Sikhs attacked Muslims. (Snedden, 2007:121)

Essentially the nature of both movements can be traced to the economic and political deprivation to the subject population at the hands of Maharaja. The political formation in the events of 1931-32 and 1947 were only an expression of the demands of various kinds of oppressed people that culminated into Freedom Movements. The core of these political or militant formations were the labour movements "along secular lines, spearheaded by unions such as the Kisan Sabha (Farmer's Union), Peasants Association, Students Federation, Government Sericulture and Silk Labor Union, Turpentine Labor Union, and Telegraph Employees Union, along with other unions of carpet weavers and Tonga (horse-driven carriage) drivers with a collective manpower of 100,000, including Muslims, Hindus, and Sikhs" (Behera, 2006: 16). These formations were typical of a socialist nature.

Jammu and Kashmir National Conference was one of the Kashmir's largest political organisations with a mass base inside valley. Much of the following was in-person following to Sheikh Abdullah rather than ideological. "The NC was an offshoot of popular protest since the early 1930s against Kashmir's autocratic Hindu regime, whose incompetent and prejudiced policies were held responsible by a small but increasingly vocal nucleus of the princely state's educated younger generation of Muslims for the mass poverty and illiteracy prevalent among the Muslim population" (Bose, 2007: 166-7).

Sheikh Abdullah had garnered support from Hindu and Sikh groups after changing the Muslim Conference to National Conference which helped to get close to the leadership of the Indian National Congress who were fighting a similar battle against the British. "Nehru's family were Hindus from the Kashmir Valley—Hindus comprise a small minority in the overwhelmingly Muslim Kashmir Valley—who had migrated to the plains of northern India, and he took a special interest in Kashmir" (Bose, 2007:167). Maharaja procrastinated the issue of accession, instead signed the standstill agreement with Pakistan. "He seemed to be inclined toward negotiating with

the Pakistani leadership to preserve his throne and privileges, rather than with India's Congress leaders, whose disdain for the princely rulers was widely known" (Bose, 2007:167). "The Pakistani leadership, headed by Mohammed Ali Jinnah, appeared to regard Kashmir's incorporation into Pakistan as all but inevitable on the basis of territorial contiguity and religious demography" (Bose, 2007:167).

When rebels declared Mirpur, Kotli and Muzaffarabad Free Kashmir (*Azad Kashmir*) and started approaching towards Srinagar, Maharaja sought military assistance from India to stop further breach into his kingdom. Top Indian leaders were excited but "Nehru, Patel, and others were advised by Mountbatten, governor-general of the Indian Dominion, not to send in troops without first securing the accession of Jammu and Kashmir to India, since military intervention prior to accession would in legal terms be an Indian invasion of a neutral territory" (Bose, 2003:35-36). Maharaja panicked in fear of rebels and left valley for Jammu where he signed the Instrument of Accession on 26-October 1947. Next day the Indian army landed in Srinagar and were warmly welcomed by the National Conference leaders. The rebels had already entered the outskirts of Srinagar and for the next few days, Indian army was engaged with the rebels forcing them back to Baramulla, Uri and then Muzafarabad. Later Pakistan also involved its regular forces to back the rebel position in Azad Kashmir.

The Indian successes in the 1947–1948 war were enabled by the support Indian troops received from the National Conference's members and mass base, particularly in the party's stronghold, the Kashmir Valley (Bose, 2007:168). Constitutionally, although Kashmir became a part of India with the Maharaja's Accession, under the terms of the Accession the government of Kashmir retained jurisdiction on all matters except foreign affairs, defense, and currency and communications, which were ceded to the government of the Indian Union. Kashmir's statutory autonomy was subsequently codified in Article 370 of India's constitution (Bose, 2007:168).

On 1 January 1948, India took the issue to United Nations Security council, charging Pakistan with violations of United Nations Charter and endangering international peace. United Nations Mission arrived in Kashmir during the summer of 1948 to implement ceasefire (Hilali, 1997:69). On 21, April a resolution was passed which dealt with three practical problems of the case; withdrawal of forces, a plebiscite and an interim government in Kashmir. United Nations commission on

India and Pakistan (UNCIP) was sent to Kashmir which was only successful in implementing a ceasefire and truce in August 1948. By 1949 mediation efforts started over Kashmir. First efforts were done by General McNaughton, president of Security Council in 1949, then Sir Owen Dixon in 1950 and Dr. Frank Graham in 1951 and 1958. Due to lack of trust and mutual suspicion on both sides all negotiations, mediations and resolutions ended up as failure without any solid constructive result.

Sheikh Abdullah on his part saw the constituent Assembly in Jammu and Kashmir which was convened in 1951 as a continuation of freedom struggle. "Even if the result would be some kind of incorporation of the State within the Indian Union...he believed that the Constituent Assembly would guarantee that the State of Jammu and Kashmir would never become just another Indian state" (Lamb, 1991:110). He was of the opinion that the temporary special status under the article 370 of Constitution of India would be permanent and preclude to independence at a suitable time.

#### **1.4. Politics After 1950**

Abdullah was deposed as head of Indian-controlled Kashmir's government in August 1953 by a Machiavellian political intrigue orchestrated by Nehru's government in collusion with disgruntled members of the NC leadership. Abdullah, popularly known as the "Lion of Kashmir," would spend most of the next twenty-two years, until 1975, in Indian prisons on suspicion of harbouring subversive intentions (Bose, 2007:189). Between 1954 and 1965, Indian controlled Kashmir's political autonomy in the legislative, judicial, and fiscal spheres was effectively destroyed by a series of integrative and centralizing measures enacted from New Delhi.

India's governments received active collaboration in implementing this strategy from compliant politicians who held office in Indian-controlled Kashmir at the mercy of their patrons in New Delhi. The presence of such compliant cliques was essential to New Delhi's strategy of coercive integration, since Article 370 of the Indian constitution stipulates that India's central government can take decisions even on matters related to defense, foreign affairs, and currency and communications "in consultation with the Government of Jammu & Kashmir," and on other subjects under the Indian Union's jurisdiction only with "the concurrence of the Jammu & Kashmir Assembly (parliament)" (Bose, 2007: 169). The strategy of hegemonic control could

be sustained only by turning Indian-controlled Kashmir into a draconian police state in which civil rights and political liberties were virtually nonexistent. Mass arrests, arbitrary detentions, and violence by hired thugs against political dissidents became the norm (Bose, 2007:171).

During a brief respite from jail in 1968 Sheikh Abdullah eloquently expressed Kashmir's predicament "The fact is that Indian democracy stops short at Pathankot (the last town in India's Punjab province before entry into the Jammu region of Indian-controlled Kashmir). Between Pathankot and the Banihal) a mountain pass that connects the Jammu region with the Kashmir Valley) you may have some measure of democracy, but beyond Banihal there is none. What we have in Kashmir bears some of the worst characteristics of colonial rule."(Bose, 2007: 175-176) For all his rhetoric, Abdullah eventually concluded a rapprochement with the Indian government of Indira Gandhi in 1975 with its terms verging on the surrender of power by the Lion of Kashmir to Indian government.

### **1.5. Plebiscite Front and Early Militancy**

The regime in Indian Kashmir after disputed accession under the dictates' of Central Government over ran the constitution and political motifs and designs with coercive measures to curb the sentiments against India. In a bid to bring about Kashmir's political integration, the ruling National Conference was dissolved and replaced by the Congress (Behera, 2006:43). In terms of political representation, people had either to be a supporters of the Indian political malfeasance and let go or organise under an alternate formation .In response to this manifest closure of political process, Abdullah's deputy Mirza Mohammed Afzal Beg established the Plebiscite Front in August 1955 in order to rally popular support for self-determination in an organised manner (Cockell, 2000:329). As an expression and continuation of the pre-1947 movement, this formation was the first formal platform of indigenous recognition and representation of local dissident polity. Plebiscite Front considered the Kashmir's Accession to India as temporary. While "Beg's release was intended to inflame Hindu chauvinist fears, and thus legitimize Bakshi's rule among the Dogras of Jammu" (Swami, 2007:32). Sheikh was out of political scene after being jailed 1953.

In response to the centre's decimation of local parties and closure of legitimate avenues for democratic political participation, a number of youth protest groups formed to call for the exercise of self-determination as the primary objective of political struggle in Kashmir (Sidiq, 1994, Cockell, 2000:330). In 1963-4 the Jammu and Kashmir Youth League provided the first forum of political activism for a new generation of pro-freedom youth, rejecting the apparent personality cult of Abdullah's Plebiscite Front. In response to the activism of the Youth League, Beg encouraged the establishment of Plebiscite Front allied youth groups such as various Young Men's League factions and the Students' Unity Meet.

Another important group was the Plebiscite Front in Azad Kashmir and Pakistan and this was formed just before Operation Gibraltar. The group was founded by Kashmiris in Pakistani controlled Kashmir (*Azad Kashmir*) at a convention convened by Mir Abdul Manan in Sialkot. The first meeting nominated Abdul Khaliq Ansari its president and *Maqbool Bhat* as its Publicity Secretary. The aim of this plebiscite front was Liberation of Jammu and Kashmir. This group later broke on the idea of whether armed struggle was prudent step in the liberation of Jammu and Kashmir. *Amanullah Khan* and *Maqbool Bhat* established National Liberation Front (NLF) on 13 August 1965 inspired by and organised on the model of the Algerian National Liberation Front.

A small number of people went across the cease fire line and started to work but "It proved of little use: bar a small fraction of the Plebiscite Front, no group proved willing to support the irregulars, and those who survived the fighting with Indian troops were tracked down by the police with the aid of local political activists" (Swami, 2007: 62). The arrest of *Maqbool Bhat* for killing an inspector in Kashmir divided the Plebiscite Front. The position of Amanullah led group was that the establishment of the NLF aimed at putting the freedom struggle on the revolutionary track and that armed struggle must be part of the Plebiscite front's program. In December 1968, *Maqbool Bhat* who was sentenced for death broke out of the prison along with two accomplices to Pakistan Administered Kashmir. Jail break raised the cult of *Maqbool Bhat* and NLF within the Plebiscite Front and a strong rationale and consensus developed among the faction of Plebiscite Front that Kashmir could only be liberated through an armed struggle. .

*Maqbool Bhat* was elected as president of Plebiscite front. “In September 1970, the Popular Front for the Liberation of Palestine hijacked four jets bound for New York and successfully landed two of them at Dawson’s Field in Jordan. They used the hostages to negotiate the release of Palestinian prisoners, and they were soon joined by the third hijacked jet. The operation was stunningly successful, attracting international media attention that climaxed with the detonation of three jets at Dawson’s Field” (Jamal, 2009:92). Hashim Qureshi who was a new recruit, young at age, was trained for the hijacking and the hijacking was successful and celebrated with same fervor. This hijacking was called Ganga Hijacking. It was established that “NLF had no established relationship with the Pakistani intelligence establishment,” (Swami, 2007:109) and the Hijacking was done by group at their own.

Sheikh Abdullah was acquitted from the conspiracy case after six years in 1964. Large unrest in Kashmir after the Holy relic episode had shaken Nehru about settling Kashmir as integral part of India. Ailing Nehru asked Abdullah to visit Pakistan for possible solution but his death left the Kashmir issue yet again unfinished. Prime Minister Lal Bahadur Shastri who replaced Nehru was keen to finish what Nehru had left behind but he could not garner support and died after Tashkent Agreement. Sheikh was once again incarcerated after returning from religious pilgrimage.

Beigh’s Plebiscite Front finally left its long held stand on the Kashmir issue. This change had important effects for the immediate developments in 1960. Plebiscite Front was finally ready to contest the 1971 elections. Beigh had expected the activists of the Students Federation and Young Men’s League to help, but Plebiscite Front was banned. The Central Government claimed Front has links with Militant outfit Al-Fatah, “a group that thrived from the late 1960s until the war of 1971” (Swami, 2007:4). The Bangladesh war of separation that separated Bangladesh from Pakistan also ran as a shock wave for Abdullah. Sheikh Abdullah’s Romance with the concept of Plebiscite was over in 1975 and finally reconciled with the accession to India.

After the function of Plebiscite Front ceased *Amanullah Khan* to counter the unfavourable situation created by the Accord, founded a new organisation by the name of Jammu and Kashmir Liberation Front (JKLF). “In London, the NLF began to reinvent itself. Set up initially as the Kashmir Plebiscite Front’s United Kingdom chapter, the organization renamed itself in response to demands that it have a more

revolutionary identity. At a meeting in May 1977, the Plebiscite Front was reborn as the Jammu Kashmir Liberation Front (JKLF), which took under its wing the old NLF". (Swami, 2007: 129). The aim of the organisation was that Kashmir is not a territorial dispute and maintained that neither India nor Pakistan has right over Kashmir. Ideologically, the JKLF's secular Kashmiri nationalism was in keeping with the traditions of Sheikh Abdullah's National Conference, but, disassociating itself from the Sheikh's political heritage, it denounced him for surrendering the demand for plebiscite in 1975 Accord (Behera, 2000:170).

### **1.6. Indira-Sheikh Accord and Political Opposition**

*Jamaat-i-Islami* and National conference were the two parties with a wide cadre base in Kashmir. *Jamaat* was allowed to hold its footstep in the valley in 1970's as "Congress strategy was to develop it as an alternate power centre to undermine the secular appeal of the National Conference and to use its leanings as a bogey for raising apprehensions among the minorities of Jammu and Ladakh. The larger the *Jamaat's* Islamic threat loomed, the more credible would the appeal of the Congresses in acting as a guardian of the minorities' political interests in Jammu and Ladakh" (Behera, 2000:141).

While *Jamaat* tried to engage in the electoral politics of the state, other underground groups started mobilising against the Indian state. The Jammu and Kashmir People's League and the *Mahaz-i-Azadi* (Freedom Front) formed in October 1974 and 1977 respectively, became key political forums for supporters of Self-determination. "Disenchantment with the existing political structure, and resentment against its Indian provenance, set in over the next few years among the Kashmiri polity at large. The 1975 Kashmir Accord between Indira Gandhi and Sheikh Abdullah marked the end of the popular legitimacy of the moderate National Conference (and the Sheikh himself) as the representative voice of Kashmiri ethnic nationalism and political culture" (Cockell, 2000:330).

The 1975 Accord was seen closure for politics of local people by a number of political groups in Kashmir valley. The leaders of *Mahaz-i-Azadi* such as Bashir Ahmad Bhat and Azam Inquilabi began to speak for armed struggle. Participation in the Parliament started making no sense to most of agitated and downplayed people. "One such youth group at that time, the Islamic Student Organisation, would later

emerge in 1985 as a leader of the Islamic Students' League (ISL). The ISL was the forerunner of the Jammu and Kashmir Liberation Front (JKLF), and several ISL activists, such as *Yasin Malik* and Naeem Khan, would become significant political/militant leaders after 1990" (Cockell, 2000: 331).

The vast shift in public moods and opinion led to serious opposition and loss of cadre base to National Conference. Jamaat's opposition to Indra-Sheikh Accord was quickly rebutted by National Conference. The Jamaat-run schools and trusts were shutdown. The Jamaat's cadre was checked and cracked down by National Conference and its Newspaper *Azaan* was banned. *Abdul Gani Lone*, who had entered into state assembly as congress candidate in 1967, a later formed the Jammu and Kashmir People's Conference in 1978 to oppose the Indian bias of Abdullah's revived 'National' Conference, and to demand greater autonomy for Kashmir within India (Cockell, 2000:330).

### **1.7. Emergence of Muslim United Front**

Many of the anti-Abdullah political parties organised in the 1986 came together to form Muslim United Front (MUF) to contest the elections. Maulvi Abas Ansari's Jamaa-i-Islami was the core political organisation of MUF and many other powerful parties like People's Conference, Awami Action Committee and Awami National Conference showed solidarity with it. "MUF's election manifesto stressed the need for a solution to all outstanding issues ... assured voters that it would work for Islamic Unity and against political interference from the centre" (Schofield, 2000:137). The closure of the Plebiscite front as a form of political expression in 1970's emerged as MUF in 1980s expressing a more radical agenda. Assassination of Indira Gandhi and death of Sheikh Abdullah had created a temporary political vacuum and Farooq who inherited his father's legacy could not replace him in spirit of politics. "Escalation of the ethnic conflict at the political level was now happening more rapidly than during the Plebiscite Front era (Cockell, 2000: 137).

MUF reached to all corners of the valley, their campaign was appealing, people responded well. National Conference got alarmed against the rising tide of local political forces since it was the first challenge to National Conference after returning to active politics after 1975 Accord. The 1987 elections were outright rigged, undermining trust and hope of the democratic principles and institutions which



people had. The Conference-Congress alliance claimed sixty six seats; Congress won five out of six seats in the valley which their candidates had contested (Schofield, 2000:137).

Amid wide claims of rigging MUF won four seats only, which angered its supporters at the lack of democratic and peaceful method to bring the change. Nationalist Kashmiri youth started moving towards radical means of politics. The workers of coalition coupled by cadres of the Islamic Students' League (ISL) who campaigned for the elections were now disappointed and disillusioned. A substantial number of these youth along with some 'defeated' MUF electoral candidates soon went Pakistan Administered Kashmir to receive training from JKLF militants. However, several militant leaders have since stated that militancy was already in motion well before the 1987 elections, with JKLF and other cadres being trained across the ceasefire line in Pakistan-controlled Kashmir from 1985 to 1989 (Cockell, 2000:331).

### **1.8. Rise of Militancy: Theoretical Analysis**

On the one hand, the developmental activities of the Indian government gave rise to accelerated political mobilization in Kashmir, making a younger generation of Kashmiris more conscious of their political rights. Simultaneously, on the other hand, the government was also responsible for the deinstitutionalization of politics in the state, which drove the expression of political discontent into extra-institutional contexts (Ganguly, 1996:80). State institutional structures imposed on the premises that ethnic solidarity performs no legitimate political functions, and that such powerful affiliations can simply be 'written out of the political process', are almost certain to prove dysfunctional and ultimately anti-democratic (Cockell, 2000:323). Kashmiris, routinely denied their voting rights in deeply flawed elections, witnessed the increasingly free exercise of franchise in other parts of India. Realization of this distinction grew with the expansion of education and mass media in Kashmir and contributed to a growing sense of resentment against the malfeasances of the Indian state (Ganguly, 1996:83).

By 1988-9 most of young people in valley were convinced that passive political activism is not a way forward for the change in Kashmir Political heritage. MUF's internal dissensions and the new wave of radical activism led to its decline as

a political formation. New phase of politics with the youth mobilised at 'Come What May' basis served as an alternate to electoral process. "At a theoretical level it demonstrates the dangers states face when political mobilization occurs against a backdrop of institutional decay. The failure of governments to accommodate rising political demands within an institutional context can culminate in political violence" (Ganguly, 1996:77).

"A colossal and persistent democracy failure of Indian democracy, justified and rationalised through invocations of the 'interest' and 'integrity' of the Indian 'nation' by power hungry and self-aggrandising elites, has, thus, engendered the struggle for 'self-determination' in Kashmir today" (Bose,1997:50). Bose invokes Lenin to explain the advent of militant politics in Kashmir. He writes that, "from their daily experience the masses know perfectly well the value of geographical and economic ties and the advantages of a big market and big state. They will therefore opt for secession only when national oppression ... makes ... life absolutely intolerable" (Bose, 1997:50).

Sumit Ganguly gives his arguments to explain both the reasons for the outbreak of the insurgency and its particular timing. He contends that two interlinked forces- political mobilization and institutional decay-best explain the origins of the insurgency in Kashmir (Ganguly, 1996:78). Ganguly Explains the rise of ethno-political violence as a consciousness of political and economic discriminations, inappropriate means of grievance redressal, lack of institutional means of expressing the dissent and marginalisation of popular leadership to address the issues as a method of breaking the status quo. Political mobilizations against the Indian state started mostly in 1970s especially after the Indra-Sheikh Accord.

John Cockell claims that the state and the ethnies are often speaking with incompatible political vocabularies, one institutional and the other valuational, and the resulting absence of a viable dialogue of mutual recognition results in the structural paralysis of the state. This paralysis creates a vacuum in which coercion and oppression appear to be the only options open to the state ruling elite (Cockell, 2000:323). The successive rulers imposed by the centre, the arbitrary dismissal of the Farooq's government and the subsequent arm-twisting to share power with the Congress, and the blatant manipulation of the electoral process in 1987 led Kashmiris to believe that they would remain permanently marginalised under the current

political dispensation (Bahera, 2000:164). The outcome of this institutional-valuational opposition is no mutually acceptable processual framework for even a preliminary consideration of dialogue, given that it is the very existence and practice of these institutions which is in dispute (Cockell, 2000:323). Ganguly (1996) analyzes the breakdown of institutions in the state which paved the way to the violent uprisings of the 1990s, exacerbated by an influx of Islamist militants from Pakistan. Had Kashmiris been given the option of voicing their dissent through a fair electoral process, he argues, they would have been less likely to opt for the militant option. Although the country coped admirably with most demands for autonomy its failure was quite striking in Kashmir. The Indian elite, including, albeit reluctantly, Prime Minister Nehru, were prepared to countenance various forms of political malfeasance in Kashmir because of the state's symbolic and strategic significance (Ganguly, 1996:84)

Abdullah attributed the alienation not so much to the 'rigged' 1987 elections, but to the failure of the government in Delhi to fulfil its promise to give the funds which were agreed at the time of Farooq's accord with Rajiv. 'We were unable to create jobs, to stop corruption. We were unable to provide factories and power generation stations (Schofield, 2000:145). The inhabitants of the Kashmir Valley tolerated the political chicanery of the National Conference partly out of loyalty to Sheikh Abdullah, the party's symbolic leader, and partly out of their lack of political sophistication, due to their low levels of literacy, education, and exposure to mass media (Ganguly, 1996:82).

Widmalm looks beyond the ethnicity as an explanatory factor for the insurgency and focuses on the development of the political institutions and political Elites in Jammu and Kashmir and New Delhi. He argues that the "emergence of the incompatible identities should be regarded as an outcome of a prior and distinctly political conflict in Jammu and Kashmir- a struggle of power between state and central governmental elites (Widmalm,1997:1005)

Many scholars of Kashmir Conflict use statist parameters of inquiry to argue that insurgency was an abrupt rise of violent ethno-religious fervour in 1989 and undermine the essential linkage of the movement. "This effectively denies the Kashmiri community any autonomous political agency outside of that defined by these institutions, failed or otherwise; it can only respond to the terms set by the state.

A subaltern analysis suggests, instead, that the advent of armed insurgency was neither abrupt, nor related to religion, nor as directionless and purposeless as 'fervour' implies" (Cockell, 2000:325).

### **1.9. Rationale and Scope**

Ethno-nationalist movements are ubiquitous in South Asia as the region owing to its diversity contains multi-ethnic states. Each state in the region is characterized by the existence of several groups of people with linguistic, regional or provincial, communal and sectarian differences. Like other states in South Asia India too holds multiple national and sub-national movements within its fold. The focus of this study would be one of the regions oldest conflicts, which is old as the state in which it is situated. Though Kashmir is Muslim majority region, political mobilization has taken place mainly on the lines of a distinct Kashmiri identity. And as the Kashmiri's have confronted the India state time and again over the infringement of their rights, the Indian state has consistently unleashed repression in the region to muzzle their voices. Though side-lined by Pakistan's involvement in the War on Kashmir and involvement of militant groups in the region, Kashmir represents an unending narrative of the incessant conflict. Chastised on the pretext of national security, territorial integrity and disloyalty, successive governments in India irrespective of their nature, have historically followed the policy of force and treachery to tackle the Kashmir Conflict.

The motivation for choosing this particular topic stems from a number of factors. Firstly Kashmir is different from other conflicts in the region not only in terms of its longevity or intractability but also in terms of its historical and geo-strategic importance. This region is also among the poorest and least researched conflicts in the South Asian region due to different reason. The main focus of the proposed research work will be on the militant face of nationalist movement in Kashmir from 1989 onwards and then analyse the transition of this movement to nonviolence.

The structural and situational factors in the Kashmir movement will give an understanding of the nature of asymmetric conflict and the transition to nonviolence. A more understanding could be developed into the role of political processes, participation patters, networks, opportunity structures, and mobilization and information dissemination in conflict areas to garner a change in the tactics of a movement.

### **1.10. Objectives**

1. To develop an understanding of the political processes, movements and participation networks of such movements by applying theories of other contexts.
2. To examine how and why radical movements change their tactics to passivity or passive resistance.
3. To examine how far the structures and situational factors determine the successive events of movements.
4. To develop an overall understanding of the affinities of ideology, resources, geography, demography, deprivation, isolation, alienation towards making a movement radical or non-violent.
5. To assess the role of state structures in shaping the political behaviour of radical movements.

### **1.11. Research Questions**

1. How are state political opportunity structures affecting the change in functional political or radical political movements?
2. What is the relationship between repressive state apparatuses and resistance tactics of such movements?
3. Why radical movements change their strategies and tactics to non-violent means?

### **1.12. Hypothesis**

1. State structures get success over the movements by controlling the spaces for radical activities and resource mobilization.
2. When radical movements get no operational space and are repressed, they change their forms to more accommodative non-violent ways and beyond some limit to resilience, such movements work on dual fronts.

### **1.13. Methodology**

This work adopted descriptive and analytical methods. It analyses the relevant theories on the subject of ethnicity, nationalism, democracy, social and radical movement, insurgency, terrorism and applies them on Kashmir conflict. Relevant information and data published is interpreted both qualitatively and quantitatively. This study is based on the primary as well as the secondary sources. The primary

sources of information include government documents, interviews, reports, and surveys conducted by various national and international organizations. An attempt was made to generate information through interview with the political leaders at state and local levels. Through snowballing technique conversations were accomplished with many stone-pelters and others respondents. Ethical norms were strictly maintained and respondents' identity was not disclosed. Secondary sources include the existing literature on the subject in the forms of books, articles and journals.

## **Chapter 2**

### **Emergence and Development of Armed Movement**

## CHAPTER 2

### EMERGENCE AND DEVELOPMENT OF ARMED MOVEMENT

#### 2.1. Introduction

The pre-partition movement in the aftermath of division of Kashmir between India and Pakistan and its status as a disputed region under UNO was carried forward as a movement by Plebiscite Front. The Indra-Abdullah Accord closed this channel of politics which was supported by mass base. By this Accord Sheikh surrendered the demand for self-determination and accepted to run the state government under Indian constitution. This led to a serious opposition to National Conference by parties like Jamaati-i-Islami, Freedom Front, Peoples Conference and many more. Sheikh Abdullah was now seen as a betrayer of the nation however a sizable section was still influenced by his personality cult and by the Land reforms in 1950 which relieved many people, especially constituted by older generation. The growing influence of Islamic Movements across Middle East also attracted young people to join Jamaat-i-Islami and its student wing Jamaat-i-Tulba. The Islamic revolution in Iran served to give inspiration to many youth in Kashmir to bend their politics to Muslim identity. Jamaat-I Islami was running its schools and many young people were attracted to join these schools. Sheikh Abdullah ordered the closure of these schools (Schofield,1996:220) as he had predicted the growth in support of his opposition forces even though Jamaat-I islami had won a single seat only in 1977 elections.

By 1980 Sheikh Abdullah's health was deteriorating and Farooq, his son inherited the leadership in 1981 as the president of National Conference. In 1982 the death of Abdullah opened new channels, a challenge for his son to prove worth to people, his nation. Farooq became the chief Minister and the first challenge for him to prove to Kashmir, was his Resettlement Bill which was also endorsed by Jamaat-i-Islami, Awami Action Committee and other local opposition groups. The bill gave citizenship to people and their descendents, who had fled Kashmir prior to 1954, to return to Jammu and Kashmir and claim their properties as long as they swear allegiance to India and constitution of Kashmir (Swami, 2007:155, Schofield,1996:223).



Farooq was carrying his father's legacy and was sensitive forming alliance with congress which would mean a challenge for him in Kashmir where people were already discontent with the NC after Accord. Differences increased between Farooq Abdullah and Indira Gandhi and a pre-poll alliance could not be reached. Awami Action Committee led by Mirwaiz Farooq which came closer to National Conference during the process of Resettlement Bill, came in alliance with National Conference by the intentions of Muslim solidarity against the outside domination (Naqash & Shah, 1997:155). The campaign of elections was directed at the threat faced by Kashmiri Muslims against the outside domination by "alien" Congress-I that Abdullah alleged had indulged in communalism and regionalism. Indira Gandhi took extraordinary interest personally and started a fierce campaign which often created viciousness and vulgarity. Farooq was playing the card of Autonomy and protection of Article 370<sup>3</sup> to regain the supporters of National conference who had moved away after the 1975 Accord. Indira Gandhi campaigned along the communal lines in Jammu Hindu Belt, accused by L. K. Advani for playing the Hindu cards in Jammu and Kashmir (Naqash, 1997:131-2). Elections went to Farooq's favour with National Conference winning 47 and Congress-I 26 amid wide accusation of rigging by Congress patron Mufti Sayeed.

Farooq Abdullah unlike his father moved a step ahead by entering national stage with seventeen parties in an organised conclave meet in Srinagar on 5-Oct-1983 to discuss Indian federalism and to form real federation and limiting the powers of centre to influence the states. Andhra Pradesh, Karnataka, West Bengal, Tamil Nadu and Akali Dal of Punjab also joined the campaign for regional autonomy and form an alliance against the Congress-I (Schofield, 1996:225, Naqash & Shah). Indira Gandhi was herself into the drive of centralising the federation and the three day conclave led her to grave insecurity and threat. This enraged her and thus set a stage to oust the Farooq. In the coming days, chief justice of High Court was appointed by centre directly. In a Cricket match held at Bakshi Stadium, people hooted against Indian team and cheered for West Indies and some Jammatis-Islami activist raised their party flag which resembled the Pakistani flag. Indira Gandhi was also humiliated by people in Iqbal Park Srinagar during her election campaign, which was also attributed to

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<sup>3</sup> Article 370 granted "special status" to Kashmir after Maharaja's Accession to India in 1947. This was based on clause 7 and 8 in Instrument of Accession signed by Hari Singh to safeguard his sovereignty. This article of Indian constitution of 1950 applies to Kashmir and allows the Central government's jurisdiction to defence, external affairs, and communications in Jammu and Kashmir.

Farooq Abdullah. He was accused of patronising the secessionists and anti-national elements, and indulging in unconstitutional and undemocratic behaviour.

The incident of kidnapping the Indian diplomat M. H. Mehte on 3-Feb, 1984 by a group claiming Kashmir Liberation Army (KLA) believed to be associated with JKLF, demanded release of JKLF leader *Maqbool Bhat* sentenced for death in 1980 on the murder charges of a police officer. Congress in reprisal immediately hanged *Maqbool Bhat* on 11 Feb 1984. Congress accused National conference of having links with KLA and other groups like jamaati-i-Islami, people's league and Freedom Front etc and nurturing anti-national elements. National Conference and Awami Action Committee alliance was questioned and finally Farooq was accused of providing space and training for Sikh militants (All India Sikh Students federation) that led to ousting of Farooq Abdullah by Governor Jagmohan. He personally ensured the defection of thirteen members of National Conference and did not allow Farooq to prove the majority on the floor of the house (Naqash & Shah, 1997:130). He was dismissed on July 2, 1984.

G.M Shah, who had broken away from National Conference and established his own "Awami National Conference" Party, was placed as Chief Minister by the Indira Gandhi. After the assassination of Indira Gandhi, Rajiv Gandhi extended his support to Shah till 1986 when communal violence broke in the valley. 26 members withdrew support to shah and Shah tendered his resignation. Jagmohan imposed Governors rule without dissolving the state assembly which was followed by presidents Rule. After the assembly was dissolved in late 1986, fresh elections were announced for 1987.

The various Islamic parties came together and formed the coalition of Muslim United Front (MUF) in 1986. It became a common man's platform and posed a threat to NC and Congress. Jagmohan's Hindu bias among the other factors made it more appealing. The elections were held on 23, March 1987 and an overwhelming participation with 80 percent was recorded in the valley. National Conference-Congress alliance swept the elections by sixty six seats, MUF won four and BJP two. A widespread rigging was reported by MUF whose activists were thrown out of polling stations as soon as the counting began. Mohd Yousuf Shah now a chief of Hisbul Mujaheddin was expected to win by a large majority from the Amira Kadal constituency lost the elections.

The large scale rigging was a blot on the democratic and peaceful method of political participation. People were disappointed and disillusioned which manifested itself in ubiquitous protests and demonstration throughout the valley. Brute force was unleashed on the dissenting voices, with scores of MUF activists incarcerated under dubious charges. The apparent breakdown of nonviolent modes of political participation to an ethnic group often leads to them seek other ways of asserting themselves. "Where the state suspends access by nationalist minorities to the political process, militants often emerge to demand autonomy or secession by violent means" (Cockell, 2000:319). The decade long disarray in political relationship between central government and state political elites ushered in a new politics, a politics by guns.

## **2.2. Rise of Armed Militancy: JKLF**

During the period of 1987-9 some significant changes were taking place in world politics. Cold war was coming to an end which was marked by a wave of resurgence of nationalities demanding rights. Taliban with support from U.S. had forced USSR out of Afghanistan which was viewed as victory across Muslim world, also developed a rationale for many movements across Muslim world that they can win. As the USSR was collapsing, various nationalities 'blinked in disbelief as statehood was theirs for the taking'. The instances of Romania and Afghanistan became particular influence to Kashmir. "Romania was important because televised images of the people-power that seemed to topple Ceaucescu were beamed into many a Kashmiri home. Afghanistan mattered because the impression in Kashmir was that the *mujahedeen* had defeated the massed forces of the Soviet Union" (Evans, 1999:24). The simmering effect of political landscape in the previous two decades developed a rationale in synchronisation with international developments which gave motivation to the youth in Kashmir and the scenario after disillusionment with institutional politics of India became a ready situation for Kashmiri mobilised youth to look for alternative.

New generation of Kashmiri youth, supporters of MUF, were immediately arrested after the rigged elections and lodged in different jails with no apparent charges. It was in the police control rooms and Kashmiri jails that the first generation of Kashmiri militants were born (Behera, 2000:164). During 1987-88, four promising young Kashmiri men, Muhammad Yaseen Malik, Ashfaq Majid Wani, Sheikh Abdul

Hamid, Javed Ahmed Mir joined the JKLF which was already active in Kashmir and slipped into Azad Kashmir for training. Known by the name HAJY (Hamid, Ashfaq, Javed and Yaseen) group, "they became the core of the organization to declared war in 1989" (Desmond, 1995:7). The term HAJY in Urdu and Kashmiri language means one who has returned from the obligatory pilgrimage of Mecca, a religious duty, evoked sensitive frames of sacredness, necessity and to some extent unquestionability of the group and the movement, beyond serving the motivation for participation by large numbers.

31 July 1988 marks the beginning of the armed movement in Jammu and Kashmir with active involvement of Jammu and Kashmir Liberation Front (JKLF). The armed campaign against the Indian rule became imminent when the pro-independence Jammu Kashmir Liberation Force (JKLF) hurled bombs at the Central Telegraph Office and Srinagar Club. While the bomb caused no human casualties, it was portentous of the events to come (Evans, 2010: 23). The group's origins go back to at least 1971, when it came into prominence through the hijacking of an Indian airliner. But the movement had failed to excite much following in the valley of Kashmir, according to *Amanullah Khan*, current chairman of the JKLF, since most of its organizers were not in fact from the valley but from Azad Kashmir, which though also predominantly Muslim, is culturally and linguistically distinct from the Kashmiris in the valley (Desmond, 1995:8-15).

On 8 December 1989, the JKLF militants as a planned strategy kidnapped the daughter of the then Central Home Minister Mufti Muhammad Sayeed, Dr Rubia Sayeed and demanded the release of five of their jailed colleagues in exchange for her release. The government conceded to the demands of militants and Dr Rubia Sayeed was released and received safely in exchange for the prisoners. The released persons were Hamid, Altaf, Javed, Noor Mohammad, and Gulam Nabi, younger brother of *Maqbool Bhat*. JKLF and its supporters saw it as a breakthrough on both fronts, in terms of reaching to negotiation table and exerting power at the negotiating table. People welcomed it as a victory raising the morale of JKLF in public. Celebration started in Srinagar, people came to streets which sparked a police shooting at the gatherings that left several dead. The CRPF along with Kashmir police started widespread house to house search operations and disturbed the calm in localities of Srinagar. Public protests redoubled, this time against alleged abuses including rape,

theft and torture committed by the police and CRPF in the course of the search operations (Desmond, 1995:5).

Jagmohan Malhotra who had previously asserted the authority in Jammu and Kashmir in 1980's and worked the dismissal of Farooq Abdulla, was again appointed as a governor on 19, January 1990. Farooq resigned in protest for earlier treachery and rivalry on the part of Jagmohan. "Soon after the imposition of Governor's rule, the people in Kashmir were administered as severe shock. At 5 am on 20 January 1990, security forces cracked down on a part of Srinagar city and conducted a house-to-house search and rounded up over three hundred persons most of whom were, however, released later" (Puri, 1995: 60). Next day people defied curfews and alleged excessive use of force in search operations and ill-treatment of women. Protest demonstration took place all around the city and suburbs and large number of peaceful protesters including women and children met at Gau kadal. CRPF started indiscriminate firing killing at least fifty persons and injuring hundreds. After the rise in militancy this was the first large scale killing of civilians, now remembered as Gau Kadal Massacre. Blame game between Governor and Farooq Abdullah started over the episodes of violence which Farooq blamed on governor upon taking his office however no public enquiry was ordered in both the incidents. "Such incidents continued to recur, taking an even higher human toll, and with allegations of worse excesses" (Puri, 1995:61).

The protest rallies by unarmed civilians against the excesses by government forces gathered momentum by 21 and 22 January. The CRPF engaged in a series of confrontations with these protestors around the city, leaving at least 130 unarmed protesters dead. The eyewitness will recall how the CRPF men moved among the dead, kicking and laughing, and searched to shoot if anyone survived the bullets (Wani, 2014). The CRPF's butchery of civilians infuriated the Kashmir police, some of whom went on strike while others reportedly came to blows with CRPF men (Desmond, 1995:5). CRPF didn't even spare the Kashmir police personnel killing at least three, against which "about 200 personnel of state police held a protest demonstration on January 22." They demanded the dead bodies be handed over to them. All of the local police and the local officials were considered to be disloyal, even the senior IAS and IPS officers were sidelined who couldn't be trusted for the new policy of state. "The occupant of Raj Bhawan with his image of himself as a

messiah was determined to rescue Kashmir from the Kashmiris. He was determined to fight single-handed on all fronts. In such a situation, excessive distrust became as counterproductive as blind trust could have been” (Puri, 1995:61).

Jagmohan subtle warning didn't go smooth with the people “I have come here as nurse . . . I promise you a clean administration. But if anyone creates a law and order problem, the cards of peace which I am carrying will slip away from my hands” (Faysal, 2013). In the subsequent weeks he further polarised Kashmiri opinion by “insisting repeatedly that the security forces were blameless, and that there was by no human rights problem in Kashmir except that brought about by 'terrorists'. As he said in an interview with the *Times of India*, the Kashmiris' alienation was a 'theoretical issue' and that Kashmiris were just 'frightened pigeons in the net of terrorism” (Desmond, 1995:6). “Frenzied crowds of unprecedented size comprising men, women and children, belonging to all sections of the society including government servants, often under the banner of their respective departments, moved on to the streets of Kashmir demanding Azadi” (Puri, 1995:62). The state response was continued curfews at a stretch for weeks, shoot at sight order issued; all avenues were closed for public only a break for two or three hours in a day to collect the essential commodities.

By February, Kashmiris in Srinagar were turning out in groups of several tens of thousands to march on the United Nations' office in Srinagar (UNMOGIP was established in 1953 as part of the United Nations mission to monitor the line of control), and the ambivalence of young Kashmiris had also turned to militancy. The Kashmir police, as well as the civil administration, had become sullen and uncooperative, and they openly expressed sympathy for the rebels (Desmond, 1995: 6). It was the logical outcome of such a reckless and ruthless policy that ten thousand desperate Kashmiri youth went to Azad Kashmir for training. “It was unofficially explained that this could happen not on the account of lack of check on the borders but due to a deliberate policy to get rid of the Kashmiris youth who were not to be allowed to return” (Puri, 1995:64). With these incidents of state response, the militancy entered a new phase. “It was no longer a fight between the militants and the security forces. It gradually assumed the form of a total insurgency of the entire population” (Puri, 1995:61).

The January massacres, Jagmohan's hard-nosed attitude, and the strict regime of constant, round-the-clock curfews, search operations, and severe harassment (illegal detentions, torture, random killings) as well as Jagmohan's 19, February dissolution of the state assembly, all contributed to a massive surge of support for the JKLF (Desmond, 1995:6). Jagmohan was finally dismissed in May 1990, after the CRPF opened fire on the funeral procession of Mirwaiz Maulvi Farooq, a reputed religious and political leader in Srinagar, well known for his leanings towards Pakistan, and killed more than fifty mourners which included four women mourners.

There are views that the governor's heavy hand approach had done considerable damage to India's cause by inciting a relatively minor insurgency into a full-blown popular revolt. "As Ashok Jaitley, a highly respected senior officer of the Indian Administrative Service (the national administration cadre), who worked under Jagmohan in 1990 and became one of the governor's most severe critics said 'What Jagmohan did in five months they (the militants) could not have achieved in five years'" (Desmond, 1995: 6). The greater the repression by the state, the more people joined the militancy. Once the explosion of freedom sentiment took place, young Kashmiri men began to cross into Pakistan Administered Kashmir by the hundreds in search of weapons and training, the Pakistani military and intelligence services quickly woke up to the opportunity at hand. Jamaat Islami, which has from the inception shown its inclination towards Pakistan, was now supported by Pakistani Agencies.

### **2.3. Militant Infighting**

By the mid 1990, the militancy was at its peak, throbbing crowds of young generation eager to join. In an interview with a local resident *Showkat Matta* in Kashmir, he mentioned that "we struggled hard to join the armed struggle but the JKLF that was sending the new recruits in groups for training to Azad Kashmir had overwhelming response by the people. We were asked to come next month consecutively many times until it was procrastinated never to happen". By the late 1990 JKLF started losing its role as a leader of the movement. The deployment of security forces had increased considerably in number and served as a check on the activities of the militants. "By the end of the year, most of the JKLF's top leadership had either been killed or imprisoned" (Bahera, 2000:175).

In the convening time with Pakistan change of leadership, a new group Hizbul Mujaheddin had emerged. Unlike JKLF's ideology of independent Jammu and Kashmir, the Hizbul Mujaheddin was pushing a pro-Pakistan stance. In an interview of *Amanullah Khan*, chairman of JKLF, with Edward Desmond, Khan revealed that with the rise of Hizbul Mujaheddin, Pakistan turned its back on JKLF. Pressure was mounted on its leadership, hijacking its recruits and coercion on JKLF members to join Hizbul Mujaheddin. The activities of JKLF were also inhibited by Pakistan by limiting or cutting off its funds and access to training and weapons supplies (though the organisation claims to have its own channels for all three) (Desmond, 1995:11). Bahera recounts that the Pakistan realized that 'Kashmir Card' through JKLF had served the purpose. If it is further allowed to persist on its ideology of Independence and re-unification of the divided Kashmir as opposed to accession to Pakistan, it might backfire on Pakistan (Bahera, 2000:176).

Clashes between the groups started inside the valley also and many dozens were killed. JKLF in a bid to survive had to face the onslaught of both Hizbul Mujaheddin and Indian forces. Hizbul Mujaheddin succeeded in taking its role in the armed struggle and substituting the secular agenda of JKLF with a more religious leaning. By the end of 1991, Hizbul Mujaheddin was the dominant militant group fighting the Indian forces. In succeeding years, JKLF's armed wing was wiped out, with most of its leaders killed and jailed and by 1993, it was off the scene. The local sentiment for this divide didn't simmer into any kind of separate disposition or opposition to this changeover. The allegiance of youth to any particular group did not matter as much as the only goal in focus was to get rid of Indian rule. Youth thought it necessary to carry the movement by any means and whatever ideologies will serve the purpose. However, on tactical consideration several members of the Hizbul Mujaheddin admitted that "their allegiance to the organization has more to do with access to weapons and training than with a commitment to Hizb's aim of acceding to Pakistan" (Rao, 1996, Bahera,2006:151). Hizbul Mujaheddin has survived and is still carrying its low intensity armed struggle in Jammu and Kashmir.

Numerous other small militant groups also mushroomed during the peak of militancy. Most of the Muslim Parties who had united under MUF and contested elections had formed their own militant wings. Azam Inquilabi the founder of Mahazi-I Azadi (Freedom front) formed Operation Balakote, an umbrella group to



unite different militant groups to fight at common front. People's Conference headed by *Abdul Gani Lone* had its ties with Al-Barq, mostly active in frontier districts. Shabir Shah's People's League had ties with Al-Fetah and Al-Jehad armed groups. Hizbul Mujaheddin was associated with Jamaat-I Islami, one of the core organisations of MUF which has been vocal for Pro-Pakistan sentiments. Most of these smaller groups advocated for independence of Jammu and Kashmir. Other smaller groups included Allah Tigers, Al-Umar, Lashkar-e Toiba, Muslim Janbaz force, Ikhwan-UI Muslimeen, Hizbul Muslimeen, Tehrik-UI Mujaheddin and numerous other splinter groups. More than hundred and fifty such groups have been recorded.

#### **2.4. Pandit Departure**

Kashmiri *Pandit* community, a small Hindu minority community indistinguishable from Muslims had a swift departure from Kashmir valley in the immediate of armed insurgency. Semantics vary over the issue- some *Pandits* call it 'ethnic cleansing' and go to the extent of calling it 'genocide', while many scholars find the use term "exodus" appropriate. It is very difficult to choose the appropriate vocabulary in a conflict which has affected millions of lives directly or indirectly, and put the people of same community on opposite tables, at least politically. With the rise in political violence, armed nationalist started selective targeting of government officers who they saw as a threat for their movement. Some of these selective killings included Kashmiri *Pandits*. IJK's population was 65 percent Muslim, but of 22 senior-level officers in the IJK branch of India's professional civil service, only five were Kashmiri-speaking Muslims, and the Valley's tiny *Pandit* minority was hugely overrepresented in IJK's own civil service and among officers in its banking system (Bose, 2003:76, Tapan, 1991:262-267).

By the matter of this proportional inequality some of those targeted happen to belong to *Pandit* Community "between September 1989 and February 1990, although Muslim victims numbered three times as many. High-profile *Pandit* victims included the president of the Kashmir Valley unit of India's Hindu nationalist Bharatiya Janata Party (BJP) in September 1989, the retired judge who a decade previously had sentenced the JKLF cofounder Maqbool Butt to death in November 1979, and the director of the Srinagar station of India's government-run television network in

February 1990” (Bose, 2003:120) what happened in early 1990 when *Pandits* departed en masse needs some elaboration.

Kashmir was in mass revolt demanding self-determination, protest demonstration and mass rallies were all across the valley. The en masse participation was nonviolent but underground movement of JKLF’s armed campaign was also gathering pace “symbolizing complete rejection of state authority, putting the Indian state on its weakest footing yet. India now recognized the need for a radical shift in its Kashmir strategy. It was no longer a problem of internal “law and order” but of “cross-border terrorism,” which required a counterinsurgency strategy (Bahera, 2006:48). “Jagmohan, IJK’s New Delhi–appointed governor, who had assumed the post three months earlier after the previous governor apparently refused to collude in conspiracies (Bose,2003:92), a one-man crusader, instead of revitalising and mobilising the governmental and political institutions, he centralised all the important decision-making powers in himself” (Bahera, 2000:174).

Some of the *Pandits* had received threats through letters and posters pasted on the walls of their houses. Two Srinagar based newspapers, *Alsafa* and *Srinagar times* carried threats against the *Pandits* on 16 April 1990, allegedly supported by both *Hizbul Mujahedeen*, a group which was in its infancy at time. Although in the situation of chaos it was difficult exactly to identify the agency behind these reprehensible acts. By January and February 1990, some affluent *Pandits* started moving to their second homes in Delhi and Jammu for their safety. Jagmohan, reputed for his anti-Muslim predisposition, as a counterinsurgency measure ordered nocturnal crack downs in Srinagar upon taking his office. Some 300 youth were arrested; reports of rape, and other violation appeared which further infuriated people. People started sloganeering on Loud Speakers, *Azaadi, Yeha kya Chalay Ga Niyamay Mustafa*, reciting *Kalimas* (invoking God), *Aye kafiro, aye Jabiro kashmir humara chodao, Kashmir Baneja Paskistan*, in desperation. Kashmiri *Pandits* amid the deteriorating security situation, in the valley starting feeling insecure, coupled with killings of some of the prominent *Pandits* of State administration decided to leave the valley.

The separatists claim that there was conscious political agenda of government under Jagmohan, who provided state transportation to *Pandits* and assured them that government has already arranged their accommodation in Jammu. Given the grave

nature of situation no facts could be established whether transport was provided or not. Division commissioner Wajahat Habibullah, a senior Indian Administrative Service officer conceded that there may have been odd examples of official transport being made available but state administration did not encourage the *Pandits* to leave. In March 1990, a delegation of about 300 Muslims came to Habibullah, who was placed in district Ananthnag at the time, led by an MLA to stop the *Pandits* from leaving the valley. Habibullah recommended to Jagmohan to make a Television broadcast who instead chose to announce the establishment of three refugee camps in Jammu and also maintained that salaries of displaced civil servants would continue to be paid (Evans, 1999:22).

In 1990, Balraj Puri also visited the valley for the second time. Earlier in 1986, Jagmohan on Goodwill Mission had successfully reversed the decision of *Pandits* to migrate. By this time a new wave of repression was unleashed by Jagmohan, Kashmiri Muslims were in angry mood but Muslims expressed a genuine regret over *Pandit* departure and urged to stop and reverse it. Encouraged by this popular mood, Balraj Puri helped in constituting a joint committee of two communities, with former Chief Justice of high court Mufti Bahuddin Farooqi as its President and Kashmiri *Pandit* leader H. N. Jatto as vice president in order to allay the apprehensions of Kashmiri *Pandits*. Many Muslim leaders and parties including militant organisations, appealed *Pandits* not to leave the valley. Jatto welcomed and endorsed their appeal, but soon Governor Jagmohan sent a DSP to him with an air ticket, a jeep to take him to airport, accommodation at Jammu and an advice to leave Kashmir immediately. Governor did not believe to give a trial to inter-community understanding and rapprochement (Puri, 1993:3-4). While it may occur that government didn't orchestrate the *Pandit* departure, but its complicit role became evident in failing to stop the *Pandits* from leaving.

Total number of *Pandits* who left the valley in 1990 could not be ascertained through government records, census of 1981 and prior are the records from which different inferences are drawn. There are certain *Pandit* groups that claimed varying figures of 260,000 or 350,000. Panun Kashmir a *Pandit* organisation displays a figure of 700,000 while the actual figures are fewer than 140,000 for Kashmiri *Pandits* who left Kashmir in wake of insurgency. "A consideration of the available evidence reveals that these allegations are, largely though not entirely, a potpourri of

fabrication and exaggeration” (Bose, 1997:72). Based on the empirical study on modern parameters, Elaxander Evans deduced that the number of *Pandits*, who resided in the valley in 1990, can range to maximum of 160,000- 170,000 out which a sizable portion stayed back in the valley. The number of those who migrated could be put to an approximate of 90,000-100,000. The census of 1981 provides the numbers of other minorities 33,117 Sikhs, 466 Christians, 189 Buddhists and 62 Jains, who remain in the valley (Evans, 1999: 19,24).

The number of *Pandits* killed in early 1990 which is considered the prime reason for *Pandit* flight varies. Number of *Pandits* killed after the *Pandit* departure was complete was thirty two as stated by All India Kashmir *Pandit* Conference on March 15, 1990 (Bose, 1997:72). Figures varying from few hundred to thousands appeared since then; the government puts the number at 228 while 1138 Muslims were also killed from 1989-91 (Evans, 1999:37). The exaggeration of numbers is a part of communal bend of politics which is used as a smokescreen to hide the reality from the international community. At this time, RSS and VHP, Hindu right wing organisations coupled with the BJP had led to demolition of Babri Masjid in the north Indian town of Ayodhya in December 1992. RSS was banned in Jammu following the two incidents of bomb blasts involving *Pandit* youth and one blast in RSS office while allegedly assembling a bomb. In another incident one *Pandit* was killed and another injured after an abortive attempt to blow up an examination centre. State government banned the RSS following a ban on the organisation in the rest of the country. The incidents were orchestrated to give a communal shape to Kashmir movement. Following the ban, BJP leaders and rightwing Hindu politicians made persistent allegations about “desecration and destruction of scores of Hindu temples and shrines in the Kashmir Valley”. A leading Indian news magazine took an initiative to investigate the matter.

Its journalists were armed with a list of twenty-three such sites supplied by the Delhi office of the BJP—whose top leader L. K. Advani (India’s interior minister post-1998 and deputy prime minister since 2002) said..... “Nobody raised a voice when over forty temples were desecrated in Kashmir. Why these double-standards?” The investigators, who inspected and photographed each site, found that twenty-one of the twenty-three shrines were completely intact (the other two had sustained

minor damage in unrest after the razing of the Babri mosque). They reported that “even in villages in which only one or two *Pandit* families are left” since the exodus of 1990, “the temples are safe . . . even in villages full of [armed] militants. The *Pandit* families have become custodians of the temples. They are encouraged by their Muslim neighbors to regularly offer prayers.” This is consistent with a syncretistic feature of Valley society, in which shrines and saints are often revered by people cutting across formal religious boundaries (Bose, 2003:123).

Consideration of the available evidence reveals that the communalisation of the Kashmiri movement’s claim for right to self-determination is obviously wilful creation to justify that people who wantonly violate the rights of minorities cannot have a moral right to demand Self-determination.

## **2.5. Militant Tactics**

Insurgency remains a highly political act, arising from some sense of grievance or upon the exploitation and manipulation of grievance (Becket, 2006:33). Often ethnic groups resort to violent means when normal political processes don’t yield desired results. When the conflict is asymmetrical the weaker groups that can’t stand huge armies undertake hit and run tactics to inflict damage. The armed groups with their relatively weaker position strategise to prolong the war and inflict economic and human costs on the opponent. Generally the armed groups “operate in difficult terrain- mountain, desert, forest, swamp and jungle- of which they often possessed local knowledge denied to their opponents” (Beckett, 2006:24).

The ethnic uprising is seen as natural reaction of indigenous groups against the oppression or occupation when inclusive political processes and institutions are dysfunctional or have lost their legitimacy. The militants in Kashmir used force effectively to achieve the immediate political objective of paralysing the state apparatus and delegitimizing institutions that had failed to articulate and address the political aspirations of Kashmiris. “They sought to defy the state authority; transfer people’s allegiance and loyalty to themselves; attack the state symbols; and render every state institution that could potentially meet their political challenge dysfunctional” (Bahera, 2000:165). Strategy of militants also seemed to intimidate political activists of the pro-India parties in order to compel them to dissociate

themselves from the party, ultimately leading to a complete breakdown of the political process. In one of such incidences, a National Conference worker Halwai was killed and “a placard on the Halwai’s body identified the JKLF as responsible for his death” (Schofield, 2000:144).

The ethnic militancy of Kashmir was an outcome of failed political process in which most of the excluded political organisations themselves formed militant groups. These political organisations gave credibility to these armed groups in representing the public opinion and sentiments. A high degree of local ethnic cooperation and willingness to support the militants exists in the society and give heroic status to the armed fighters who fight for their cause. The beginning of armed movement saw people especially youth joining the armed ranks all over the valley. When the operational strategies for the groups were restricted in urban area, rural areas became their home. Villages are usually in proximity with forests, armed deployment was less dense, and some militants were working in their own localities. People treated them as guests provide food, and other necessities etc with love and pride.

Azad Kashmir supplied weapons, held training camps and provided sanctuary to Kashmir militants. Sardar Abdul Qayyum, president of Azad Kashmir which is under the control of Pakistan, described it as the ‘base camp of the Kashmiris freedom struggle (Bahera, 2000:170). Due to geographical contiguity most youth will move through the LoC and receive training in camps established by JKLF and later Hizbul Mujaheddin. In an interview of the then chief of Hizbul Mujahedin, Ahsan Dar, with Edward Desmond, in October 1991, Ahsan claimed that Hizbul Majaheddin has three stages strategy. The first was arousing Kashmiri consciousness to join the rebellion which he thought was accomplished. The second was to make the rural side impassable and inaccessible for the Indian forces and third, they wanted Indian soldiers to restrict them to their camps and attack them there. Last two seem to appear as distant proposition (Desmond, 1995:12).

The warfare tactics used by the militants groups were all common. A militant would fire on CRPF Sand bunker and run away from the sight and disappear. As the intensity of conflict grew, armed groups also started pre-emptive attacks on military and CRPF installations. In June 1990, the Muslim Janbaz Force, armed group used for the first time rocket-propelled grenade launchers and by 1991, the militant groups used RPGs widely in attacks. Militant groups seemed to possess large stocks of anti-

vehicle mines, “but they were not widely in use, perhaps out of fear of accidental harm caused to other Kashmiris” (Desmond, 1995:12).

The tactic of kidnapping by the rebel groups seemed excelling because the government most often gave in to the kidnappers demands. Armed groups used the kidnapping to bargain the release of their comrades. Some of the symbolic tactics were also used by militants, for example observing Friday as holiday instead of Sunday, even public offices tacitly followed their orders and almost everyone, complied with its curfews and blackouts. The campaign to replace state sponsored events for example shutdown strikes were observed on the Independence Day and Republic Day of India, events of burning Indian flag were observed, nomenclature for “Accession day” changed to “Occupation day”. The death of *Maqbool Bhat* was commemorated with rigor and passion while Sheikh’s death was celebrated as Yome-Nijat (Day of Deliverance) (Bahera, 2006:146).

## **2.6. State Response**

As many as 400,000 men from the army (Santos, 2007: 76), the CRPF, and the Border Security Force were deployed in the valley, and any pretence of accountability, due process, or civil administration was set aside. By mid-1991, the Indian forces, though still facing frequent attacks, had contained the insurgency (Desmond, 1995:8). The number of forces is professed to have increased many folds in the years. Separatists conclude that a number of approximately seven lac forces are installed in the valley. The primary tactics used by Indian forces in counterinsurgency were repeated 'cordon-and-search' operations (means sealing off areas of a city or a town or villages, then searching every house and structure within the area for militants and weapons), roadblock checkpoints, blanket curfews, intimidation of local populace. Suspicious young men would be taken in for questioning in their camps, and often faced severe tortures at hands of forces.

Young men or those militants who could not withstand torture at the hands of forces when under interrogation, were ‘turned’ and used as ‘cats’ (Concealed Apprehension Tactics) to identify fellow militants and their hideouts. Indian Forces used different tactics to curb the growing militancy, “Operation Tiger” was the first in the series of security forces operations code named ‘Shiva’, ‘Eagle’, and Cobra that were launched in august 1992. Their aim was to suppress and deter the various

operational militants groups through a 'catch and kill' policy (Schofield, 2000:158). Under catch and kill policy, the government forces will arrest the militants and young men on suspicion and instead of a regular procedure to handing over to police or jailing will be taken to another place and shot dead to reduce the extra burden on jails.

Guerrilla warfare is clearly a strategy of the weak in the face of a stronger military power although, it was appreciated that conventional armies might also benefit from adopting irregular tactics in certain circumstances, and by raising irregular units or partisans in support of conventional operations. Prior to the twentieth century, however, few theorists or practitioners made any direct connection between guerrilla warfare and political change although, increasingly, some groups and individuals began to harness guerrilla tactics for the pursuit of overtly political aims in the first half of the twentieth century (Beckett, 2006:24). The raising of local militias who are well acquainted with local people and area, to combat militants is now an established counter-insurgency tactic. In Kashmir, this tactic began to be used in early 1994 and consisted of either Ex-militants or new recruits who will work on behalf of the Indian state (Evans, 1999: 28).

A Special Ordinance was passed in July 1990 which provided extraordinary power to the security forces. Government forces under this law can search and arrest without a warrant, shoot a person on mere suspicion, thereby giving them complete immunity from prosecution. Not long after this Act came into effect, security forces went on an arson binge, burning down thousands of shops and homes in Srinagar and other towns in retribution for militant actions (Desmond, 1995: 15). TADA (Terrorist and Disruptive Activities) and Public safety Act gave special powers to detain thousands of youth without any legal procedure to follow there on.

The overall scenario that emerged from the armed conflict included recurrent massacres of civilians, torture, rape including reported gang rapes and mass rapes; summary executions of hundreds, perhaps thousands of detained youth suspected of being militants, random killing of bystanders and pedestrians, and defenceless people inside their homes often as a punishment for the armed action by militants, repeated incidents of large scale arson of entire localities, burning of scores of civilian homes, properties and public institutions in major towns- as a collective punishment for 'disloyal' population and many times attacks on medical and civil administration personnel carrying duties resulting in death and murder (Bose,1997:55-56).



## **Chapter 3**

# **Politics Of Transition: From Armed To Nonviolent Resistance**

**CHAPTER III**  
**POLITICS OF TRANSITION:**  
**FROM ARMED TO NONVIOLENT RESISTANCE**

**3.1. Introduction**

The armed movements or insurgencies across the world are undergoing huge changes. Post cold war era became a vintage point for many resistance and liberation movements. Access to weaponry, global spread of communication and rights awareness, and enthusiastic examples of revolutionary fights gave a vent start to these movements. In a study conducted on armed movements by Harboum and Wellestien, they proclaim that out of 33 conflicts, 30 are fought within the borders of a state. Nine conflicts are fought for contestation over the territory and twenty one are fought for the control of governmental power. (Harboum and Wellestein, 2008:73).

Both, State and Insurgents groups use political violence as a tool to move forward with incompatible goals. Armed movements and the insurgent groups are highly dependent on a many variables to pro-long their struggle against States. Most organisation are independent from state and have some control of territory (Bruderlein, 2000) and use political violence to achieve their goals. Many movements that turned to guerrilla warfare can only be attributed to Focoism that means these movements didn't wait for revolutionary condition and they didn't start the armed movements with a well planned strategy. Such movements are therefore more open to structural variable and situational factors for holding on their movements. In the prolonging such a movement in Kashmir, the movements underwent a tactical change within some years of its launch.

Transition is defined as a change from armed conflict to politics (Soderberg Kovacks, 2007). It concerns political vision of resistance movements, that at various times lead to a variety of strategies (violent, non-violent and combination of both) to implement the vision. We see this within the ambit of military and armed groups strategies, power balances etc and the adoption of different means during the pursuit of armed confrontation. The process that lead groups that are challenging existing power structures to engage in violent struggles, processes that contribute to de-escalation and participation of challengers in peaceful political activities. Asymmetric

warfare variants of violent tactics such as sabotage, robberies, sieges, army and police, ambushes, kidnapping, assassination of class enemies, suicide attacks etc are several of the tactics which are prevalent during the armed conflict. Several resistance movements share a morality of not engaging in such activities but growing violence forces the smaller parties to change their tactics to nonviolent ways for various reasons, which we are going to deal in this chapter.

The ethnic insurgency in Kashmir is similar to that of a colonial war, with the ideological advantage of militants over the state which controls it. The militants are capable of sustaining a consolidated support base among the local population. States on the other hand are defending objective of "core national territories and the large principle of territorial integrity (Mayall, 1990, Horowitz & Sharma, 2008:751). Host states are bearing a lot of costs for long time to retain and control such territories. If the states possesses conventional military superiority over the insurgent group they are likely to defeated, but there are other factors which can prolong the insurgent operation for a long time. "however, a host state enjoying a conventional military advantage should be more able to extinguish an ethnic insurgency, or at least grind it down to less threatening levels"(Horowitz & Sharma, 2008:751)

State uses counterinsurgency strategies on a continuum varying from more intense to balanced carrot and sticks approach. Pure coercive strategies may include extreme steps of genocide or ethnic cleaning of insurgents and their local support base. "Alternatively, the host state may use its armed forces to conduct intense, relatively indiscriminate operations in the ethnic outgroup regions, seeking to crush the insurgents and intimidate the local ethnic population into neutrality or cooperation." Or they may use more specific policy of operation targeting the insurgents and their core supporters which have likelihood of success if coupled with economic and political inducement and local political elite inclusion. The other alternative is to cede to the demands of insurgent groups and give de jure independence to the ethnic insurgents (Horowitz & Sharma, 2008:752).

Host states fighting ethnic insurgencies choose from a wide range of strategies, ranging from highly coercive ones such as indiscriminate conventional warfare against insurgent-controlled areas, to more constrained, targeted warfare, often coupled with political outreach efforts towards moderate elements of ethnic minorities.(Horowitz & Sharma, 2008:749).The state uses overwhelming force to

crush insurgent and their civilian population supporting the insurgents in a highly cooperative ethnic group. The operations in ethnic conflict the state forces find it harder to elicit cooperation from local ethnic group and target directly the insurgents only. "The less able the state is to narrowly target insurgents, the more it will have to rely on overwhelming use of force to cull the insurgents" (Horowitz & Sharma, 2008:753). Such broader intimidation may work to physically restrain a population from supporting the insurgents and keep away from it.

The political processes and events that serve to undermine the calculations and assumptions of political establishments structure a shift in political opportunities for insurgent groups. The notion is that social insurgency is shaped by broad social processes that usually operate over a longer period of time. As a consequence, the processes shaping insurgency are expected to be of a more cumulative (McAdam, 1982:41). Various shifts in the structure of political opportunities, depending on the context, increase the chances of successful insurgent action. Most fundamentally, such shifts enhance the chances for successful political mobilisation and give power to insurgent groups. The development of a successful mobilization increases the likelihood that insurgent interests will prevail in a confrontation with State. Successful mobilization and collective action does not necessarily mean that insurgent groups and their interests will inevitably be accepted in all conflict situations. Even in the context of an improved bargaining position, the insurgent groups are usually at a disadvantage in any confrontation with an established political system. The denial of participation in political processes to the aggrieved population shifts weight towards bargaining position of insurgent groups and thus creates new opportunities for insurgent action. "An improved bargaining position for the aggrieved population raises significantly the costs of repressing insurgent action. Unlike before, when the powerless status of the excluded group meant that it could be repressed with relative impunity, now the increased political leverage exercised by the insurgent group renders it a more formidable opponent" (McAdam, 1982:43).

Definitions of Political opportunity structure vary among scholar however certain aspects are visibly identified to recur in this realm. Tarrow condenses the political opportunity structure to five main clusters- degree of openness in the polity, formation of political alignments, the presence of allies and support groups, division within the leadership (elite) and its attitude towards the dissident movements and

repression of dissent by state (Tarrow, 1998:76-80). In a reductionist approach the opportunity structures can be understood in terms of the nature of the resource available and external constraints to a movement. The changes in the State policy and the political space provided by the government to engage the dissidents and encourage them to take their opposition outside government and break the conventional form of political participation. If the state goes at ease the dissidents may support continuing the armed struggle as a method of resolve. And when the state puts severe restrictions on the violent activities of the movement, the dissident leadership may pursue a balanced approach by augmenting the armed struggle with a political Front to subside greater repression and loss to the movement resource.

### **3.2. Disproportionate and Indiscriminate Force: Conventional Military Superiority in the Battle Field**

Conventional military superiority of the State to disengage or destroy the insurgent groups and their demographic base is necessary precondition for the defeat of the insurgency. Along with military superiority, States also need local ethnic cooperation; ethnic authorities and local police must be reliable to the host state. This arrangement will make easier to targeted operations by State forces and restrict the fight between State forces and insurgents, the damage inflicted on the civilian population can be significantly reduced. It will help in limiting the local ideological legitimacy for insurgents (Casaddy, 2006:47-62) and also the recruitment base could be prevented from joining the militants' ranks. Such meaningful cooperation was difficult to attain in Kashmir because of the strong social and political linkages between the militants and their demographic base. Thus the Indian State in such circumstance used indiscriminate force to prevent the dissidents from achieving their objectives. In the early days of militancy, the cooperation of Indian security forces with local police was very weak as the State Forces couldn't trust the local authorities. Many of the episodes of the violence as already mentioned in the previous chapter serve the example. In the wake of this insight of the fighting, the State forces could hardly recognise the difference between a civilian and militants and thus treated all the people alike as militants and opponents.

The early response of the Indian state was not well planned towards the insurgency. The forces were immediately relocated in Kashmir to fight a battle in field they were least acquainted. Indian Army was already involved in Nagaland,

Punjab, Assam. Soldiers were poorly trained often brought from Border Security Forces. Placed in a new field and faced with the attacks from militants, the poorly disciplined forces engaged in frequent outrages against the local population. The accesses done by Indian security forces served to benefit the militants and giving the people yet another reason to resent India. Internationally the abuses by CRPF and BSF also caught attention and many organisations criticised the Indian government for the torture and random killings.

To control the insurgency Indian legislation rather than discouraging these allegations of misconduct by the security forces amended a number of laws for facilitating a greater control on the militants and legal impunity for the forces. "Indian laws, including the Terrorist and Disruptive Activities Act of 1987 were already vague enough to warrant the arrest of anyone guilty of committing 'disruptive acts' but the amendments expanded these laws, flying directly in the face of most internationally respected legal rights" Along with legitimate avenues of political expression the basic rights such as the right of the accused to be informed about the charges against him were eliminated (Jones, 2008: 11). Under the leadership of Governor Saxena, the rights of military were expanded further under the Disturbed Areas Act. With the help of this act the Indian Forces were able to employ violence against civilian as this act gave power to even the low rank officers to use the violence without the permissions to higher authorities (Ganguly, 1997:112). Many people question that had the Indian approach to counterinsurgency been well planned employing trained and disciplined force, it would have served better to mitigate the losses and stop the insurgency from intensifying.

The legal conditions of conflict and militarisation established through security-related special ordinances, for example the Disturbed Areas Act, the Armed Forces Special Powers Act (AFSPA) and the Public Safety Act (PSA), gave the State Forces unrestricted power to carry out the operations in civilian areas. These laws are used to legitimise the acts of routine violence by identifying the civilian population as threat to national security and authorising the use of excessive force by the security forces against them, giving rise to human rights violations (HRW, 2006). "Through AFSPA, all security forces, even non-commissioned officers, are granted the right to shoot to kill based on the mere suspicion that it is necessary to do so in order to 'maintain the public order'." The act also ensures immunity from prosecution by

establishing that no legal proceeding can be brought against any member of the armed forces without the permission of the central government – a provision that, in practice, leaves victims with no legal mechanisms for seeking justice” (Duschinski and Hoffman, 2011:46, PUDR report 2007). By such extraordinary power and culture of impunity, the security force felt no limitation in counterinsurgency operation.

The counterinsurgency measures taken initially were crude and ineffective and therefore had resulted in massive human rights violations, dislocating life in the valley and thus creating a strong anti-Indian sentiment. The measures taken by State Forces in the counterinsurgency operations included security cordons and crackdowns, separating men from women for long periods, “the arbitrary arrest of Kashmiri Muslim males and a high incidence of custodial deaths associated with detentions without trial or judicial review”. In 1995 Terrorism and Disruptive Activities Prevention Act (TADA) was repealed due to national and International pressures (ICG Report, 2003:15). Despite a visible shift from armed to political means in Kashmir militancy, New Delhi continued to believe that order can be restored through force only.

The immediate counterinsurgency response by India to the upsurge of militancy in Kashmir was to deploy disproportionate number of the soldiers. There were more than 500,000 Armed forces personnel in Jammu and Kashmir by 1994, drawn from the army and paramilitary units. The highest degree of militarization was seen in Kashmir since 1990 from glaring deployment of 150,000 soldiers to now the number is estimated between 500,000 to 700,000. The ratio in 1990 was one soldier for more than 40 civilians that means 17 soldiers per sq. km which increased to one soldier for every 10 civilians in recent years. The former deputy chief minister of Jammu and Kashmir during an assembly session in 2006 revealed that there were more than 667,000 Armed forces in the state for a population of 12 million (Dabla, 2012:197). The number of militant has varied from few hundreds to few thousands, which was numerically very small in front of the Indian army. Huge presence of army made it virtually impossible to carry the armed struggle forward with same intensity. Army made its presence in every village and street of Kashmir, installing sand bankers on the street corners, camping at high altitude place to keep safe from militant attacks, road checkpoints and also occupying place in abandoned hotels, cinemas, and hospitals.

India was approaching the actual combat from thoroughly ineffective direction engaging in a positional warfare. The tactic of blanketing the countryside with soldiers and manpower-intensive method of fighting low intensity armed campaign and neglecting the political aspect the fight initially raised the recruitment to militant groups. But continuously employing this doctrine of disproportionate force ultimately forced the insurgents to retreat though not completely. A major divide between those who believed that only armed struggle can lead to excise of the right to self-determination and those who think it is only a part of the movement to achieve the objective started to surface in mid 1990's. After the formation of Hurriyat Conference, in the successive years many militant leaders who spoke of guns as not providing the complete answer were responded coldly by Indian State. Azam Inquilabi one of the militant leaders laid down arms and returned to Kashmir for peaceful struggle. Soon his house was raided by security forces for search of arms and his advisor was arrested. The very next day militants visited him to ask if he still believed that India could be persuaded to dialogue without the help of gun. The *Charar-e-Sharif* incident clearly demonstrated that the Indian strategy was not to appease the people and the militants. When some militants were suspected in a Mosque in a small town Charar-I Sharief, Budgam district, Government didn't allow the JKLF and Hurriyat leadership to visit the town and persuade the militants to pull out. They were instead beaten and humiliated, yet again showing the hard attitude of the insurgency (Navlaka, 1995: 2106). The town was razed to ground burning almost 1500 residential house and other structures while the suspected militants escaped.

The resurrection of local surrendered militants into renegades also became detrimental for the militants operation. Renegades also known by name "Ikhwan" were the former militants who surrendered and changed sides to Indian forces. These renegades have been used in extrajudicial executions of militants, human rights activist, journalists and other civilians and later any allegations against them would be dismissed as intergroup rivalries or not being part of government machinery. In 1997, DIG Gurbachan Jagat acknowledged that an estimate of 5000 renegades have been inducted as Special Police Officers (SPO) and a number of 2000-3000 were operating as most dreaded force (Renegade Militants in Kashmir, 2002).

These former militants having all the knowledge of the militant networks, hideouts and operational strategies under the cloak of State forces also got involved in



counterinsurgency operations. A carrot and stick approach was in place. The onslaught by local renegades on the militants substantially decreased local recruitment and participation in militants. During this period however, the militancy intensified to a war like situation and more than local foreign militants were fighting on the ground. A study by Thomas Marks reveals that the participation of foreign militants in Kashmir struggle till 1995 was less than five percent. The number started rising by 1996, in which the total the percentage foreign militants killed rose to 18 percent and in the subsequent years, the percentage grew gradually to the maximum of 82 in 2004 (Marks, 2006: 125).

Soon after the 1996 elections, the Ikhwan started facing hard days, despised by the people for their ruthless oppression against the Kashmiris, along the local campaigns, they also found the political establishment arrayed against them. Using these surrendered and captured militants as renegades to fight against their former companions also kept apprehensions in the minds of the militants. Swami quoted one of the top BSF officials saying the attacks on Ikhwan and lack of clear surrender policy has deterred many militants from laying down arms (Swami, 2003). India was also trying to regain the trust of Kashmiris by holding election to restore government administration.

With rise in deaths of civilians, militants, and security forces, the alienation of Kashmiris also increased, while the militants could not hope to defeat the Indian army, they tried to sustain it. Unfortunately the stick approach to discipline the Kashmiris had drawn sharp marks on Kashmir Psyche. In an interview with Parvez Matta, research coordinator at JKCCS, he revealed that force used by Indian state against militants and civilians alike shook the people. The militants' families would be harassed in all possible ways by government forces and a systemic denial to immediate relatives has been in place. These people will not receive a positive report of verification that is required for government jobs or their passports wouldn't be cleared. Family of these militants would be nocturnally raided and their relatives are in constant surveillance and will have to report to police stations regularly. This was confirmed in interviews with many ex-militants, who apart from other reasons found maltreat of their families unbearable and gave in.

State repression and human rights violations created a culture of fear and collective trauma, arising out of widespread personal experiences and collective

narratives of personal and collective victimization. The youth who “joined the militancy (more than half were below 19 years of age) made developmental issues around identity, ego ideals and autonomy psychologically salient. These resonated with the collective, socio-political issues that engaged Kashmiri society” (Sonpar, 2008: 148).

### **3.3. State Repression: Social Fatigue and Retreat from Militancy**

In pursuing purely coercive strategies, democracies are likely to use sufficient force to further alienate the local ethnic population, without going far enough to maximize attrition of insurgent networks or to make the cost of supporting the insurgency prohibitively high for the local ethnic population. Unless national security is fundamentally at risk, and no alternative strategies seem likely to succeed, democracies are unlikely to be willing to engage in mass killing or ethnic cleansing (Horowitz & Sharma, 2008:755). The tactics used by State may be categorised as defensive as well as offensive tactics. Primarily the State forces including local police would be employed to guard vulnerable places and vital installations such as the residences of the Governor and chief minister, power grid stations, telecommunication centers, radio/TV stations, major bridges, and the Jawahar tunnel, the only road link connecting India with Kashmir. Roads will be guarded by with road-opening parties (RoPs) to have smooth movement of VIP's, police and army convoys. A constant surveillance is maintained by foot patrols in streets, market places and also residential areas to show the presence of State and repress subversive activities. The offensive action would include pre-emptive actions or retaliations in the event of militant attacks. “Reinforcements are called, the area surrounding the scene is cordoned, and a search for the culprits starts. Suspects are detained, causing fear among their relations that they would be tortured in interrogation centers” (Jafa, 2005:155). If militants are suspected to be in some house, that will be razed to ground, if some State Forces personnel is killed by militants that will mean indiscriminate firing on civilians infamously known as crossfire.

In the early 1990's there would be daily attacks by militants, encounters, and cordon and search operations. Road checkpoints will be used to search cars, frisk people for arms and identity, anyone suspected would be detained and interrogated. The results of counterinsurgency tactics by State are evident from many documented reports on Kashmir. One of the results of military engagement has been the

proliferation of human rights violations. A fact finding team comprised by seven activist from human rights organisations from Punjab and Andhra Pradesh after knowing the facts about human rights violation mentioned that “killing in custody and killing in alleged crossfire are two means by which the life of unarmed civilians has been taken away in this State for last 13 years” (JKCCS report, 2005:18). The aim here shall be to measure how violence can be used to discipline a people and how will it generate alternate rationality for movement and shift the population to cost benefit analysis of the conflict and their approach towards it.

The State violence in Jammu and Kashmir from 1990 has been reported by various human rights organisations, civil society groups, and activist and to some extent by international groups and media also. The clash between the militants and state forces remained escalated in early years of militancy. By the mid of 1990's militant resistance started losing the steam and state forces started gaining upper hand. What were the circumstances for a declining militancy? In the early years, militancy was meted out with indiscriminate policy of State violence that could not differentiate the militants and locals. The militants were to rely on local population for food and shelter, thus would take refuge in civilian areas. The State forces used harsh methods against the civilian and those who showed resilience towards militants. Amid such strategies and policies of the state repression, the population had to pacify to stop incurring more costs.

“The state of Human Rights in Jammu and Kashmir 1990-2005” a report compiled by Public commission on Human rights, Srinagar details the list of killing below. Relying on the government figures the report mentions number of killings as 46,581 from 1990 to 2004 in various districts of Jammu and Kashmir. The report also mentions that if a village to village survey is conducted, the figures would rise to 70,000. 23199, half of the figure of total casualties are said to be militants, although figures varies in different sources. 16,468 were civilians, 5,731 security forces, 587 Ikhwanis (renegades), 480 Political activists and 196 informers. Year wise data makes it clear that except for 1990, 1992 and 1996 civilian deaths exceed the number of militants killed (JKCCS report 1990-2005, VI). The report details the status of armed forces, children in Kashmir, Detenues and Prisoners, extrajudicial killings, Disappearances, Human Shield, harassment Internal migration, inquiries and probes, the judiciary, harassment of kashmiris outside Kashmir, Massacres, minorities,

militants, women the media, POTA and PSA, SOG and VDC, torture and relief and rehabilitation.

International people's tribunal on Human Rights and Justice in Indian Administered Kashmir (IPTK) and Association of Parents of Disappeared persons (APDP) released a report "alleged perpetrators- stories of impunity in Jammu and Kashmir" in 2012. It mentions 214 cases of human rights violations and 500 State forces personnel as perpetrators. The individual perpetrators mentioned are further categorised as 235 army personnel, 123 paramilitary personnel, 111 Jammu and Kashmir Police personnel and 31 Government backed militants/associates. Name of two Major Generals, three Brigadiers, nine Colonels, three Lieutenant Colonels, 78 Majors and 25 Captains are mentioned who hold high official positions in Indian Army. In addition to this, 37 senior officials of the CRPF, and many local police officers are mentioned. "The official designations of the alleged perpetrators and the geographical spread of the crimes committed against the people of Jammu and Kashmir indicate a decisive will of the Indian State, carried out by its functionaries as part of a policy" (JKCCS Press Note, 2012).

A report "Buried Evidence" writes that the Indian State uses "discipline" and "death" as techniques of social control in Indian Administered Kashmir. The structures of militarised governance dispense the intense forms of psychosocial regulation. "Discipline is affected through military presence, surveillance, punishment, and fear. Death is disbursed through "extrajudicial" means and those authorized by law. Psychosocial control is exercised through the use of death and deception to discipline the living. Discipline rewards forgetting, isolation, and depoliticization" (Buried Evidence, 2009: 9).

International People's Tribunal on Human Rights and Justice in Indian-administered Kashmir (IPTK) conducted the research into unknown, unmarked, and mass graves between November 2006 and November 2009. "The graveyards we investigated entomb bodies of those murdered in encounter and fake encounter killings between 1990-2009." the Tribunal extensive research in the border districts of Bandipora, Baramulla, and Kupwara in north-western Kashmir on "clandestine graveyards, often unnamed, unmarked, undecorated. They exist amid habitations, next to schools and homes, by the roadside and town square, in prayer grounds and forests, at the edges of fields and community cemeteries across rural and urban space." IPTK

researched around 2700 graves in these three districts and 99 percent are men. “Next-of-kin, community, collective testimony, and archival research evidence that, in various instances, “encounter” killings across Kashmir have, in fact, been authenticated as “fake encounter” killings. Post-death, the bodies of these victims were routinely handled by military and paramilitary personnel, including the local police. The bodies were then brought to the “secret graveyards” primarily by personnel of the Jammu and Kashmir Police” (Buried Evidence, 2009)

Amnesty International (AI) produced a security with human rights report “A LAWLESS LAW” in 2011. The report mentions PSA (Public Safety Act) in violation of India’s international human rights legal obligations. The report mentions the violations of principal of legality, reasons for detention, access to judiciary and legal counsel, indefinite detention of foreign nationals and immunity of official from prosecution. PSA detentions would include incommunicado detention, torture during interrogation and coerced confession, detention without legal basis, lack of information and access to family, detention on vague and fabricated grounds and ill-treatment and conditions of prisons. Detentions mostly include dissident political leaders and activists, ‘stone pelters’ and bar association leaders. The State works through paralegal or an Informal ‘Criminal’ justice system which means slapping of PSA instead of any criminal charges, continued detention despite acquittal or bail from courts and repeated and successive detention orders. “A number of political leaders have been detained under the PSA in J&K, suggesting that the PSA is being used to disable the first and second tiers of the leadership of the major pro-independence political parties, taking them “out of circulation” and thereby preventing political mobilisation”. Allegation would vary from “anti-national” statements and inflammatory speeches to instigating mobs for rioting and violence which is typically vague and general with few details of time and place provided (AI, 2011:42).

Noorani recounts that a report by Sir John Stevens, Commissioner of the Metropolitan Police Services, UK, published on April 17, 2003, is of great relevance to the affliction by police and other security services in Kashmir. His enquiries highlighted “collusion, the wilful failure to keep records, the absence of accountability, the withholding of intelligence and evidence, and the extreme of agents being involved in murder. These serious acts and omissions have meant that

people have been killed or seriously injured.” The report also records how the enquiries have been obstructed. It concerns the collusion between security forces and renegade militant bodies they support. These renegades kill militants who are in revolt. It was in 1995 that renegade militants were let loose in Kashmir following the precedent set in Punjab (Noorani, 2003: 2344). Noorani thinks Sir John’s report is of little importance to India but recommends an independent agency necessary to check the grave abuses. While the symbolic representation of the Jalil Andrabi’s murder, a senior lawyer, identified army official as complicit, there is lot more to be brought to book.

Parvez Matta of JKCCS said that there are numerous cases of rights violations that are not even reported. In most of cases the victims and their kin have been threatened for dire consequences for reporting the abuses. He further added that during the peak year’s militancy and intense counterinsurgency, police would not even register an FIR against the government forces. Being associated with human right in Kashmir, he said that the reported abuses in the human rights reports are only a tip of an iceberg and many people are fearful due to social and other constraints to report the violation. Azam Inquilabi, a militant leader conceded that the primary reason for laying the gun and embracing nonviolent politics has been the immense suffering of Kashmiri people. “We wanted to give relief to people, we thought once the armed struggle starts Pakistan will intervene militarily and it will be over in months.”

### **3.4. Restaging of Dissident Politics**

While the armed insurgency overshadowed the nonviolent modes of political participation and mobilisation in the early years, the dissolution of MUF now gave space for new political processes. The militants were allied to different political groups but individually the groups were not enough to constitute a political power for representing the movement wholly. When the armed violence was at its peak, the armed groups needed a political front to put their point across. A consensus developed among the dissident leaders while being held together in jail in 1992 to form a unified multiparty coalition to guide the movement. These leaders were Shabir Ahmad Shah of the People’s League, *Syed Ali Shah Geelani* of the Jamaati- Islami, *Abdul Gani Lone* of the People’s Conference, Maulvi Mohammed Abbas Ansari of the Ittehad-ul-Muslimeen, and *Abdul Gani* of the Muslim Conference. They set the ideological

difference aside and united for asserting the right to self-determination. Around thirty political, religious and civil society organisations came together to form ALL Party Hurriyat Conference (APHC) in Feb, 1993. The Hurriyat Conference lead a unified demand for the recognition of Kashmiri's Right to Self-determination and let the Kashmiris decide on the status of Kashmir. They included the option of independence to earlier UN mandated choices of either joining India or Pakistan. Constitution of APHC mentions

To make peaceful struggle to secure for the people of Jammu and Kashmir the exercise of the right of self determination in accordance with the UN Charter and the resolutions adopted by the UN Security Council, however, the exercise of the right of self determination shall also include the right to independence.

To make endeavour for an alternative negotiated settlement of the Kashmir dispute amongst all the three parties to the dispute -- India, Pakistan and people of the Jammu and Kashmir -- under the auspices of UN or any other friendly countries, provided that such settlement reflects the will and aspirations of the people of the state.

To project ongoing struggle, in the state before the nations and governments of the world in its proper perspective as being a struggle directed against the forcible and fraudulent occupation of the state by India and for the achievement of the right of the self determination of its people. (SATP)

Fazlul Haq Qureshi put it pithily that the APHC was set up in the wake of the disillusionment with the gun, precisely to serve as a political interlocutor with Delhi, as ones who enjoyed the confidence of the militants (Noorani, 2000: 3950). The creation of the APHC thus maintained non-state democratic representation of Freedom Movement. "Its initial resonance with the Kashmiri people was a direct result of both its appeal to Kashmiri political values and its anticipatory call for self-determination" (Cockell, 2000: 335). Dramatic increase in counterinsurgency operation in the meantime, resulted suppression of armed groups, hence made no progress for APHC to force Indian Government into tripartite dialogue which also resulted in loss of public confidence in it as a genuine representative of the Freedom movement. APHC boycotted the elections in 1996 on the grounds of harassment by

security forces and Ikhwan (govt sponsored renegades) and held on the call for a tripartite dialogue between India, Pakistan and Kashmir.

By 2003, the APHC was showing conciliatory gestures towards India and moderation on its stand. APHC chairman Moulvi Abbas Ansari expressed his willingness to hold talks with Indian government and dropped the condition of having a trilateral dialogue mentioned its constitution, excluding Pakistan. APHC made a change in its policy by not stressing on the inclusion of Pakistan in the dialogue process. It was said that Pakistan as party to the dispute could be involved in the dialogue process at a later stage (J&K News, 2003). This caused severe crisis in the group between the hardliners and moderates when the chairman Molvi Abbas Ansari went against founding principle of the coalition. The support base was divided almost half of the parties went to *Syed Ali Shah Geelani* and formed Tehreek-I Hurriyat retaining the position on tripartite dialogue. Geelani maintained that "If India wants to resolve the issue through talks, the talks should be trilateral (among India, Pakistan and Kashmiris) and held under UN supervision or monitored by a friendly country" (Dawn, 2003).

Hurriyat group led by Mirwiaz continued its bilateral dialogue with India and Pakistan. Mirwaiz maintained his position that the talks held with the then Prime Minister, Atal Bihari Vajpayee, LK Advani and Prime Minister Dr Manmohan Singh, "These were not backdoor negotiations or close-door meetings but open dialogue in which we stated our position, and our public statements are our private statements as well". However, he maintained that the dialogue process or talk were mere rhetoric unless some change is brought in ground situation and stressed for release of detainees, revocation of Armed Forces Special Powers Act and Disturbed Area Act, and dematerialization of the Jammu and Kashmir (Ganai, 2006).

Rise of HM had given a severe blow to JKLF armed wing by 1993 and the organisation was left with a small cadre base. After Yasin's release from jail in 1994, he renounced the armed struggle, 'we offered a unilateral ceasefire and offered to negotiate with all concerned powers- Pakistan, India and Kashmiri. We believe all be given equal status" (Schofield, 2000:174). The unilateral ceasefire declared by *Yasin Malik* divided JKLF with Amanullah and Yasin forming separate organisations. In a press conference *Yasin Malik* said that the unilateral ceasefire deal of 1994 was



brokered by the US and UK and also some civil society members from India also convinced him (Islam, 2013). Thus a major armed group was not returning to politics.

*Yasin Malik* in a speech at India Today Conclave in 2008 said, 'when I went out in search of Gandhi in the land of Gandhi, I was shocked to find the spirit of Gandhi is no more. This same country whose freedom struggle gave the world the example of ahimsa, which inspired the likes of Mandela and Martin Luther King and freedom-seeking people across the globe, has provided little space for a nonviolent freedom struggle in Kashmir and has used every sort of violent means to crush it. After we declared a unilateral cease-fire in 1994 and committed ourselves to Gandhian means of resistance, 600 of my own colleagues have been killed. If only nonviolent struggle in the 21<sup>st</sup> century was as easy as standing in front of someone's door with flowers and holding a sign reading "Get Well Soon" (*Malik's Speech: 2008*). *Malik* in an interview in the present study said that 'even though we (JKLF) put down the gun and moved to nonviolent struggle, the state repression and bloodshed of our cadres continued. Now the new generation which was born and raised during the years of turmoil and violent conflict possess intense anger, memories of violence and sense of injustice but they are passionate to work out a solution through nonviolence'.

On the eve of the elections in 1996, Congress government was satisfied that its strategy of conducting elections in Punjab was successful and thus threw its toil. Kashmir was not settled like Punjab and had much antipathy towards the India. The parliamentary elections were scheduled for May 1996 and the state election in October. The conditions in Kashmir were poor; the elections were boycotted by Hurriyat Conference, JKLF and other militant parties. JKLF leader *Yasin Malik* threatened to burn himself to death if election were held in Kashmir. *Yasin* was quoted saying that elections proposed for Jammu and Kashmir "is a challenge to the pride of kashmiris people who have been laying down their lives for the cause of freedom" (*Kashmir Leader Threatens, 1995*). "Intelligence assessments for the Home Ministry suggested the voter turnout in the Vale of Kashmir could be as low as 10-20 percent, even worse than the farcical 1992 Punjab poll. Desperate to avoid an electoral embarrassment, the government seems to have ordered the police and army to ensure a good turnout" (*Telford, 2001*).

State can pursue a negotiated compromise with the militants by offering concessions such as representation in local elections, economic inducements and packages, and increased local autonomy. If such negotiated compromise are acceptable both to the both the militants and local ethnic populace, militants can be convinced that “they cannot prevail militarily or through superior staying power, or that the costs of doing so are too high”. Militants must also be willing to “accept the political consequences of peace, which may include loss of external state support and local political marginalization”. In other words, there should moderate position on by Nationalist militants and State rather than the extreme preference of political advantage (Horowitz & Sharma, 2008:755).

By 1996 the Indian government started a dialogue with former militants of Hizbul Mujaheddin, and Muslim Janbaz force to create an alternate political base to the APHC (Schofield, 2000: 175). Hizbul Mujaheddin was disowned by Jamaat-I Islami in 1997 and thus the militant leadership of this organisation stood for political negotiations by themselves. The continue fighting between State Forces and Mujaheddin was now turning the tide toward the State forces by inflicted more causality of militants. On July 24, 2000 Hizbul Mujaheddin Commander in Chief (operations) Abdul Majid Dar proclaimed a unilateral ceasefire. It was a defining movement in the decade old insurgency and none was taken by surprise. The announcement was widely welcomed as relief to the decade of violence by people of Kashmir. While the government of India met the representatives of Hizbul Mujaheddin in Srinagar on August 3, the hope that process will culminate into a final solution or a more modest one was shattered. Hizbul Mujaheddin soon ended the process and India accused the Pakistan of sabotaging the process by putting pressure on Hizbul Mujaheddin (Noorani, 2000:3949). In such asymmetrical negotiation the bargaining position of Militants was not strong enough. India saw this as weakness on the part of militants and tried to force a surrender of the militants. “Its strategy has been to use military force in aid of a policy of engineering splits among the ones it hopes to demoralise; splits between HM and Pakistan, Dar and Salahuddin, HM and APHC, HM and other groups” (Noorani, 2000:3950).

### **3.5. Change in Local Governance of the Valley**

In 2002, the central government promised free and fair state elections in Kashmir, and encouraged the local ethnic political parties to participate. Despite

threats from militants, who assassinated 46 moderate political activists during the pre-election campaign, these efforts showed some success. The elections saw an impressive turnout of nearly 50 percent in the Kashmir Valley (Horowitz & Sharma, 2008:768). The elections were taking place at a time when many militants were in weak position on ground and separatists in the process were showing gestures for peaceful dialogue. Elections were seen as turning point for a change to the recurrent turmoil of the previous years. Previously in 1996, despite all of these problems the elections were successfully carried out by blanketing whole Kashmir with Indian security forces to ensure twenty fold increase in voter turnout by intimidation to a total voter turnout of 40%, up from 2% in 1989 (Jones, 2008:14 ).

Elections had proved illusory in 1996 by re-election of Farooq Abdullah which did little to soothe the pains of militants. Militants couldn't accept his government because he had failed to stop Indian forces from repressing the people for the sake of growth in insurgency. Violence continued under this government till new elections were announced. Year 2003 saw a shift in Kashmir politics. National Conference was defeated for the first time and People Democratic Party (PDP) and Congress formed the coalition government. PDP claims to have created conducive atmosphere for initiating peace process and taking Confidence Building Measures (CBMs) to normalize relations between India and Pakistan.

Until 1994, sporadic dialogue would take place between India and Pakistan. The institutionalised process of dialogue was started in 1997 in which eight areas were selected for deliberation. Foreign secretaries of both countries continued to meet until the process was called off at the time of Kargil confrontation. Post 9/11 the process continued to be at low or stalemate and in 2004 a renewed peace process was launched known as composite dialogue to resolve all outstanding issues between India and Pakistan. Official and back-channel diplomacy was used to carry on the dialogue process between these two States. On official level Kashmir and security issues were discussed periodically and the progress would be reported to foreign secretaries. Confidence building Measures (CBMs) were a result of this composite dialogue process.

Trade across LoC was also started apart from the Srinagar-Muzaffarabad and Poonch-Rawalakote roads were opened for travel. Other developments works included the revival of tourism, establishment of new universities, and vacation of

hotels by security forces. At the ground people felt a change, democratic process was reviving, and indiscriminate State violence started declining from the previous levels. For the first time in 2005, a delegation of the moderate faction of the All Party Hurriyat Conference (APHC) headed by Mirwaiz Umar Farooq and the JKLF leader *Yasin Malik* was allowed to cross the LoC into Pakistan administered Kashmir. They interacted with leaders from Pakistan and PAK and with civil society, media and militants groups. Such visits contributed to a consensus building process and definitely created a trust and hope among the political and dissident forces in and across Kashmir. The leaders started endorsing the need to include Kashmiris in the dialogue process.

In addition to this, the pro-Indian political leadership of J&K, including the PDP President Mehbooba Mufti and Omar Abdullah of the National Conference, also travelled to Pakistan and met with Pakistan's political leadership to exchange views (Akhtar & Choudhury, 2013). The cross-LoC bus service in 2005 and trade service initiated in 2008 was an important development in creating conducive environment for pacifying the armed violence. People on both sides including the leaders showed interest in peace as a result of these CBM's. Cross-LoC travel opens opportunities for people to people contact; families and relatives divided across LoC meets after many years, thereby addressing longstanding grievances. Trade also gives an opportunity to people across the LoC to undertake joint activities that have mutual tangible economic and emotional benefits. "However both initiatives suffer from operational challenges, which limit their socioeconomic and peace-building potential" (Akhtar & Choudhury, 2013).

### **3.6. War on Terror and Militancy in Kashmir**

The ethnic insurgencies which are widely supported locally and across the borders sustain operation on the cross border havens. As a counter measure, it is necessary to seal off the domestic area of operation from the external state intervention. The restricted flows of insurgents across the borders will preferable hold prolonging the insurgency to moderate levels (Horowitz & Sharma, 2008:753). Halting external state assistance to militants in an area where moderate or high degree of local cooperation exists may not significantly alter the course of action but a continuing dependence on local limited resources will tend to lose the intensity of their operations. The aim of militancy will also be detracted i.e. to make the

counterinsurgency protracted, costly and difficult for the host State. Earlier from 1989 onwards militants sustained an intensified struggle by large scale external military support from Pakistan and due to lack of local cooperation with counterinsurgency indiscriminate force was used which further intensified it. However the conventionally superior forces of India tilted the balance in favour of the host State. This was because Indian state devised plans with massive resource to successfully seal the border between Indian and Pakistani controlled parts of Kashmir to subside the impact of the external intervention.

Indian and Pakistan had worked on normalising the relations after Kargil episode. After the gestures from militant organisations and changing scenario in the establishments of Pakistan, India had offered ceasefire to militants on the first day of Ramadan (Month of fasting for Muslims), Nov, 28, 2000. The Indian government instructed the security forces not to initiate operation against the militants and this was well received in Pakistan also. On weeks Pakistan responded by announcing a unilateral withdrawal of its troops deployed along the LoC. Musharraf government had taken significant steps since his inception as President of Pakistan in 1999. Musharraf government had announced a policy of restraint along the LoC, reduced number of soldiers along the LoC and also a ceasefire was started in Siachin (Jamal, 2009:220-1).

Following the September 11, attacks, U.S. pressure on Pakistan may also have yielded in squeezing the infiltration by armed groups into Kashmir (Horowitz & Sharma, 2008:768). Before Musharraf could change the political prospect and policy for Kashmir Militancy, Indian parliament attacks took place. India mobilised the army along the borders which Musharraf to difficult situation. Pressure was mounted on him to address the issue of 'terrorism' in Kashmir. In a speech on 12, January 2002, he assured that "no groups would be allowed to wage jihad and banned two extremist groups operating in Kashmir" while reiterating Pakistan's commitment towards Kashmir on moral political and diplomatic ends (Patanaik, 2008: 392)

In early 2002, many militants were crossing the line of control to enter Kashmir. Due to international pressure and a belligerent India, finally militants were instructed to hibernate. President Musharraf "retained a hard-line posture on Kashmir. He continues to justify the insurgency as an indigenous revolt of freedom fighters struggling to overthrow an oppressive occupier" (ICG, 2002: 6). Under the immense

pressure Musharraf made some tactical moves to prevent the rising blame consolidating the ground and also deflect some international pressure over its Kashmir policy.

Musharraf dealt with a planned strategy by pleading international community to pressure India to exercise the military restraint on the pretext of using his nuclear weapons. A lack of will to stop the cross border militancy seemed to exist in Pakistan and a widespread belief Pakistan “could largely restrain non-Kashmiri militants if it so desired” (ICG, 2002: 6). President Pervez Musharraf seems to agree with the view that if the militancy can’t be stopped completely but could be reduced (BBC News, 2007). “Cross-border infiltration has decreased significantly since the military government, under U.S. pressure, ordered militants to freeze cross-border operations after Armitage’s visit on 6 June 2002. Given its heavy presence, the Pakistani military could largely seal off its side of the Line of Control, and if this happened, the flow of militants into Jammu and Kashmir would dwindle considerably” (ICG, 2002:6)

While India tried to dub the Kashmir Struggle for self-determination as a terrorist movement and gain international support for its agenda, “The New York Times, reminded India more bluntly that “it cannot crush Muslim aspirations in Kashmir with the use of force”. Much more needs to be done at the diplomatic level and within the state to resolve the issue” (Puri, 2001:4044). Lashkar-i-Taiba and the Jaish-i-Mohammed, two large international militant organisations were banned by Musharraf following the Indian parliament attack (ICG, 2002: 7), however a large local base and acceptance to these organisations could not affect their existence grossly. These organisations are not part of UJC but operate in Kashmir as well. Pakistan arrested around 2000 people belonging to different organisations banned by Musharraf. Some groups changed their name and transferred funds to other bank accounts. However no ban was imposed on groups like Hizbul Mujaheddin, Harkat-Ul Ansar and Al-Badr who were under the cloak of UJC. These groups belonged to indigenous Kashmiri and Pakistan maintained its claim to support them morally, politically and diplomatically. Hizbul Mujaheddin was asked to purge its foreign cadres to avoid international attention (Pattanaik, 2008:396).

After Musharraf made a pledge to contain the militant activity; many left their camps in Azad Kashmir, and moved to various destinations in Pakistan. A series of raids and dismantling operations were started against these organisations. These

militants waited for normalising situations to return to Azad Kashmir (ICG, 2002:7). A part of belief is that Militant organisations inside Pakistan rely on government support and if they are deprived such support in terms of finance, bases, and sanctuaries, it will have huge impact on Militancy in Kashmir. "Most Pakistanis support resolving the Kashmir dispute and have genuine anger at what are often seen as Indian abuses of Kashmiris" (ICG, 2002:8). If Pakistan agencies completely squeeze the militant organisations in Azad Kashmir, militant attacks over army installations will decline in Kashmir but will not necessarily cease unless some broader political solution supported by majority of Kashmiris is concluded.

Internally Pakistan was realizing that the policy of promoting of militants in Kashmir and elsewhere was backfiring. These groups were becoming cause of internal security threat to Pakistan, with rising sectarian violence, rise in illegal arms and burgeoning armed groups. "Quite expectedly, Pakistan's ruling military elite understood that the strategy of promoting radical elements as an instrument of its foreign policy vis-à-vis India in Kashmir would now become unsustainable" (Patanaik, 2008:391). Pakistan as a policy shift towards the armed groups in Azad Kashmir offered the militants assistance to marry or establish businesses. "They are said to have established three camps to help former militants to readjust and reintegrate to the civilian life. The BBC has taken notice of one such transit camp in North West Frontier Province for militants displaced in Azad Kashmir by earthquake in 2005 (Plett, 2007).

Whatever was the impact 9/11 on Jihadi groups inside Pakistan, the militant activities in Kashmir received a setback. "The LoC has been coiled by India with several metres high double-row concertina-wire fencing to block armed rebels from entering and launching attacks on Indian soldiers inside Indian-administered Kashmir. The wall always remains electrified and is linked with what many believe are Israeli-made surveillance devices" (Aljazeera, India planning). "The Government noted a significant decline in infiltration from Pakistani Kashmir during 2004, attributing the drop in large part to the fence it constructed during the year-long ceasefire with Pakistan and more effective counter-insurgency methods."(Global security, 2012)

### 3.7. Graphic Representation of Transition in Kashmir Conflict

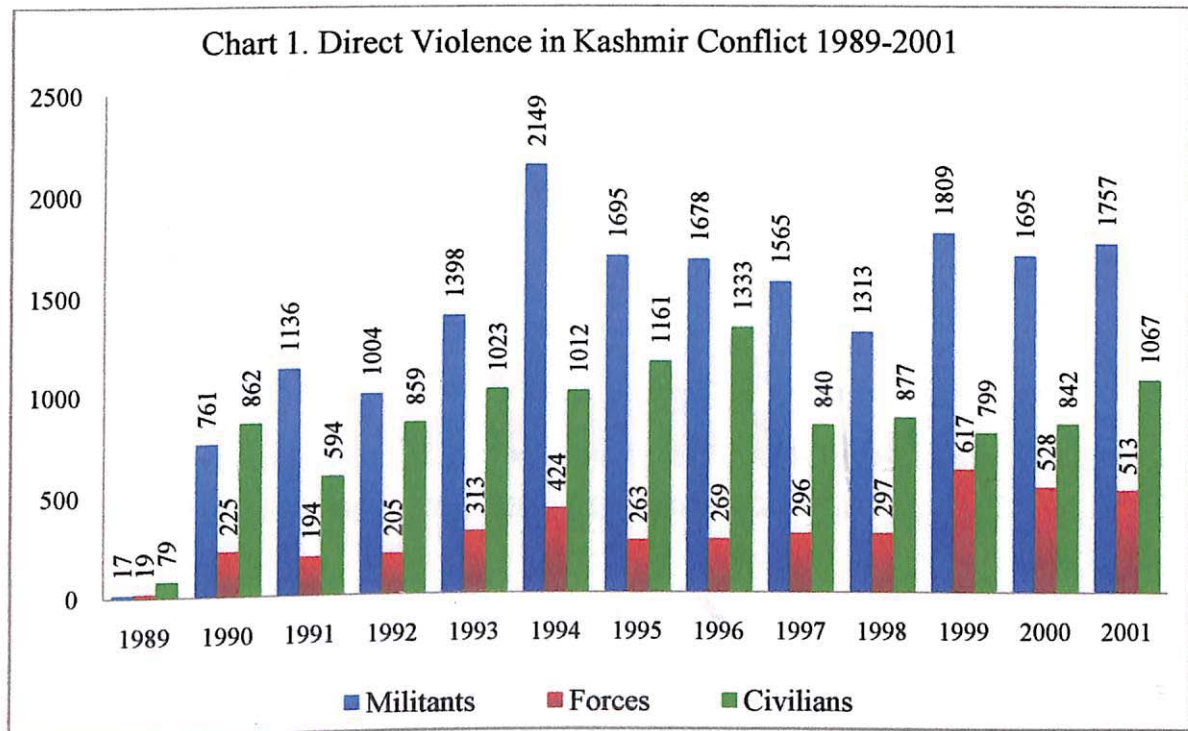


Figure 1 representing the number of deaths of Militants and Indian forces during the conflict from 1989-2001. The exact figure of civilian could not be estranged from the available resource thus the figures recorded for civilian casualties are taken from South Asian Terrorist Portal data base. Other Data is collected from JKCCS reports and Strategic Foresight Group Report.



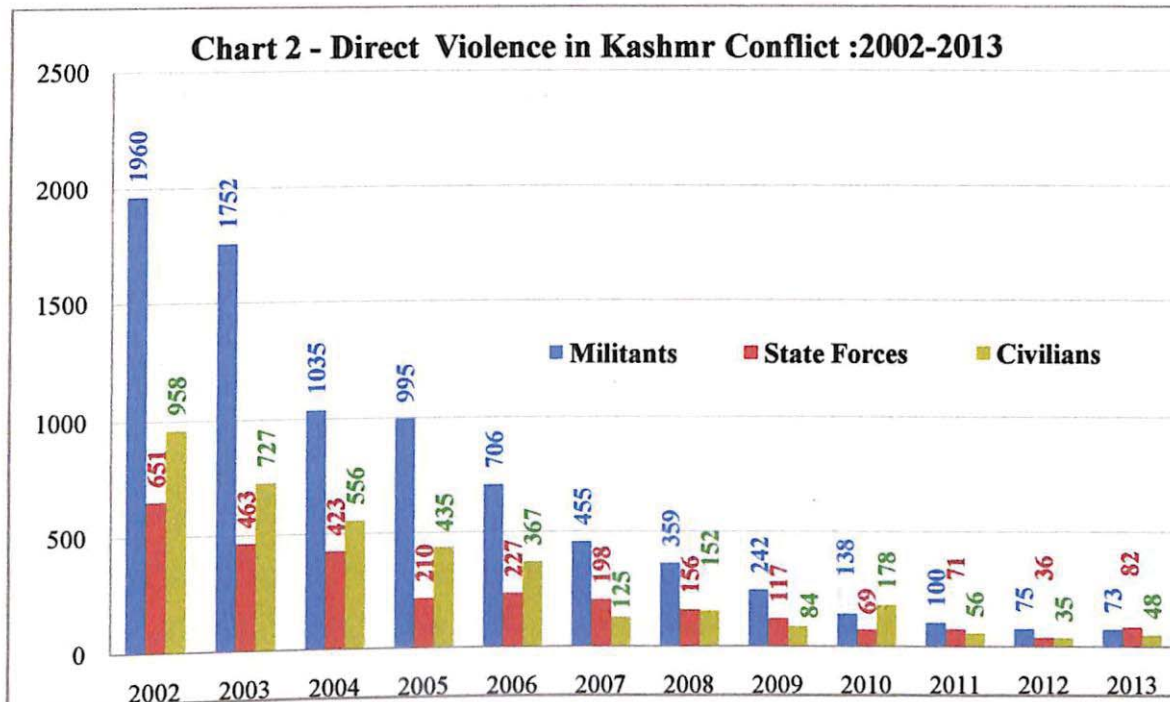


Figure 2 representing the number of deaths of the Civilian, Militants and Indian Forces during the period of 2002-2013.

Source: JKCCS Reports (State of Human Rights in Jammu and Kashmir-1990-2005, Peace and Processes of Violence: An Observation on Situation in Jammu And Kashmir From 2002 to 2009, JKCCS Human Rights review 2010, 2011, 2012, 2013)

From the two figures we can make inference on the level of violence at different stages of the Kashmir Conflict in last two decades. The figures show the casualties of civilian, armed force and militants during the ongoing conflict from 1989-2013. The early years of insurgency show a steep rise in number of killing which show the intensity of armed conflict was very high. From 1993 to 2003 the conflict sustained on the same level of armed fighting and then a gradual decline started to happen. From 2003 onwards armed action started having less space and more of the activities of the movement turned to nonviolent political action. Various factors that are mentioned above contributed to the change in the tactics of the movement.

## **Chapter 4**

# **Mass Demonstration And Popular Uprising: An Alternate Way of Resistance**

## CHAPTER 4

### MASS DEMONSTRATION AND POPULAR UPRISING: AN ALTERNATE WAY OF RESISTANCE

#### 4.1. Introduction

Nonviolent action or nonviolence is a form social struggle or an action for change. It is a conscious and designed act against the opponent's violent repression or opposition for change. It transcends the limitations of race, gender, social class or nationality thus can be used in varying political circumstances. Nonviolence is not simply any method of action taken that is not violent. "Broadly speaking it means taking action that goes beyond normal institutionalised political methods (voting, lobbying, letter writing, verbal expression) without injuring opponents." It is means of waging a conflict by taking risks and bearing the suffering without retaliation (Irwin and Faison, 1984: 2). Nonviolent action is a technique of conducting protest, resistance, and intervention without physical violence by: (a) acts of omission (that is, the participants refuse to perform acts which they usually perform, or are required by law or regulation to perform); or (b) acts of commission (that is, the participants perform acts which they usually do not perform, are not expected by custom to perform, or are forbidden by law or regulation from performing); or (c) a combination of both. (Sharp, 1985:51)

Thus nonviolence can be broadly be categorised into Protest and Persuasion, Noncooperation and, Intervention. Protest and Persuasion includes activities such as speechmaking, picketing, petitions, rallies, street theatre, vigils, marches, and teach-ins against opponents or government policies that are unpopular or controversial. This category is the mildest containing symbolic acts that are intended to convey protest against some actions, conditions or policies such as distribution of leaflets, holding vigils, conducting marches etc. Noncooperation usually happens against institutional injustices. People refuse to act normal in work or obey policies which may generally include refusal to pay taxes, withholding rent or utility payments, boycotts, strikes, civil disobedience. Noncooperation effects the normal functioning of a system depending on the type of action employed. The methods of noncooperation wield influence by withdrawing some form of social, economic or political relationship that

halts the potential cooperation and is much more powerful than symbolic acts (Encyclopaedia of Nonviolence vol. 2). Noncooperation can be frustrating, disruptive and even paralysing for the opponent. Nonviolent intervention means active insertion and disruptive presence of usual processes of institutions that means sit-ins, occupation of business offices, streets or elsewhere and creation of new social and economic institutions, establishing new forms of social behaviour or parallel government (Irwin and Faison: 1984:2).

For Gandhi, Nonviolence means finding the truth and converting opponent to your position through nonviolent methods or suffering. For Gene Sharp, Nonviolence is a political action rather than moral force which aims at opponent's strength to defeat them. Studies of nonviolent protest in democratic regimes tend to indicate that movements that employ nonviolent direct action tactics such as strikes, sit-ins, blockades, etc are more successful and influencing than those that do not use these tactics, such as bombings rioting and fighting (Encyclopaedia of Nonviolence Vol. 2). It is a technique of socio-political action for applying power in a conflict consisting of many specific methods of social, political, economic and Psychological actions without use physical or direct violence.

Nonviolence is neither passivity nor institutionalised politics nor violence but as a collective action in social, political or economic conflicts. The actions taken by participants in collective behaviour are to influence the course and outcome of the conflict. Nonviolent action or resistance functions beyond the institutionalised means settling disputes in a given political and social systems. There are of course some "significant points of contact between the institutional order and nonviolent action, including legal and political procedures that might be introduced to regularize, manage, channel, and control nonviolent action." The effects of nonviolent action and its outcome can be assessed independently from physical and material destruction in the conflict because violence and destruction may be used by certain adversaries of nonviolent action (McCarthy, 1991: 3).

#### **4.2. Nonviolent Methods Adopted in Kashmir Resistance**

There are nearly two hundred methods of nonviolent action or resistance mentioned by Gene Sharp. There are clearly new methods being identified and invented and incorporated in to the existing list. The Kashmir movement uses many of

these methods in their nonviolent resistance. Some of the commonly employed methods are public speeches, declarations, mass petitions, slogans, caricature, symbols, banners, and posters, earth-writing etc. At some instances the methods included displaying flags and symbolic colours for example green and black colours, are used to show the dissent. One of the powerful tactics used commonly in Kashmir is honouring the persons who are killed during the resistance and are linked to the movement. They are called Martyrs and buried in martyrs' graveyard which is locally believed to be of great honour for them. Apart from political mourning, homage is paid at their burial places, public gathering and in other sources of information dissemination in the society. Thousands join the funeral rites and offer religious prayers for dead with allegiance to the cause. Mock funerals have also been used in the cases where the dead body of the person was not handed over to people for last rites. Two special instances of such cases include the empty graves of *Maqbool Bhat* and *Afzal Guru*. Both were sentenced death penalty by Indian government and buried in Tihar Jail. *Guru* was Kashmiri convicted for being associate in 2001 parliament attack and was hanged on 9 February 2013 and *Maqbool Bhat*, a pro-independence leader and co-founder of the Jammu Kashmir Liberation Front, was convicted for two murders and was hanged on February 11, 1984. Graves are shrouded and epitaph reads important testimonials of the dead with tag line of "*Shaheed*" (martyr).

Instances of ostracism are also recorded in Kashmir against the persons who are seen as betrayers and disloyal for example the *Ikhwan* (renegade), Task force and SOG persons who are denounced for their cruelty against civilians. Social boycott on the eve of the marriages and other festivals and in some cases people refused to bury the dead bodies of such persons.

Boycott of elections and legislative bodies as a method of non-cooperation with government is also used as regular tactic. Mostly this method of nonviolent action has gained pre-eminence after the rigged election of 1987 and rise of armed movement. Hurriyat Conference and other small pro-freedom groups since then have boycotted the elections with a considerable success. The voter turnout in Kashmir valley especially has been very low due to boycott campaign. In 1989, valley recorded 2%, in 1996 40% was claimed, 2002 and 2008 turnout acceded to 50%.

Tactic of psychological intervention by holding hunger strikes and putting moral pressure is also evident in Kashmir resistance movement. Chairman of JKLF

*Yasin Malik* has many times committed to Satyagrahic fast in past years. Physical intervention is conducted by sit-ins, road blocks by youth and nonviolent obstruction of government functioning. In such circumstances, young people put stones and also burn fire in the middle of road to observe complete showdown and halt of life. Movement of transport of both civilian and government is stopped which completely paralyses the government.

Social media is an important tool in shaping the resistance movements. On the internet, young Kashmiris are involved in cyber activism for Kashmir Movement. Social media has become an important platform for people to air their grievances and advance their cause by registering their protest and resentment without physically facing the State. Many of the events and protests are organised through Facebook, Google, and Twitter etc. websites which give good platform to share views and run awareness campaigns. The social media also actively keeps the memories of violence through pictures, videos and other literally materials shared on these websites, thus keeps the movement spirit alive and more vibrant.

Drama, Music and theatre are also used to show the resistance and promote ideas of resistance through nonviolent ways. In year 2013 Zubin Mehta, held a concert "*Ehasaas-e-Kashmir* (the feeling of Kashmir) in Srinagar to show to the world that everything is at peace in Kashmir. This concert was opposed by people in Kashmir but government carried on the concert under heavy deployment by putting restrictions for people to move in and around the place of concert. A parallel concert "*Haqeeqat-e-Kashmir*" (reality of Kashmir) was organized by people and civil society groups to protest Zubin Mehta's concert and amid the security restricts it gained success. Zubin Mehta's notes were opposed by 'pro-azadi' tones by Local artists. For every western composition, there reverberated 'azadi' rap and recitals and if Zubin Mehta stole the hearts of "elite", *Haqeeqat-e-Kashmir* gave hope top resistance movement. Dr Altaf. Ahmad, noted paediatrician and one of the organisers of *Haqeeqat-e-Kashmir* was quoted saying "Zubin Mehta's show is for the rich, of the rich and by the rich. Rs 100 Crore spent, 50 BMWs for the elite crowd. In contrast we are aam admi and our show is for the common Kashmiris whose hearts are bleeding for the last so many years," (Hassan, DNA:2013). Music also emerged as a significant tool to express dissent through nonviolent way. In year 2010, a Kashmiri rapper Roshan Ilalhi known by name MC Kash produced a rap song by the title "I protest"

which reverberated in all the corners of the valley. An extract of lyrics of MC Kash “I protest”

*I protest Against the things you've done  
I protest For a mother who lost her son  
I protest I'll throw stones and never run  
I protest Until my freedom has come  
I protest For my brother who's dead  
I protest Against the bullet in his head  
I protest I'll throw stones and never run  
I protest Until my freedom has come*

MC Kash believes that like stone-pelters music is his way of showing resentment, “it is about telling things as they are: If somebody has a problem with my lyrics, I think they need to look into the issue of Kashmir. I think it's truth that I'm speaking” (MC Kash raps, 2010). A constants reformation and revolution has taken place in using the tactics or methods of nonviolent political action in the resistance movement.

#### **4.3. Political Opportunity for Nonviolence**

The tactical shift in resistance movements as attributed to different factors in previous chapters is dependent on the opportunity structures for the movement. To see the key opportunity structure perspectives for leaders and activist in advancing their resistance movement, the strategy depends on the contextual factors for mobilising supporters and influencing their cause. The activists read the situation at local and global level and recognise the external factors that influence the movement's prospects for “mobilizing, advancing particular claims rather than others, cultivating some alliances rather than others, employing particular political strategies and tactics rather than others, and affecting mainstream institutional politics and policy” (Meyer, 2004: 126). The violence levels in the Kashmir conflict dropped significantly after 2003 (inference made from the number of the deaths per years from 1990 to 2013).

In a historic change for first time in Kashmir, National Conference was replaced by Peoples Democratic Party; though both the parties have a similar political stand on Kashmir but the governance and policies of this new government were relief for people (a perception shared by many locals). National Conference had created

*Ikhwan* (Renegades) and Special Task Force (STF) and “gave it a clear-cut mandate to conduct extra-judicial murders and abductions in Kashmir” (DMK stand should shame NC, PDP: Mirwaiz Umar, 2013). The atmosphere of fear and insecurity created by these renegades had shivered the people deeply when PDP merged the STF with state police and ended its authority. (MAJID, 2009). Some of the changes were happening that gave a temporary release to the traumatic violence suffered by people in the previous decade. PDP started inviting Bollywood, revived tourism and security checks and frisks slowed down. While new government was seen as giving hope to people and creating opportunities for peace, the representatives of Kashmir Movement on the other side claimed that “both parties, in various positions and manifestations, have been the co-perpetrators of oppression and murders in Kashmir and there is absolutely no change in their commitment to participate in each and every unjust and ruthless decision that is taken against Kashmiris and their sentiments,” (DMK stand should shame NC, PDP: Mirwaiz Umar, 2013).

During my interaction with Ashraf Sahrai, Deputy Chairman of Tehreek-i Hurriyat Kashmir, he said that PDP government has not been any different in crushing the Kashmir Movement and persecuting the people, especially those who are directly linked with movement. “For us, they (NC and PDP) are same, only difference is their tactics”. However during the interaction with people, I observed a common response that people felt relative freedom, life had comparably normalised, people could move in and around after dusk, markets and business conduct will retain to normal, and in a sense people had started restoration to their normal life and work. Governmental control and surveillance on people seemed to be softening during this coalition which gave some space to Movement leaders to disseminate information, aware and mobilise the people.

One such movements’ campaign started by JKLF is Safre-Azadi Campaign (Journey for Freedom). The campaign was started after three years when the composite dialogue process was started between India and Pakistan. The compelling demand of Safre-i Azadi was to involve the people of Jammu and Kashmir in the dialogue process to find a fruitful and lasting solution. Documentary film Safre-i Azadi welcomes the dialogue process by its screen casts “Voices for Peace, Voices for Freedom- Peace in South Asia, Kashmir First”. This nonviolent march was scheduled to start on 5<sup>th</sup> May, but *Yasin Malik* was arrested one day earlier to foil the



campaign. It was successfully started from Mati Gawran village in south Kashmir on 20 May 2007. This nonviolent campaign was carried for 114 days across the valley and Jammu also.

JKLF while welcoming the dialogue process stressed the need to involve people of Jammu and Kashmir in the dialogue to find a lasting solution on Kashmir. It believed exclusion of Kashmir is biggest lack to any resolution on Kashmir. Through this nonviolent signature campaign, JKLF successfully collected 1.5 million individual signatures and in a petition before India, Pakistan and International community, presented the Kashmiri stand through a nonviolent action. "The signature campaign was a theoretical act to put a simple demand, the masses of Jammu and Kashmir and prove to the people." This symbolic act could be categorised under protest and resistance heading of nonviolent resistance which gives a message without a stiff resistance and without out achieving some real breakthrough.

Yasin was quoted saying, "we demand our active involvement in the process relating to the resolution to the Kashmir dispute." He believed that people have done their part from village to cities, by coming out and actively supporting the campaign and displayed their will to the world. In a speech at *Mati Garwan*, Yasin said, "I reiterate that if Kashmir issue has to be addressed, the inclusion of genuine Kashmir leadership is the first and foremost prerequisite". He further added, "this is the democratic voice of freedom that is being sent to India, Pakistan and International Community" (Safre-I Azadi Documentary film, 2007). The Safre Azadi (Journey for Freedom) was symbolised for the journey of rediscovery for the people of Kashmir, power of collective action, power of coming together, voices for idea of freedom. One of the JKLF activist recounts that "as we started the march, people joined us endlessly in this collective quest for the dream of freedom".

The tactics used during this campaign are some of the routine forms of protest tactic used in the Kashmir at least in last two decades. Long marches on roads, sloganeering, speeches at gatherings, and rallies, etc were held during the campaign. One specific tactic was the *Mashal march* (torch light procession) in which participants carried lighting (fire) objects in their hands after dusk as symbol of resistance. Although this has mystical significance drawn from Sufi tradition, "this was an act of defiance against the reality of night curfews that were commonly

enforced by the military in Kashmir but more than this carried a powerful message on Azadi” (Safre Azadi Documentary: 2007).

In contrast to the spontaneous armed uprising in 1990’s, the movement increasingly became more organised and sophisticated by strategically employing the methods of nonviolent action. This shift in the tactics of resistance movement was a calculated and deliberate response created by the opportunities and the constraints for the movement in the recent decade. Safre Azadi was a creative nonviolent action organised by exploiting the contextual political opportunities and recasting the resistance with a new facet. On such a journey, the state might also find repressing such movements difficult or have an easy go approach for them than the direct violent action by militant youth, thus constructively reviving the forms of nonviolent resistance to the political domain of conflict.

#### **4.4. First Popular Uprising 2008**

Nonviolent resistance cannot simultaneously go on with violent ones. Both types of resistance work in a different way. Violent resistance destroys the way nonviolent action or resistance is employed and carried out in a conflict. For example: large scale nonviolent activities were going on in early 1990’s , processions by millions of people, protests, strikes etc it was taken over by the militant face of the resistance thus the movements was overshadowed and recognised as the armed insurgency. “Mixing the two approaches defeats the strategic advantage of a disciplined nonviolent movement, which gains a potential advantage when its restraint stands in sharp contrast to violent reprisal employed by the target group” (King, 2008:24). External support is also garnered by the more disciplined nonviolent movements and State also feels compelled to use less intense ways to suppress such movements. Though in asymmetrical conflicts, armed groups are taken by optimism that they can take back what is held by opponent with use of power and most people also find armed struggle as only appropriate way to achieve the objectives of their movement, but when a group chooses violent means of politics, it selects a means of struggle in which the opponent nearly always possess superiority e.g. military force and warfare technology. “Violence as a chosen technique of struggle is counterproductive, because it prolongs and complicates disputes and can run them into acute conflicts, while raising social and economic costs” (King, 2008: 24).

The summer of 2008 was all ready for new elections; no one could have predicted the popular uprising and resurgence of sentiments after a reduced activity of militant movement. The pro-freedom leaders also seemed reconciled until the resistance movement was back on stage. Scholar and political analysts are trying to explain post-facto the circumstances or the situational factors or simply see the historical roots of the movement. I think the sense that people can't let the inalienable and basic right of self-determination go away from them and whenever people have perception that their collective identity is threatened, they rise fearlessly.

In a sudden break to slumber, the people woke to what they felt was existential threat to Kashmir. A small piece of land measuring 100 acres was transferred to Amarnath Shrine Board in May 2008 by Jammu and Kashmir government. "That decision, and the ensuing chain of events, reinvigorated and fuelled the Kashmiri secessionist/ nationalist movement as, for the first time in almost 18 years, the Valley witnessed recurrent large-scale demonstrations" (Tremblay, 2009:938).

*Amarnath Yatra* is an annually held pilgrimage in the month of July by the followers of Hinduism. It is religious tradition in which followers of Shiva, one of the Hindu gods, visit the place and pay homage to deity and also some Hindus feel that one time pilgrimage to Amarnath is compulsory religious duty. Amarnath cave is widely believed by Hindus to be a place where their wishes are fulfilled. It was discovered by a Kashmiri shepherd in 1870's. Shri Amarnath Shrine Board (SASB) was constituted by government of Jammu and Kashmir in Feb 2001 for managing the Amarnath Yatra (Pilgrimage). Up to 1990 some Kashmiri *Pandits* would visit the cave with a small number of Sadus (Hermit) from India. In 1990 some 20,000 pilgrims visited the Amarnath cave (shrine) in the hills of Pir Panjal range. Since then a radical increase was observed in the number of pilgrims visiting the shrine, and in 2008, the number crossed over 500,000. The exponential rise in numbers was seen as an aggressive political agenda of Right wing Hindu Nationalists and the "land transfer was viewed as ....an elaborate plan to build Israeli-style settlements and change the demographics of the valley (Roy, 2011: 59).

The controversy begins on June 3, when Land transfer was made public and CEO SASB Arun Kumar endorsed at a press conference in Srinagar that the Land transfer was permanent. Fearing the threat, the two faction of Hurriyat Conference, one led by *Syed Ali Shah Geelani* and another Mirwiaz Ummer Farooq came together

along with support extended by other local groups and formed Action Committee Against Land Transfer (ACALT) also known as the Kashmir Action Committee. It included “journalists, human rights advocacy groups, trade unions, teachers, traders, writers, and industrialists to generate a unified response to the government’s decision. It was also agreed that the coordination committee of the ACALT— consisting of Geelani and Mirwaiz Farooq; *Yasin Malik* of the JKLF; and representatives from the Kashmir Chamber of Commerce and Industry, Fruit Growers Association, Employees Joint Action Committee, the Kashmir Bar Association, and the House Boat Owners and Hoteliers Associations—would be solely responsible for organizing protests and demonstrations” (Tremblay, 2009: 941). The leaders reiterated that “Amarnath Yatra has never faced any threat from any section of Kashmiri society, nor from militants. In fact Kashmiri Muslims have stood by Hindu *Yatris* (pilgrims) through thick and thin for decades. So Yatra isn’t the cause of worry, but granting huge chunks of land and paving way for more environmental hazards certainly is” (Safvi, 2008). Following the events, Shri Amarnath Sangarsh Smriti (SASS) was formed at Jammu to protest against the revocation of Land order.

On June 23, ACALT organised its first protest demonstration against the land transfer and people gathered in thousands in Srinagar. Amid security curbs and protests, the forces ended up killing one person in Srinagar and injuring more than 40 civilians. *Syed Ali Shah Geelani* gave a wakeup call to Kashmiris followed by other leaders; *Yasin Malik* of JKLF threatened government with hunger strike unto death. In the following days, the protests started intensifying on a large scale something similar to 1990 in the recent political history of Kashmir, but this time without gun.

BJP in Jammu started counter movement to the protests movement in Kashmir. Ashok Khajuria state president of BJP declared economic blockade for the Kashmir Valley. The blockade was enforced by stopping the vehicular movement on the only national highway connecting the Kashmir region with Jammu. Jugal Kishore along with the BJP cadres first stopped the movement of transport at Nagrotta area near Jammu which then spread all over Jammu area. Stopping the loaded trucks of essentials at Jammu created severe short of essentials like medicine food etc in the valley. In the mean time two more youth were killed which aroused more anger among people coupled by the statement given by Sri Sri Ravi Shankar, a prominent

Hindu religious preacher that 800 kunals are only beginning and is not enough to accommodate lakhs of Hindu pilgrims (GK, Amarnath Land Low:2008).

On 25 June N. N. Vohra replaced the S. K. Sinha, the governor of Jammu and Kashmir who was actively involved in creation of the board and the Land transfer. Vohra moderated the political crisis by requesting the Chief Minister Gh. Nabi Azad to withdraw the forest land transfer with intent of transferring the management of the pilgrimage back to state government. SASB will look after the religious rituals associated with the pilgrimage. SASS for the first time united the people of Jammu to protest against the revocation of land transfer order. "A call was given by Hindu Nationalist groups, and the general population participated in the protests overwhelmingly and violently." Government property was destroyed, Army troops were attacked, trucks of Kashmiris origin were set ablaze, educational and other governmental offices along with hotels and shops remained closed for two months (Trambaly, 2009:942).

The season in Kashmir was ripe for fruits and trucks laden with fruit were rotting on their way, waiting for the blockade to end. On the other side, "the Valley experienced a sudden shortage of petrol, medicine, and other essential goods, but the Indian government was slow to respond. It took six days for the army to be called in to force to open the road. Meanwhile, several national BJP leaders including Lal Krishna Advani and Arun Jaitley lent their support to Jammu's resistance movement" (Tremblay, 2009:942). Finding the only access route to market blocked, Hurriyat Conference gave a call for "Muzaffarabad Chalo" which found a wide support base in valley. "Social and trade organizations and student unions like JKCCS, CCIK, KHAROF, Trade Union Centre, KU Students, and Kashmir Pandit Sangarsh Samiti fully backed the 'Muzaffarabad chalo' call" (Safvi, 2008) and termed the act of blockade as act of war. Hundreds of trucks loaded with fruits and other perishable items made their route towards Muzaffarabad, joined by nearly half a million people in their march to cross the LoC and use the traditional route for trade and commerce.

The Muzaffarabad Chalo was decided in consultation with Kashmir Fruit Growers Association and other bodies governing fruit industry in Kashmir. Earlier these associations had requested the PM Manmohan Singh for making a safe passage for fruit laden trucks which was not conceded in practice. On the way the government forces, dug the roads to stop the mass rally from crossing over the LoC near the Uri.

One of the senior Hurriyat conference leaders Sheikh Abdul Aziz was shot along with seven other peaceful protesters and hundreds were injured (Majid, 2008). On the next day, hundreds of thousands of people came out on streets defying curfew restrictions, protested against the killing of senior Hurriyat Conference leader, Sheikh Abdul Aziz and continuous economic blockade of the Valley by people in Jammu. More than a dozen people were killed including two women. Police, CRPF and Army troopers fired on many processions throughout the Valley, people complained the state has unleashed a “reign of terror” on peaceful protestors and at one instance CRPF fired on an ambulance injuring a doctor (Cops on Killing Spree: Majid, 2008).

It was for the first time in recent history of Kashmir Conflict that the two provinces Jammu and Kashmir acted opposite to each other. *Abdul Gani Bhat* in an interview said “The people rose in my opinion never against the transfer of land, but they got an opportunity and they seized it, grabbed it and raised slogans they have been raising from last 60 years, we want freedom. They never said we want land. When the order was revoked by the government people celebrated the occasion with the sense of victory. This didn’t go well with the people in Jammu and they reacted unnecessarily and unimaginatively. They implemented economic blockade which in terms of international law is an act of war. The people in Kashmir gave a befitting reply. If you choose to live separately in few districts which comprises of Non-Muslim population; go ahead do it, we have no problems. But now that you have implemented economic blockade, we have to live, we need an alternative route; we said *Muzaffarabad Chalo*, We needed an alternative market, we said; *Hamari Mandi Rawalpindi*” (Lone & Irfan, 2008). In my communication with *Addul Gani Bhat*, he said that it is the collective memory of years of denial, of repression, of fraud that Kashmiri people are deeply conscious about and any threat or perception of threat automatically connects and rejuvenates the demand for self-determination. These are memories of years of struggle, oppression and political subjugation that are bringing people together in collective action.

Kashmiri Action Committee in the following days reduced its objectives to four distinct demands: (1) the right to self-determination; (2) the opening up of all trade routes with Azad Kashmir; (3) demilitarization, by replacing Indian forces with U.N. troops and revoking the Armed Forces Special Powers Act and the Disturbed Areas Act; and (4) the release of Kashmiri political prisoners in Indian jails

(Tremblay, 2009: 943). The Pro-freedom leadership had a good bargain. They were running a parallel government; people conceded to their decisions and followed their calendars (programs). Hundreds of thousands of people participated in each of agitation marches in mid-August to protest against economic blockade and appealed for UN and other international organisations' intervention. Leadership in the valley repeatedly emphasised the need to conduct peaceful protest and didn't want the movement to derail on the lines of escalating violence like in 1990's. Despite varying goals, different groups under ACALT coordination committee presented a unanimous public agenda for Azadi to the outside world, though the ideological difference remained in the united front.

By the end of August, an agreement was reached between Hindu groups and government in Jammu and the agitation stopped. The status of Land would remain unchanged i.e. it will remain under governmental control and would be seasonally used by SASB for the conduct of pilgrimage. ACALT saw it as capitulation of government to Hindu groups and continued the struggle though peaceful means and finally the government at centre conceded to open LoC for trade which soothed the protestors coupled with the observance Ramadan (month of fasting for Muslims).

Though out the weeks of protest, *Hartal* (general strikes) and police violence, the Hindutva Publicity machine charged Kashmiris with committing every kind of communal excess, while the 500,000 Amarnath pilgrims completed their pilgrimage not only unhurt, but also touched by the hospitality they had been shown by local people (Roy, 2011: 59). To control the situation in Kashmir valley, the government had to impose a regional curfew for weeks, incarcerate the pro-freedom leadership in their houses, ban the local news papers and shut down the cable TV news networks.

Arundhati Roy, an international writer activist, is of the opinion that after eighteen years of administering a military occupation, the nightmare for the Indian government has come true. After declaring that Kashmir's militant movement has been crushed, India is "faced with a non-violent mass protest, but not the kind it knows how to manage. This one was nourished by people's memory of years of repression in which tens of thousands had been killed, thousands has been 'disappeared', and hundreds of thousands had been tortured, injured, raped and humiliated. That kind of rage, once it finds expression, cannot easily be tamed, re-bottled and sent back to where it came from" (Roy, 2011: 57).

#### 4.5. Second Uprising 2010

In yet another nonviolent uprising, a stir occurred all across the valley, protest and demonstration coupled with strikes shattered Kashmir for months. Kashmir shuts completely for more than 100 days. Pro-freedom parties had taken it in their control, issuing Protest calendars, to which people overwhelmingly complied. The State responded with repression, curfews and restrictions, leaving no space for the protests. The summer unrest concluded with the death of more than 120 peaceful protestors.

“Why, then, does the immense human suffering of Kashmir occupy such an imperceptible place in our moral imagination? After all, the Kashmiris demanding release from the degradations of military rule couldn’t be louder or clearer. India has contained the insurgency of 1989, which it provoked with rigged elections and massacres of protestors. The hundreds of thousands of demonstrators who periodically fill the streets of Kashmir’s cities today are overwhelmingly young, many in their teens, and armed with nothing more lethal than stones. Yet the Indian state seems determined to strangle the voices of the new generation as it did those of the old one. In the summer of 2010 soldiers shot dead more than a hundred protestors, most of them teenagers. The *New York Times* described these protests as a comprehensive ‘intifada like popular revolt’. They have a broader mass base than Green Movement does in Iran, or indeed than the uprising in the Arab world have enjoyed. But no colour-coded revolution is heralded in Kashmir by Western commentators. BBC and CNN don’t endlessly loop clips of little children being shot in the head by Indian Soldiers. Bloggers and Tweeters in the West fail to keep virtual vigil by the side of the dead and the wounded. The United Nations does not hold emergency sessions to discuss its response to the killing of scores of unarmed protestors.” (Mishra, 2011:1-2)

“Summer 2010 saw a new phase in India’s manoeuvring against Kashmir’s determination to decide its own future. Amid the civil society’s indefatigable uprisings in favour of Azadi in this third summer since 2008, the recurring use of violence by Indian forces has been deliberate; their tactics have been cruel and precise.”(Chatterji, 2011: 99) In a small time after the resurfacing of nonviolent resistance movement 2008, 2010 saw once again the people protesting the injustice



and breach of law and the arbitrary staged killing of three civilian revived the traumatic memories of last two decades. On the 30<sup>th</sup> April, army claimed to have killed three militants of Pakistani origin in Machil, a place near LoC in frontier district Kupwara. Soon it became evident through a video clip that it was a staged encounter where in a Territorial Army personnel and two others were arrested who in connivance with army had lured three youths, Mohamad Shafi, Shehzad Ahmed and Riyaz Ahmed, from Nadihal a place in Baramulla district to a border area and shot dead (JK fake encounter, The Hindu, 2010).

The incident triggered a widespread stir across the valley opening the traumatic memories of last two decades of Kashmir history. As the discontent and anger was pacifying, the Indian security personnel fired a tear gas shell at a student. Tufail Mattoo, a 12th class student inspiring to become a doctor while returning from the tuition centre was hit by a tear gas shell fired from a close range in Srinagar. Another teenager Wamiq Farooq was also killed near the same place in month of January. The eye witnesses had recorded that Tufail was returning from tuition and in mid way mild clashes between security forces and protestors were taking place. Police came chasing these young boys, and Tufail also ran for safety in to the nearby Gani memorial stadium where he received a tear gas shell in his head causing on the spot death (Teenager Killed, Ali, 2010).

After 2008 agitation the rape of two women in Shopian had resulted in strong protest throughout the year. The Shopian District was put under curfew for four months continuously. In 2009, two women, Asiya, 17 years and Nilofar, 22 years were found lying in a shallow stream in a high security zone between army and police camps. The first post-mortem conducted by local doctors first confirmed the rape and murder and then to disprove what had happened, a new investigation was held which overturned the initial finding (Roy, 2010). The cause of death of the duo was determined as drowning. A valley wide strike and protest that lasted months was held to demand justice for victims of such heinous crime. Shopian shutdown for nearly two months and the anger only magnified but was not addressed. The justice was not delivered.

Rekha Chowdhary describes three factors for the 2010 nonviolent uprising. First she sums up that the decline of militancy on ground has not led to any change in the state response towards the people. CBM's have not materialised up to the

expectations of Kashmiri people, no policy is constituted for political prisoners and under trial small offenders, violation of human rights continue, AFSPA is not revoked and the military presence is not reduced in the civilian areas. Second, the dialogue process initiated by Atal Bihari Vajpayee which was later continued by United Progressive Alliance (UPA) government was not effective and didn't engage separatists that gave sense of disillusionment to dissident leaders and people who thought that India is reducing Kashmir issue to economic packages and development issue. Third, the general scenario in the post 9/11 and Pakistan's internal troubles, Kashmiris felt that the issue might be put to backburner and the momentum created by the militancy might be dissipated (Chowdhary, 2010: 10-11). These modernist theorists focus on the immediate factors which drive a change in the movements based on the parameters of new social movement theories.

Declining militancy after 2003 and calmness in the situation in Kashmir was understood as penetration and win over of 'mainstream' politics at the cost of pro-freedom politics. The fissures in separatist politics and lack of vision for Kashmir resolution had some effects on their credibility but that didn't constrict the space for pro-freedom politics. The sentiment for Azadi has increased especially in the new generation in last few years mostly because the people have lost trust in justice system. The feeling of injustice is associated with each and every memory of recent past especially for generation which is born during the repressive years of violence. The new generation is armed with stones, music, graffiti, poems, social media and the inspiring ideas freedom and dignity borrowed from all over the world. The new form of resistance is perplexing for democracies to answer with; by and large Indian democracy is maintaining the old method of silencing the dissent by bullets. Parvez Bukhari an independent journalist from Kashmir writes that in a battle of stone versus gun, the new generation of Kashmir feels that "they have a moral advantage over the might of Indian state. " When I throw stones at soldiers, I know I'm staring death in its face. How else can I fight for justice without being called a terrorist?" Bukhari recorded a young protester saying in Srinagar (Kashmir 2010, Bhukhari ,2010).

Zafar Choudhury is of the opinion that New Delhi has not recognised the shift in separatist politics from older generation of 'separatists' to younger generation. Half of Kashmir's youth is under nineteen and "each one of them is more or less a *Geelani* into himself. They are separatists and more hardline than *Geelani* . Their stand on

Kashmir further hardens when the leadership both in Srinagar and New Delhi puts them in permanent confusion on the status of Kashmir and the future options” (Choudhary, 2010: 20).

Amitabh Mattoo, a professor of strategic affairs at Jawaharlal Nehru University in New Delhi and a Kashmiri Hindu says “We need a complete revisit of what our policies in Kashmir have been. It is not about money — you have spent huge amounts of money. It is not about fair elections. It is about reaching out to a generation of Kashmiris who think India is a huge monster represented by bunkers and security forces” (Polgreen, 2010). Polgreen also quoted the televised speech of the then Prime Minister Manmohan Singh giving an emotional speech for peace, “I can feel the pain and understand the frustration that is bringing young people out into the streets of Kashmir. Many of them have seen nothing but violence and conflict in their lives and have been scarred by suffering.”

#### **4.6. Strategic Opportunity for Nonviolence in Kashmir**

Nonviolence can be categorised in to pragmatic and principled. Principled Nonviolence often attributed to customs, tradition, moral and religious beliefs promoting nonviolence as means as well as an end. Based on this stand, violence is disallowed in any context throughout a plan of action. The concept of Kashmiriyat is synchronic with principled nonviolence. Kashmiri culture, attitude and behaviour as recorded by many historians is passive, docile and submissive. The pragmatic or strategic nonviolence is use of nonviolence or nonviolent political action based upon practical strategic requirements without relying on any commitment to principled nonviolence in all situations. It is based on use of proactive nonviolent strategies and actions to alter the status quo. Pragmatic nonviolence can be used in contexts where the principled nonviolence beliefs may or may not hold ground and seeing the situational factors pragmatic violence can change its strategies in accordance with the circumstances. The nonviolent upspring in 2008 and 2010 is a form of pragmatic nonviolent political action chosen by young people after considering the various factors. New generation is conscious about the global changes, their strengths and weaknesses and power of nonviolence in achieving their political objectives.

Peoples Democratic Party (PDP) as a political tactic withdrew support from the Congress led coalition government on 28 June 2008, demanding the then Chief

Minister Ghulam Nabi Azad to revoke the land transfer order. Earlier National Conference MLA Mir Saifullah alleged that PDP minister Mazafar Baig was directly involved in the land transfer to Amarnath Shrine Board. PDP government totally refuted the claim and said that their minister had only given an opinion "for non-application of Supreme Court guidelines and Central Forest Act in the transfer of land to Railway which has been used as opinion for transfer of land in that case" (Mir Saifullah Blames Baiq,2008).

Congress couldn't show its majority on the floor and on 7<sup>th</sup> June Congress government decided to step down. Here we can assess the opportunity structures for mobilization between resistance (Nonviolent action) and superimposed authorities (structures). In the early days of mobilization against the land transfer, PDP in order to gain support and sympathy for the upcoming election sided with 'separatists' agenda. Since the coalition government had almost completed its tenure and state elections were scheduled to be held in the later part of year, PDP saw this as opportunity to emerge as a single largest party in the coming election. The chaos in coalition government which ran for many days gave the resistance movement enough opportunity to organise mass rallies and protest and gather in millions to show the solidarity for the cause. During the tenure both the parties avoided the risks of clamping down severe restrictions on peoples movement which were later on extended under the governor rule. Whatever were the interests of these parties, the pro-freedom leaders had enough space to organise the biggest rally in history of Kashmir. On 22 August, the coordination committee called for "*Eidgah Chalo*" a call for people of Kashmir to gather in ground meant for Eid (religious festival) celebration in Srinagar. More than one million people gathered in Srinagar to offer Friday prayers and prayed for freedom.

Thousands of vehicles including trucks, buses, mini-buses, personal cars and motorcycles carrying the people were leading towards Eidgah from all corners of the valley, holding black and green flags, chanting the slogans of Azadi. People on the roadsides in Srinagar had organised small camps to offer water and others essentials for the participants of this nonviolent protest. This was the fourth successful mass rally after "*Muzaffarabad Chalo*" on August 11, "*Pampore Chalo*" on August 16 and "*UNO Chalo*" on August 18. Due to jumbling and overcrowd of people, the Pro-freedom leadership could not deliberate to people but the huge gathering itself served

its purpose. Amid massive sloganeering by the people, Mirwaiz said, "People of Kashmir have given their verdict that they want freedom. They have spoken what they stand for. People have only one voice and one dream, which is complete Azadi," (Lakhs Pray for Freedom, 2008). Leaders also shed their differences and united on this occasion. *Syed Ali Shah Geelani* of Tehreek-I Hurriyat, Yaseen Malik of JKLF, Sheikh Muhammad Hassan of Jamaat-e-Islami, Mirwaiz Umar Farooq of Awami Action Committee, Moulana Showkat president of Jamiat-e-Ihlihadees, senior pro-freedom leaders Shabir Ahmad Shah, Nayeem Ahmad Khan, Moulana Abbas Ansari, Aga Syed Hassan, Azam Inquilabi, Shahid-ul-Islam, Saleem Nanaji, Javed Ahmad Mir, Mushtaq-ul-Islam, and Shakeel Ahmad Bakshi. *Syed Ali Shah Geelani* called on UN president to Ban Ki Moon to intervene in the Kashmir issue.

Militant organisation also maintained calm during the peaceful resistance. United Jihad Council (UJC), an umbrella organisation of various militant organisations, asked armed militants operating in Kashmir to silence their guns and participate in the peaceful rallies of the ongoing public movement. It further stressed the Pro-Freedom leadership to maintain a single stand favouring right of self-determination and freedom to counter India's propaganda.

The supreme commander of UJC, Syed Salahuddin, in an interview with a local news agency was quoted saying that there could be civil disobedience, in case, the Government of India failed to read the writing on the wall or the UN did not pay attention to the Kashmir issue. "The people of Kashmir have themselves raised the slogans of freedom and right of self-determination". Referring to the silencing of the gun during the during the people movement, Syed Salahuddin was quoted saying that "this decision had been taken unanimously by the constituent organisations. There would be no use of the gun or its exhibition during the public rallies so as to avoid any justification to the security forces to open fire on the public" (Take Part in Rallies, 2008). Azam Inquilabi, a former Militant leader, in an interview with author said that, "militancy has served its purpose, now the tide has turned to peaceful resistance. I left the gun for people of Kashmir and joined the peaceful resistance for resolution of Kashmir Issue."

Sanjay Kak, writers and documentary filmmaker on Kashmir says, "The point is that in Kashmir today, a new generation may have sensed that the kind of armed resistance that has characterized the struggle in the Kashmir valley for the last two

decades, has run its course, tactically.” Kak doesn’t see new form of resistance as a failure of armed resistance but more of a tactical shift. Last twenty years have taken a toll on Kashmiri people but it has also given them a collective memory of a national struggle. Young people who are in streets now, protesting non-violently were toddlers in 1990s and they have grown watching daily humiliation, murder, violence and repression. With these memories of violence and subjugation, the new generation is staunch and tough about the disposition of their future. “This summer they came out in huge numbers because they believed in the political goals of the movement, not because they endorsed non-violence, or rejected armed struggle” (Kak, 2013).

#### **4.7. Perceptions of Kashmiris Towards Nonviolence**

Most of the leaders concede to the point that armed phase of Kashmir movement has served its purpose in highlighting and reviving the movement to international limelight. Leaders of different parties have different conceptions about the rise of armed movement, its strategies and usefulness in Kashmir cause, but the leaders share the views about its unavoidable importance. In my interaction with Ashraf Sahrai, one of well reputed leaders of Jamaati-I Islami presently associated with Tehreek-I Hurriyat of Syed Ali Shah *Geelani*, he sees multiple factors for abrupt change of peaceful movement for right to self-determination to armed movement in late 1980’s. ‘Armed struggle was tried earlier too, by the groups like Al-Fatah, NLF, but it was on small level by small number of people. People were not ready, mass consciousness was not there that is why they would be tracked easily and their networks would be interned by enemies who sabotaged these movements. The armed movement in late 1980’s was a mass movements started by young people. At that time Afghanistan had ousted out USSR, which became one of the motivation for the youth in Kashmir to think that they can oust India out of Kashmir. We did not publicly support any armed group but it was implicit when our children went and picked gun, we were there for them. After MUF ceased, the movement was represented by different organisation and we organised once again to form a joint coalition called APHC to give representation to these groups and also create an atmosphere for the politically dealing with the issue.’

Prof. *Abdul Gani Bhat*, leader of Muslim Conference a constituent Hurriyat Conference Mirwaiz group, believes that Kashmiri people are sharp and critical of their strategies and they know how to face a giant state. “The sentiment in Kashmir is

deep rooted and alive. Those who had an impression that the freedom sentiment was suppressed and will not rise again were shaken by the episodes of 2008 and 2010 popular uprisings. The sentiment has transferred to younger generation to handle the today's politics". Reacting to the change of movement to nonviolence, Prof. Bhat said that "Kashmiri people understand and adjust to the political situation at hand. Indian rule is not acceptable and yet they recognise they are living with India. People react to circumstances, earlier people were up in arms, now they are raising slogans and in between you will see them at absolute political calm. For now the essence of movement has turned to democratic and peaceful means from 2008 and world recognises it."

Azam Inquilabi, leader of Freedom Front is adamant on the nonviolent struggle since his return to valley from Pakistan Administered Kashmir in mid 1990's. But he believes armed struggle will intensify if the Kashmir is not dealt and resolved with priority. Inquilabi believes that militants activity in Kashmir depends on the leadership in Pakistan, 'Nawaz is pacifist, if a leaders like Zia-Ul Haq<sup>4</sup> comes in Pakistan, armed struggle will intensify. Young people are ready to sacrifice their lives for the Kashmir cause."

*Syed Ali Shah Geelani*, Leader of Tehreek-I Hurriyat says that movement is alive from 1947; changes in strategy take place depending on the various factors including the situations. "We are peace loving people, we have no guns, bombs and bullets and pellet guns. It is India under the arrogance of military power that is killing young innocent boys and civilians in peaceful protests." He further adds that the future is unpredictable and it depends on the youths what strategies they will adopt, 'we ardently support nonviolent struggle to resolve the conflict of Jammu and Kashmir.'

#### **4.8. Street Protests and Protestors**

Stone pelting has become one of the common and powerful tactics of street protests in Kashmir since the 2008 nonviolent uprising. What motivates the young people with stones in their hands to face gun is not much explored question in

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<sup>4</sup> Muhammad Zia-ul-Haq, was the sixth President of Pakistan in 1978 after a Military Coup in 1977 until his death in 1988. He projected himself as champion of Islam and was motivation for many militants organisation which he supported.

Kashmir conflict. While personal accounts of some well educated youth give some insights into the context that forces the people and even some professionals to pick stone and throw on the Government forces. Hilal Mir Assistant editor Hindustan Times writes his experience of becoming a stone-pelter for a day. Moving from calm atmosphere of Delhi as journalist to Kashmir, he finds himself throwing stone, "I picked up a stone from the debris of a housing cluster burnt by CRPF soldiers in 1990 and hurled it at the soldiers, a few of whom were filming the stone-throwers with mini-cams. Caught, I could have been booked under the Public Safety Act and jailed for two years without a trial. I would have been jobless because no news organisation would have a felon on its rolls. But I threw more stones. As I was hurling the stones it felt like this was the only legitimate thing to do in that cursed place" (Mir, HT, 2010). A similar account appears from another writer Zahid Rafiq who throughout his life has been a pacifist but writes why he wants to be a stone pelter. While Rafiq believes that being witness to repressions, massacres and other day to day human rights violation at the hands of the government forces leaves no way for the people but to resistance. On a moral level, Rafiq writes that, "The Kashmiri boy believes the very act of choosing a stone as his weapon puts him on higher moral ground than the soldier" (Rafiq, 2010).

At individual level the Reasons may vary for the stone-pelters but a common pattern is found among the new generation that they are conscious of not involving into the violent forms of resistance and they see stone-pelting as symbolic way of registering their dissent at the same time soothing their anger by feeling that they have dispensed their duty which they feel they are morally obliged. While the Indian officials and media has tried to portray these stone-pelting youths as illiterate miscreants backed by Pakistan who act merely as paid agents of pro-freedom leadership thus think that unemployment and economic underdevelopment are major causes for such a dissent. Polgreen in her study observes that many of these stone-pelters are hardly illiterate. They organize on social networking sites like Facebook and create groups with names like "I'm a Kashmiri Stone Pelter." Polgreen records one young man who regularly joins protests and goes by the code name Khalid Khan has an M.B.A. and a well-paying job saying that "Stone pelting is a form of resistance to their acts of repression in the face of peaceful protest," he said in an interview. "I would call it self-defence. Stones do not kill. Their bullets kill" (Polgreen, 2010).



During my field visit to Kashmir, stone-pelters were reluctant to interact with researchers. However later on as an unofficial I got an opportunity to meet some of them by snowballing technique. The security and intelligence networks and close grip of state on the stone-pelters have created a suspicion that they believe by disclosing their identity, they will land in trouble. However after finding suitable leads, some of the stone-pelters spoke to researcher about their experiences. Adil, 19 year old hailing from downtown Srinagar, thinks throwing stones on security forces relieves his soul. Adil moves to another area for stone protest to evade police identifying and arrest him, "I will continue throwing stones against the occupation, it is the only way my protest is registered". Another young teenager, preparing for medical entrance on the condition of anonymity said that he participated in 2010 protest and also occasionally pelted stones on CRPF. "I couldn't resist young unarmed boys being shot dead by police and CRPF. I knew throwing stone is not a rational way to protest against the atrocities but there was no other way left." Some of young boys reflected that the idea of stone-pelting naturally comes to their mind when they see CRPF men deployed in theirs. Seeing government forces deployed in civilian areas gives them a sense of powerlessness and revives the memories of repression which forces many people to stone pelting.

Stone as a new weapon of freedom movement in Kashmir has taken good deal of attention. "Stones thrown even with the most power, have little efficacy when facing firearms with lethal capacity. But stones have a moral capacity to shock and disturb, especially when they become the weapon of choice for a people that seem simply unwilling to accept defeat, even in the face of all the coercive might deployed against them" (Four month Kashmir report,2011). Adfar Shah a Kashmiris sociologist Jamia Milia Islamia New Delhi writes that "The sociology of the stone pelting in Kashmir can be described as a culture that has been actually manufactured by a number of actors (both state and non-state actors). In their efforts to crush the dissenting voices and 'unlawful' congregations of people, security personnel create fear by shooting in air, waving their bamboo sticks, use tear and pepper gas, etc, (so far unprofessionally). People in sensitive and sentimental situations retaliate, finding nothing with them but stones to fight with... And when people shout, raise slogans or even pelt stones in anger, it also is a political communication and must be understood in a proper perspective rather than abruptly labelling or criminalising them. When

they form groups, virtual or real and write or speak against repressive statecraft, it is the people's political communication and must be listened to, debated and solved for the betterment of all.”(Stone pelting and Kashmiri Youth, 2014).

During my field visit, it was evident from my interaction with limited number of stone-pelters, the communication read that stone pelting is a symbolic gesture by youth towards the police and CRPF for unlawful treatment and repression of Kashmiri people. Stone-pelters are conscious that they don't intent to hurt or kill the forces but want to show their dislike and hate for them. Kashmiri Youth state that stone pelting is means of expressing dissent and rage, by a subjugated people whose other means of expressing political demands are systematically limited and denied.

A study (Behind the Numbers: Profiling those Killed in Kashmir's 2010 Unrest) was conducted by Centre for Dialogue and Reconciliation (CDL) a Delhi base NGO, to know the socio-economic conditions of the families of the people who participated in 2010 protest and were killed. It seeks the answer what motivates the young men and women to protest despite the use of force by the state. Out of 117, 97 cases of killing are profiled by this organisation. Out of 97 profiled cases, 34 are between the age group of 11-20, 44 are between 21-30, 16 are above 30 and 3 are between 5-10 years. More than 80% of the youth killed are less than 30 years old. 39 persons were students, 27 unskilled workers, 19 small business owners, and 6 govt. or private sector jobs. That means among the total killed 40% are the students. 76 persons among the killed had no political affiliation, 16 killed were casually involved in stone-pelting, 74 killed were categorically denied any involvement in stone pelting and protest, and 7 were involved in protests but not in stone pelting. Out 97, 35 were killed in protest marches, 51 were bystanders and caught unaware.

“A perception survey of Media Impact on Kashmiri youth” a research conducted by Navnita Chadha Behera records the following detail. It records 70% of the respondents get awareness by primary source of news and 40% from secondary, 60% read Local daily English and Urdu Newspapers while only 17% read national news. Out of the total internet user 28% use for social networking, 28% web news on Kashmir and 11% others news. This trend shows that Kashmiri youth are inward looking generation and their connectivity with India is very poor that only 20-26% of the entire valley follows the news on India (p.25). Also a significant point of departure from the years of armed struggle to nonviolence is that youth who

spearheaded the armed struggle, both Hizbul Mujaheddin and JKLF, viewed Pakistan as a "Friend, philosopher and guide and their single-most important patron for men, material and moral support against India. The present generation is not interested in Pakistan (p.27). Among the respondents 54 percent wanted Azadi (Freedom) and 25% sovereign and independent state of Jammu and Kashmir including AJK (Azad Jammu and Kashmir). Among the respondents only 5% are affiliated to some political party and 50% have never voted. Inference are made that media is a factor in shaping the perception of Kashmiri youth but not the only factor and the dissent is pervasive among the people at social and political conditions of life in Kashmir.

#### **4.9. India's Response to Nonviolent Action in Kashmir**

Indian state saw the real threat emanating not from the militancy but from mass protests and processions that symbolised a complete rejection of state authority. In order to deal with it, State thought up various means of coping up with the situation, except for political means which have been largely absent from the mix. A parliamentary delegation was sent to Srinagar in September to meet with representatives of the pro-freedom political leaders which helped in calming down the situation on streets. A 39 member delegation was sent to Kashmir to meet the leaders of different shades and know the opinion of different stake holders. However Moderate Hurriyat Conference leader Mirwaiz Umar Farooq, Jammu and Kashmir Liberation Front (JKLF) *Yasin Malik* and Hardliner separatist leader Syed Ali Shah *Geelani* , all rejected invitations to attend the all-party meeting in person in Srinagar and said that they have already issued a four point agenda. Later the delegation went to these leaders at their respective residences and on camera talks were held.

A memorandum was submitted by Kashmir centre for social and developmental studies reiterating to the members of Indian parliament to understand and address the political aspirations of people of Jammu and Kashmir in accordance with democratic principles and rule of law. "We also believe that you fully appreciate the fact that no credible democratic system can exist, nor can a people be expected to live in peace, under tight and humiliating military control, extra-democratic manoeuvring and undemocratic political and administrative systems" (A memorandum to all party: *The Hindu*, 2010). The memorandum urged India to embark on a two-pronged strategy. First the immediate measures for de-escalation and confidence building which includes release of political prisoners and other minors

booked for stone pelting etc, removal of bunkers and other security establishments from the civilian areas, indict the perpetrators of civilian killings, fake encounters, withdrawal of AFSPA, DAA, PSA and cessation of civilian killing and other human rights violations. The long term included trilateral engagement of the Pakistan, India, and Kashmir for resolving the dispute. It included a meaningful dialogue, trade and commerce between two part of Kashmir and time bound demilitarization of Kashmir.

The subsequent days, Prime Minister Manmohan Singh, sent a team of “interlocutors” to engage with all sections people in Kashmir and discuss way out and opinion of people in Kashmir to seek a political negotiation. The interlocutors consisted of a journalist Dileep Padgaonkar, academician Radha Kumar, and a former information commissioner M. M. Ansari. The group of interlocutors suggested a future-oriented approach that takes into account the strategic, political, economic and cultural changes in the Jammu and Kashmir viz-a-viz India. Apart from the social, cultural and economic recommendation, the reports suggested political recommendations which included review of All Central acts that have been extended to state of Jammu and Kashmir since 1952, replacement of the word “temporary” in Article 370 with “Special” and appointment of governor on the recommendation of state government. The report however failed to create enthusiasm in people of Kashmir and pro-freedom leadership had already kept a distance from it. Many People believed that the report is just a tactic of buying time and nothing else.

**Chapter 5:**  
**Conclusion**

## CHAPTER 5

### CONCLUSION

The genesis of Kashmir Movement can be traced from anti-elite, subaltern formation of 1930's, the establishment of Muslim Conference and then subsequently changing it to National Conference. Prior to the 1947, when the division of British India was yet to happen, the movement was directed at the Hindu Prince Maharaja Hari Singh who had oppressed and deprived a larger section of Kashmiris especially the Muslim Populace under heavy taxation, denial of jobs and hindrance in other social and religious practices. Partition in the British India coupled with indigenous rebellion in princely State of Jammu and Kashmir created a rare situation for the fate of Kashmir. On one hand, Maharaja had procrastinated accession to any of dominion (India and Pakistan) on 1947 virtually leaving it independent for many days. On the other hand, a local rebellion inspired from heavy taxation and repressive policies by Maharaja against the people took place in Poonch area of Jammu and Kashmir. To curtail the influence of local rebels, Maharaja signed instrument of Accession with India to get military support for his principedom thus gave the India control over the defence, communication and foreign affairs.

By this time, leader of these rebels Sardar Ibrahim Khan had declared independence for Muzaffarabad, Mirpur and Kotli areas now known by the name of Azad Kashmir. Indian forces prevented the Kashmir valley from falling to the hand of these rebels supported by a local Kashmir leader Sheikh Abdullah. Thus a stage was set where India extended control to Jammu, Kashmir and Ladakh provinces and Pakistan got Azad Kashmir which included Mirpur, Muzaffarabad and kotli under its control. The case of Kashmir was referred to UNO which by then was a newly established organisation for international peace and security. The UNO recommended a Plebiscite for Jammu and Kashmir. The referendum was not held but Kashmir movement which was earlier against Maharaja revived under the Plebiscite Front, which was formed after Sheikh Abdullah was removed from the political scene and jailed. The movement continued till Indira-Sheikh Accord was signed in 1975. As the Plebiscite Front was showing conciliatory approach by showing willingness to participate in elections, many new organisations came into existence to carry on the movement for self-determination (Plebiscite).

NLF which had earlier emerged out of the Plebiscite Front Azad Kashmir Chapter was changed to JKLF by *Amanullah Khan*. These organisations united under the MUF in 1980's to check the undue meddling of Congress and NC coalition into Kashmir politics. MUF was dissolved after the rigged elections in 1987 and the armed struggle was chosen a tactics for movement to resolve the Kashmir issue or at least put it on the limelight in international arena which the Kashmiris thought was put on the backburner. Within four years of the armed movement the political platform was revived by bringing together of various political and religious groups into APHC.

The armed movement which started in 1989 grew in intensity quickly within few years. The repressive counterinsurgency tactics used by State increased the militancy many folds, with many young people joining the militants' fight against India. Due to various factors the movement changed its form to nonviolent tactics within the next few years. There are number of factors related to this transition of the movement which we have deliberated in the previous chapters. Armed movements or insurgencies that receive external support significantly increase their capabilities and thus outlast the counterinsurgency for a longer time if not overthrow the regimes or achieve their objectives. A study conducted on 70 insurgencies revealed that the insurgencies which received external support lasted an average of 7 years (Horowitz and Shale: 2008). External support that sustains the insurgencies put tremendous costs for host states. The intensity of armed movement in Kashmir remained high till 1996-1997, on the pretext that the insurgency got external support from *Azad Kashmir* and also had a local safe sanctuary of ethnic kin.

Some of the factors which lead to rapid decline of armed movement are as follows. First, use of Disproportionate and Indiscriminate force by India against the militants in Kashmir: For India conventional military superiority was an advantage over the militants in the battle field with wider networks and huge deployments of forces which put the ratio of militants to Indian forces at fractions. Indian forces operations were augmented with many infamous legislation like DAA, AFSPA and PSA which gave them shield from prosecution in case of human rights violation committed by them. Since the militants were indistinguishable from the locals because of their indigenous origins, a huge causality of civilians was received at the hands of counterinsurgency forces. Militants could not heavily sustain to Indian forces, but held their positions on battle front for 7-8 years. By the mid of 1990's the

number of indigenous militants started declining and ratio of foreign militants increased inferring that the local youth were submitting to the repression and harsh counterinsurgency tactics.

Second, impact of counterinsurgency on Kashmiri's was devastating and there was no respite from the repression for a long time which caused social fatigue due to armed conflict. On the basis of various human rights reports, the immense violence against civilians during counterinsurgency operations and the violence by state that was intended to discipline ethnic base of the militants to stop them from supporting the militants achieved its objective. The recurring violence at the hands of Indian forces subjected at civilians was successful in disciplining and stopping many more young people from joining the militancy. When the costs of militancy became high for the Kashmiri people they started retreating back to nonviolent mode of political action.

Third, after the dissolution of MUF and the rise of armed militancy, the political representation of the Kashmir movement at the ground was almost absent. The growing need of giving a political voice to armed movement made these many political parties to come together under the APHC. APHC also became a platform for nonviolent political action by conducting strikes and other tactics and giving chance to negotiated settlement of the Kashmir issue. The unilateral declaration of ceasefire by JKLF and suspension of armed struggle also became the trending towards the nonviolence in mid 1990's. Infighting in militants and heavy onslaught of Indian forces on JKLF lead this organisation to change its path of movement to nonviolence.

Fourth, the changes in local governance after 2002-3 election by the new government, by showing resilience towards the civilians compared to previous government also lead to a decisive change towards the transition. The 5 years from 2003 became the launching pad for nonviolent popular uprising in 2008. The integration of STF and renegades into regular police was one of major steps taken by the government after a steep violence for more than a decade. Also the initiation of the composite dialogue between India and Pakistan coupled with the implementation of CBMs largely on Kashmir issue gave a deal to Kashmiri pro-freedom leaders and people to some extent. The opening of the Cross-LoC trade routes and initiation of bus service between Srinagar and Muffarzabad for civilian were icebreaking steps.



Fifth, incident of 9/11 and the war of terror had an impact on the *Jihadi* networks generally and some of the organisations were put on terrorist list also. Although the Kashmir's struggle for self-determination is recognised and none of the armed group fighting in Kashmir was banned, but in terms of logistics the armed movement in Kashmir had to suffer. The number of foreign militants also declined after 2003 which could be attributed to heavy engagement of these foreign militants in Afghanistan against the NATO forces.

The counterinsurgency in Punjab was designed to prevent the secession while in case Kashmir it was not only the secession but to prevent setting off of a dangerous precedent for other dissident states. On the other hand 'Kashmir stands as a symbol of secularism' for the Indian state by showing that the only Muslims majority state can pursue its aspirations within the federation. Thus the goal of counterinsurgency was to pre-emptively stop the armed movement from escalating and gaining more strength and become a threat for Indian union. Indian state was successful in controlling the operational spaces for militant activities by heavy deployment of armed forces in every nook and corner of the valley. Heavy presence of army and other forces made it virtually impossible for militants to carry out their offensives against the military installations. Tight grip by armed forces and involvement of huge networks of intelligence agencies made the militants activity rapidly decline. The involvement of the ex-militants as renegades to fight against militant networks made it easy for Indian forces to locate and target the militants. Thus a shift in balance took place between Indian forces and Militants reducing the militant activities to minimal.

The transition from the armed struggle to nonviolent political action depends on the overarching structural factors including the goals, ideologies, strategies and tactics. Militant action is not usually used as an exclusive strategy in isolation from other forms of the resistance. Depending on the condition of the asymmetric warfare, the groups may unilaterally embrace the means other than armed struggle for example JKLF adopted Gandhian nonviolent tactic by shunning its armed struggle in order to enter into peace-talks or for survival of the group. The groups may also use less contentious and more accommodative ways of the politics when the power differential in armed confrontation is high.

Transition in a movement to nonviolent tactics again depends on the opportunities for nonviolence. First, it depends on the ideological and strategic

commitment of a group towards the movement. Second, it depends on the political opportunity for launching a nonviolent resistance campaign. The popular resistance which started against the Land Transfer got enough space by the state institutions to mobilize and put forth their agenda and then ultimately shifting the demands from a small issue to original demand of *Azadi*. The institutional space created by PDP and Congress debacle that were engaged in blame game during 2008 Amarnath Land row, finally gave the movement enough space and time to organise and proceed with their agenda.

The ideological motivations and closed avenues of expressing the dissent have made the resistance even stiffer that people in Kashmir are adamant to live a life in resistance than to submit to the oppressive rule of India. The tolerant political culture of Kashmir has once again supported the nonviolence as a resistance tactic. Many people disagree with each other over the viability of nonviolence as strategy for Kashmir movement but they do it with peace and harmony. The feeling that emanate from repression e.g. disappearances, tortures, extrajudicial killings and other human rights violations gives strength to the indigenous *Azadi* movement. The Pakistan backing to armed struggle had given the Kashmir movement an external dimension with the involvement of foreign militants. However the present movement has gained its legitimacy by indigenous mobilization with its own voice.

Protest politics is the major tactic of the present phase of resistance movement. People come on streets in large number to exert the *Azadi* sentiment which authenticates the pro-freedom leaders and organisations to assert their position in front of Indian state. "The politics of street demonstrations succeeded in this latter task of rejuvenating the separatist sentiments in Kashmir can be witnessed in the transition of Kashmir's separatist politics in the post- 2008 period. The massive protests during the two phases of the Amarnath land row not only succeeded in initiating young boys into separatist politics, but also in bringing about a smooth generational shift. With Generation Next identifying with it and getting deeply involved, a fresh lease of life has been given to separatism" (Chowhary, 2010).

The choice of use of armed or nonviolent tactics in movement can't be restricted to a movement itself but to the whole context in which the movement is carried forward. While there may be instinctive choices specific to optimistic opportunities to launch armed struggle but there are strategic and pragmatic

consideration for nonviolence. The use of new forms of resistance like the *Safre-I Azadi* (journey for freedom) signature campaign, Mashal march, earth-writing, graffiti, dissent through drama and music e.g. *Haqeeqat-e kashmir* and use of social networking sites has amply changed the way the resistance movements are shaping their struggle. The uprising in 2008 and 2010 demonstrated the fact that the Kashmir movement, despite the use of force, didn't turn to violence rather continued its nonviolent tactics to show its pragmatic commitment to nonviolence.

However, seeing the hard approach of Indian state towards curbing the nonviolent uprising in Kashmir, many young people joined militancy again after 2008 and 2010. The state response has not changed towards the movement from 1990's to present. The killing of innocent people especially teenagers during the two protest uprisings has largely motivated some of the young people to take arms. The cases of personal accesses done to some protestors and their families by the police and other forces have also led some youth to join the armed struggle recently. This growing trend if not sorted can intensity by many more youth once again joining the militant's ranks. The withdrawal of NATO forces from the Afghanistan has also led to rumours that the many the militants who would be freed from battle in Afghanistan might turn towards Kashmir. Thus it depends on new opportunities and condition that are arising to shape the Kashmir movement in future.

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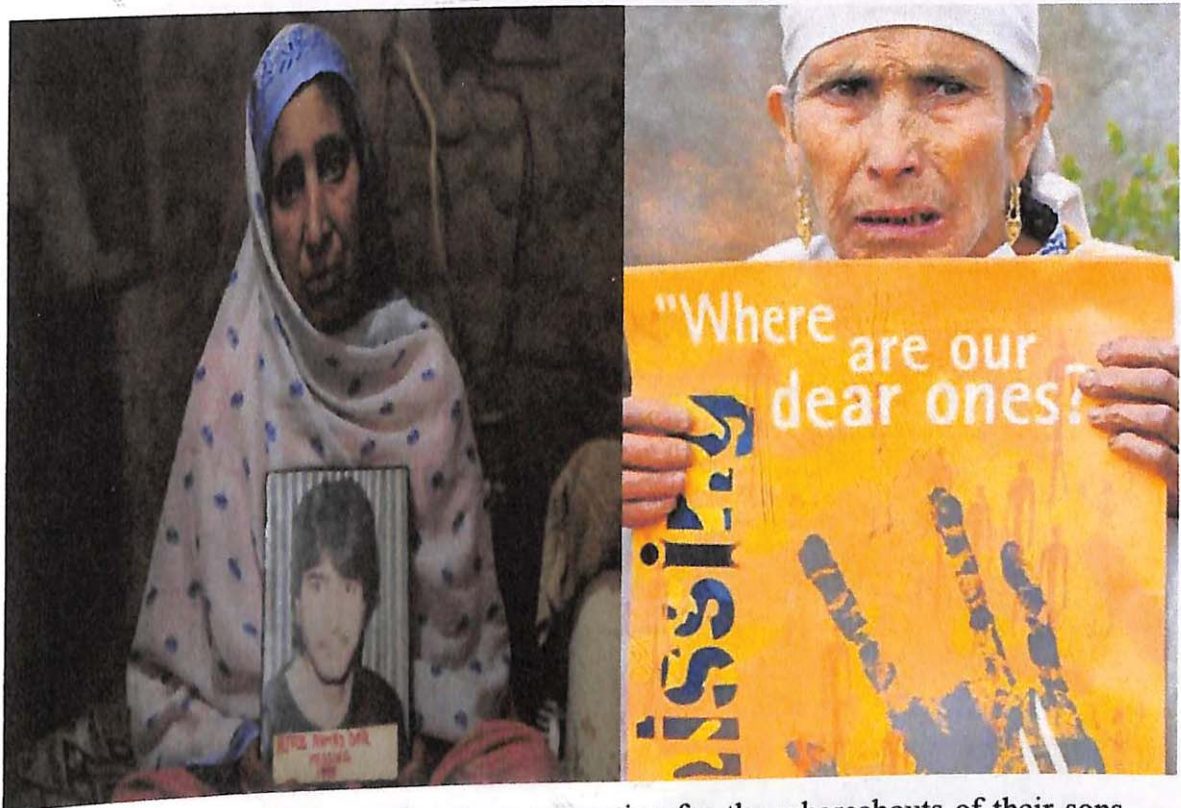
Documentary *Jashne-Azadi* (Celebration of Freedom) by Sanjay Kak

**Appendix**

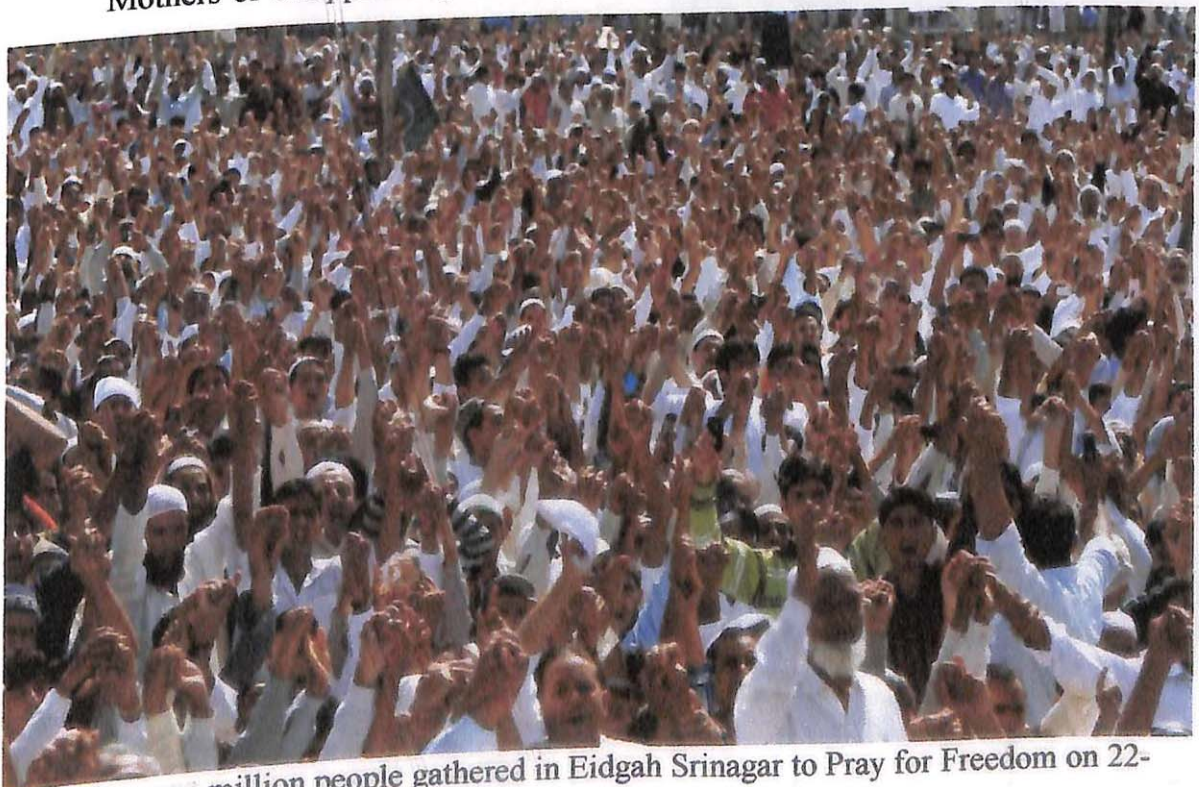


Appendix

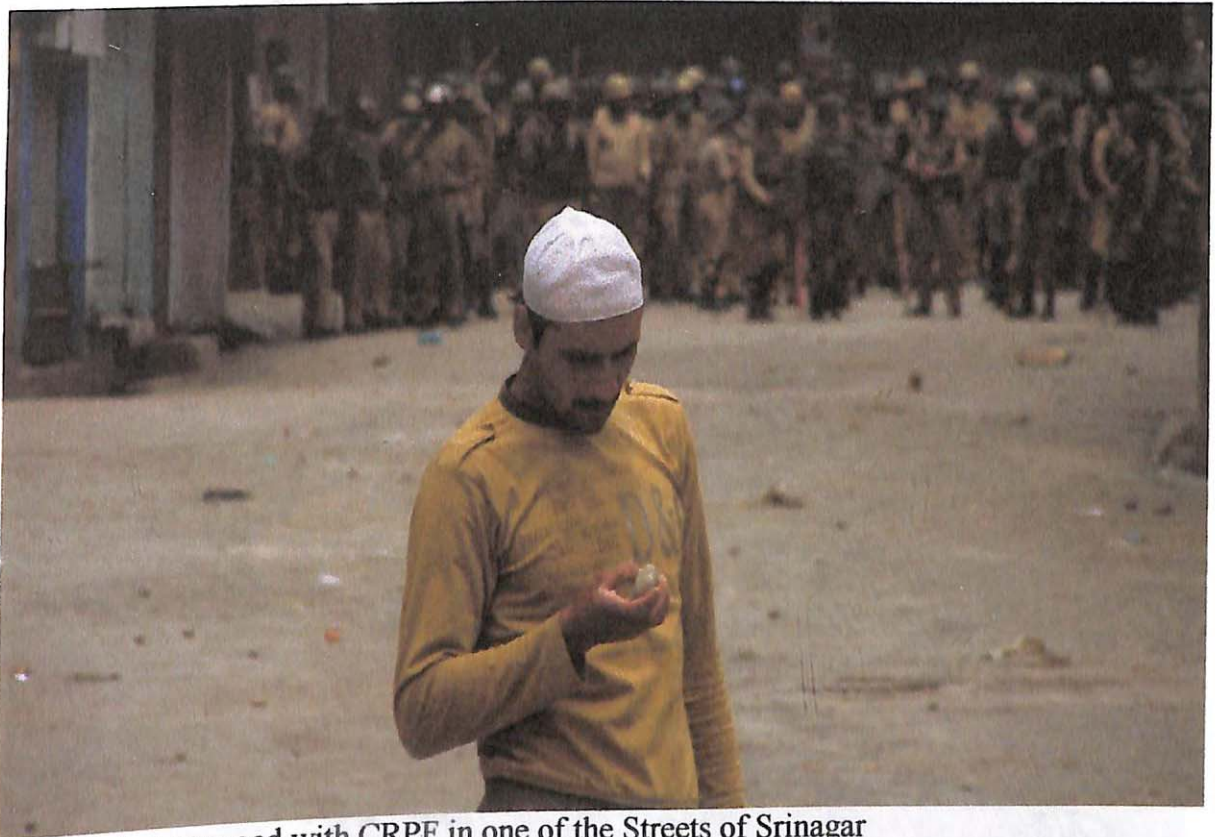
Photographs showing nonviolent protest and resistance in Kashmir. Collected during field work



Mothers of disappeared persons protesting for the whereabouts of their sons.



More than one million people gathered in Eidgah Srinagar to Pray for Freedom on 22-August 2008



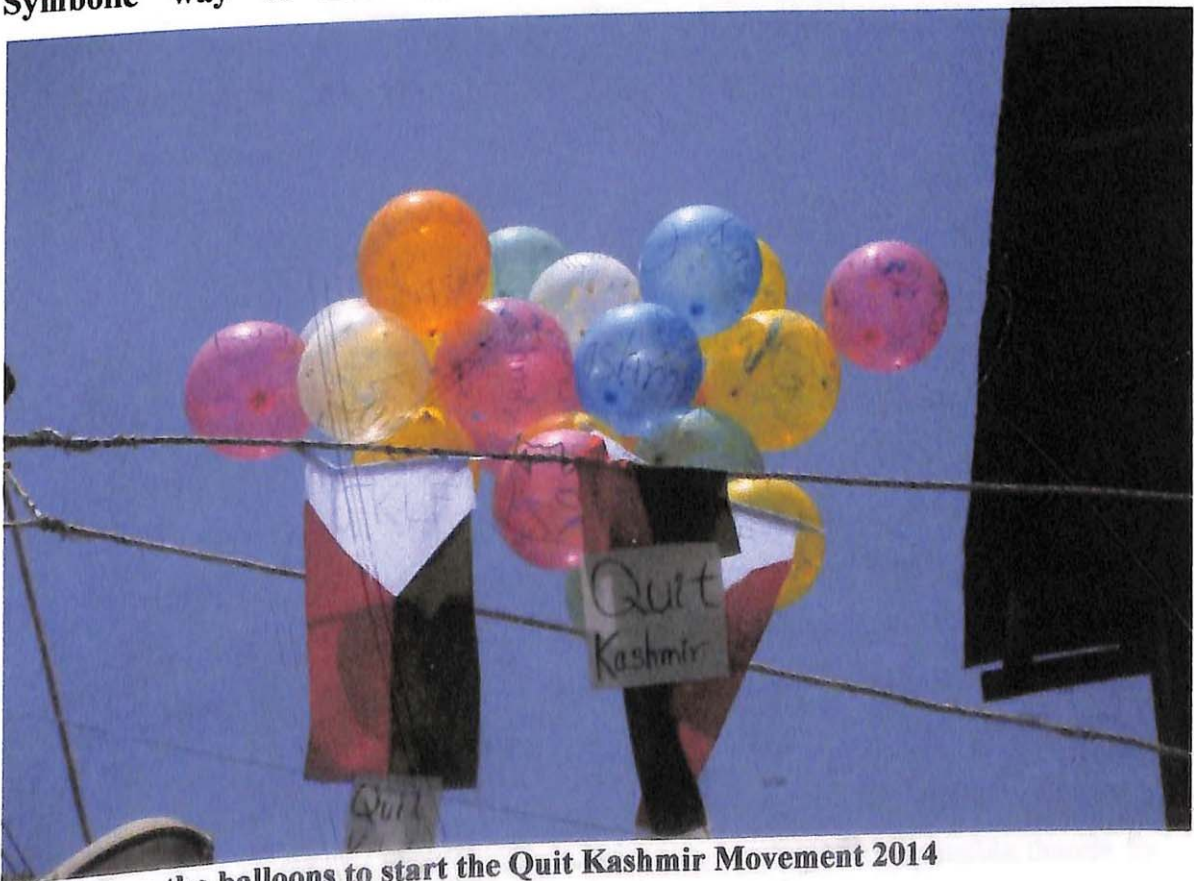
Stone-Pelter engaged with CRPF in one of the Streets of Srinagar



Music and Drama event *Haqeeqate Kashmir* organised against the Zubin Mehta's *Ehsaase Kashmir Music Concert*



**Symbolic way of nonviolent Action- inscription of Azadi on stones**



**JKLF flew the balloons to start the Quit Kashmir Movement 2014**

## INSTRUMENT OF ACCESSION

### **Instrument of Accession executed by Maharajah Hari Singh on October 26, 1947**

Whereas the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent 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 so 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, therefore, I Shriman Inder Mahinder Rajrajeswar Maharajadhiraj Shri Hari Singhji, Jammu & Kashmir Naresh Tatha Tibbet adi Deshadhipati, Ruler of Jammu & Kashmir State, in the exercise of my Sovereignty in and over my said State do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall by virtue of this my Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of Jammu & Kashmir (hereinafter 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 referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to 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 law 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 the State, then any such agreement shall be construed and have effect accordingly.
5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or the Indian Independence Act, 1947, unless such amendment is accepted by me by 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 which applies in this State deem it necessary to acquire any land, I will at their request acquire 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 of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.
7. Nothing in this Instrument shall be deemed to commit in any way to acceptance of any future constitution of India or to fetter my discretion to enter into agreement with the Government of India under any such future constitution.
8. Nothing in this Instrument affects the continuance of my Sovereignty in and over this State, or, save 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 construed as including a reference to my heirs and successors.

Given under my hand this 26th day of October, nineteen hundred and forty seven.

Hari Singh

Maharajadhiraj of Jammu and Kashmir State.

## ACCEPTANCE OF ACCESSION BY THE GOVERNOR GENERAL OF INDIA

I do hereby accept this Instrument of Accession. Dated this twenty seventh day of October, nineteen hundred and forty seven.

Mountbatten of Burma

Governor General of India.

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### SCHEDULE OF INSTRUMENT OF ACCESSION THE MATTERS WITH RESPECT TO WHICH THE DOMINION LEGISLATURE MAY MAKE LAWS FOR THIS STATE

#### A. Defence

1. The naval, military and air forces of the Dominion and any other armed forces raised or maintained by the Dominion; any armed forces, including forces raised or maintained by an acceding State, which are attached to, or operating with, any of the armed forces of the Dominion.
2. Naval, military and air force works, administration of cantonment areas.
3. Arms, fire-arms, ammunition.
4. Explosives.

#### B. External Affairs

1. External affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty's Dominions outside India.
2. Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British

subjects domiciled in India or subjects of any acceding State; pilgrimages to places beyond India.

3. Naturalisation.

### **C. Communications**

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.

2. Federal railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and services terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

3. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.

4. Port quarantine.

5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.

6. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.

7. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.

8. Carriage of passengers and goods by sea or by air.

9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

#### **D. Ancillary**

1. Election to the Dominion Legislature, subject to the provisions of the Act and of any Order made there under.
2. Offences against laws with respect to any of the aforesaid matters.
3. Inquiries and statistics for the purposes of any of the aforesaid matters.
4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the acceding State, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in or in relation to that State.



## SHEIKH-INDIRA ACCORD, 1975

### Agreed Conclusions

1. The State of Jammu and Kashmir which is a constituent unit of the Union of India, shall, in its relation with the Union, continue to be governed by Article 370 of the Constitution of India.
2. The residuary powers of legislation shall remain with the State; however, Parliament will continue to have power to make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and the Constitution.
3. Where any provision of the Constitution of India had been applied to the State of Jammu and Kashmir with adaptation and modification, such adaptations and modifications can be altered or repealed by an order of the President under Article 370, each individual proposal in this behalf being considered on its merits ; but provisions of the Constitution of India already applied to the State of Jammu and Kashmir without adaptation or modification are unalterable.
4. With a view to assuring freedom to the State of Jammu and Kashmir to have its own legislation on matters like welfare measures, cultural matters, social security, personal law and procedural laws, in a manner suited to the special conditions in the State, it is agreed that the State Government can review the laws made by Parliament or extended to the State after 1953 on any matter relatable to the Concurrent List and may decide which of them, in its opinion, needs amendment or repeal. Thereafter, appropriate steps may be taken under Article 254 of the Constitution of India. The grant of President's assent to such legislation would be sympathetically considered. The same approach would be adopted in regard to laws to be made by Parliament in future under the Proviso to clause 2 of the Article. The State Government shall be consulted regarding the application of any such law to the State and the views of the State Government shall receive the fullest consideration.

5. As an arrangement reciprocal to what has been provided under Article 368, a suitable modification of that Article as applied to State should be made by Presidential order to the effect that no law made by the Legislature of the State of Jammu and Kashmir, seeking to make any change in or in the effect of any provision of Constitution of the State of Jammu and Kashmir relating to any of the under mentioned matters, shall take effect unless the Bill, having been reserved for the consideration of the President, receives his assent ; the matters are: -

- a. the appointment, powers, functions, duties, privileges and immunities of the Governor, and
- b. the following matters relating to Elections namely, the superintendence, direction and control of Elections by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage and composition of the Legislative Council, being matters specified in sections 138,139, 140 and 50 of the Constitution of the State of Jammu and Kashmir.

5. No agreement was possible on the question of nomenclature of the Governor and the Chief Minister and the matter is therefore remitted to the Principals.

**Mirza Mohammad Afzal Beg**  
**G. Parthasarathi**  
**New Delhi, November 13, 1974.**