

**DYNAMICS OF NONVIOLENT POLITICAL MOVEMENT
AND PEACEBUIDLING IN KASHMIR**

A Thesis Submitted

To

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Degree of Doctor of Philosophy

By

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DEPARTMENT OF PEACE AND CONFLICT STUDIES AND MANAGEMENT

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SIKKIM UNIVERSITY

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- **Waseem Ahmad Shah**

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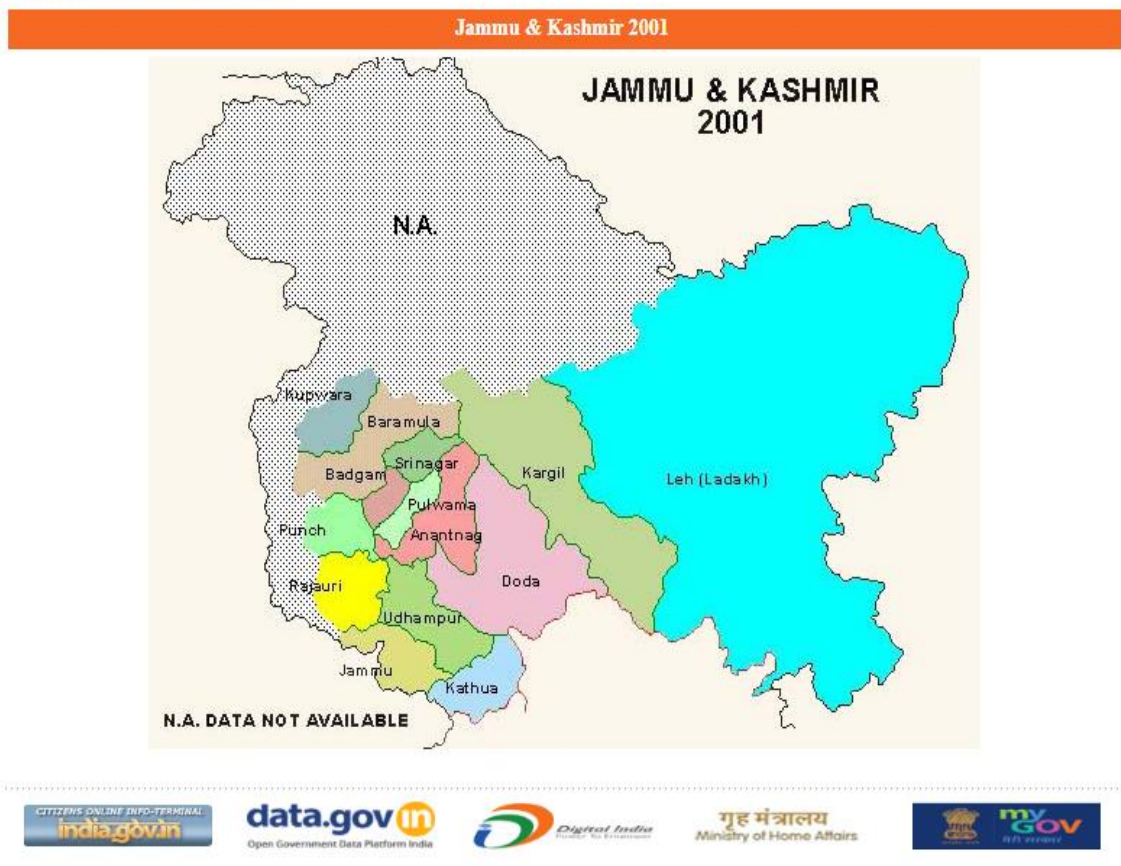
Abbreviations

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

| | | |
|-------------|---|--------------------------------------|
| PDP | - | Peoples Democratic party |
| PSA | - | Public Safety Act |
| RSS | - | Rashtriya Sevak Sangh |
| SASB | - | Shri Amarnath Shrine Board |
| SASS | - | Shri Amarnath Sangarsh Smriti |
| STF | - | Special Task Force |
| TeH | - | Tehreek-I Hurriyat |
| UJC | - | United Jihad Council |
| UPA | - | United Progressive Alliance |

Description: Map of Jammu and Kashmir

Jammu & Kashmir 2001



Source: http://censusindia.gov.in/maps/State_Maps/StateMaps_links/j_k.html

Accessed: 10/10/2018

1.1. INTRODUCTION

In late 1980's, the Kashmir resistance movement envisaged on the armed path. The armed rebellion initiated by the youth of Kashmir especially the political activists associated with various mainstream parties spread at a fast pace for two reasons. One, India relied heavily on the military response than a political outreach to curb the small-scale armed rebellion and escalated it to full-blown armed insurgency leading to even greater youth mobilisation towards the insurgency. Second, it got a good support from Pakistan in Pakistan Administered Kashmir where training camps were immediately established and weapons were provided to the new recruits. The rebellion initially spearheaded by Jammu and Kashmir Liberation Front (JKLF) was working under the secular nationalist agenda, which was shortly overtaken by Hizbul Mujaheddin (HM), a Kashmir based, pro-Pakistan militant group. The asymmetrical nature and disproportionate use of force, forced many of the indigenous militant organisations to lower the recruitment or give up the armed path. This gave impetus to non-local militant organisations based in Pakistan to increasingly participate in the rebellion. Year 2001 became a vantage point, when the whole international discourse on Terrorism following the Sept 11 attacks on Pentagon changed. Armed movement across the globe came to be seen with suspicion. Adding other local factors like war fatigue, India-Pakistan bilateral engagement, CBMs related to Kashmir and shift in counterinsurgency and governance, the insurgency de-escalated and the modes of popular participation changed to nonviolent means like strikes and protests. Kashmir witnessed three large-scale popular unarmed uprisings largely sticking to the tactics and ethics of the civil resistance. First popular uprising was witnessed in the 2008 which was triggered by Amarnath Land transfer and second in 2010 triggered by the Machil fake encounter. Third popular and longest in terms of duration and magnitude

was witnessed in 2016 after the killing of HM commander Burhan Wani, however, this uprising is not the focus of current study. While the shift in the resistance movement was materialised to a greater extent, no change in state structures like armed forces and exceptional legislations like AFSPA and PSA was witnessed. Taking state and its apparatus as enduring and consistent in their structure, matter and approach, the current study examines the behavioural aspect of the resistance movement and its dynamics. It particularly looks at renewed popular uprisings of 2008 and 2010 stressing on the role of state structures in the shaping the behaviour of dissidents and their substitution of resistance tactics between violent and nonviolent forms of expression. Second, it focuses on the repertoire of contention and social structures in giving meaning to dissidents for activism and how this repertoire becomes the connective social structure from which activist derive meaning. Third, an analysis of the Peacebuilding in/on Kashmir is done within a broader framework.

1.2. HISTORICAL BACKGROUND

Kashmir Resistance Movement historically emerged in the pre-1947 politics of Princely State of Jammu and Kashmir. Muslim Conference and later National Conference were fighting for greater representation of Muslim majority in the Maharaja's government with the anti-elite campaigns like Quit Kashmir and Naya Kashmir on the pattern of the Indian independence movement. To understand the genesis, gradual changes and current form of Kashmir Resistance Movement, it becomes pertinent to have an understanding of history and political developments in erstwhile Kashmir i.e. before and after 1947. The origin of Kashmir dispute or Kashmir conflict that is a major debated issue in South Asian and international politics in its latest manifestation can be attributed to the decolonization and

subsequent division of British India. When British rule came to an end, the subcontinent was engulfed in partition politics which resulted in creation of two countries India and Pakistan. There were roughly more than 550 princely states or principalities ruled by local princes and rest were under direct control of British Paramountcy. The politics around separate electorates for Muslims and Dalits had finally given rise to dissent between Indian National Congress and Muslim League which culminated into two nation theory. At the time of partition, all of these princely states were free to join either of the dominions through an instrument of Accession. Maharaja Hari Singh, ruler of Kashmir, a Muslim majority state was indecisive and delayed a timely accession. His procrastination of the Accession to either of the dominion till 15, August 1947 meant Kashmir was technically independent. However, both India and Pakistan continued to covet over Kashmir after declaring their Independence and forming respective states. The violence during the Partition of Punjab had a direct bearing on the developments in the princely state of Jammu and Kashmir. A local rebellion in Poonch against the Maharaja got intertwined with partition politics and turned into a prolonged war between India and Pakistan in Kashmir. A ceasefire was mediated by UNO which *de facto* divided Kashmir between India and Pakistan.

The erstwhile 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. This treaty is infamous for the reason of selling a nation and was most disastrous for people of Kashmir who lost all rights under this sale deed. Civil, political, and even the hereditary rights of people to their land were snatched. P. G. Rasool (2014:35) writes that this treaty was a Treaty of Dispossession. He further writes that Kashmiris lived under Double Colonialism;

British exploitation coupled with Hindu Dogra exploitation. 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) Subsequently successive Dogra rulers annexed more territories and joined these regions of Jammu, Kashmir valley, Ladakh, Gilgit and Baltistan to form the State of Jammu and Kashmir. 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”.

1.3. POLITICAL DEVELOPMENTS IN KASHMIR PRIOR TO 1947

The hundred years of the unbridled autocracy of Dogra rule was premised on the feudal structure and they tried till towards the end to suppress any modern form of governance. The precipitation of the events in the 1930s had at least the recent history from the Dogra rule established in 1846. College education which was started in 1890-1905 with the strenuous efforts of Annie Besant, had exposed many young minds to the political movements of Turkey, Ireland, Egypt, and other countries and the onrushing tide of democracy in the West, igniting the spirit for freedom (Bazaz: 1945: 136).

The immediate event which followed was the organization of Muslim Silk factory workers against Maharaja in 1924, which was suppressed by Maharaja’s army. This was one of the first events in which mobilization and organization of Kashmiri workers took place. The political mobilization 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). The growing demands by educated youth and the disposed peasantry forced the reading room group and Yuvak Sabha (a Pandit religious organization headed by Prem Nath Bazaz) to venture into politics (Bazaz: 1945: 152). A somewhat similar movement operational in the Jammu region was also 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. The substantive commonality 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. It was the massive popular upsurge after a fiery anti-Dogra speech by Abdul Qadeer Khan at Khanqah-i Moula Shrine in Srinagar and later his trial in jail premises that unnerved the Dogra rulers. Maharaja’s forces fired indiscriminately at the people who had gathered to protests against the trial killing 22 and injuring many. Subsequently, mass demonstrations and protests turned violent and many persons were killed by Maharajas forces (Bahera, 2000:46). They were declared as the first martyrs in the Kashmir’s struggle for freedom. It was from this point that people actively participated in securing the democratic rule. Martyrs day is still celebrated on 13 July in the valley with the same passion. Continuing agitations and quelling by repression finally united the people mostly Muslims in Kashmir to form the first political organization called All Jammu and Kashmir Muslim Conference in 1932. Muslim Conference was widely supported by people in valley especially by the

clergy, trading class, industrial laborers, artisans, and peasantry. They demanded a bigger share in civil services which were dominated by Punjabi's mostly, land ownership and waver in the land revenues, better working conditions, and recruitment of Muslims in the army. Other demands included Religious freedom and the return of Mosques which were confiscated by Dogra rulers. "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, the 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 exploitation and marginalization of the majority population under Dogra rule which organized the people in the valley.

The mode of political mobilization in different parts of the princely state was the sermons, especially after Friday congregations. When Maharaja banned such gathering in mosques in Kashmir, Mirwaiz Yusuf Shah¹ resisted against Maharaja's ruling and asked people to defy the government ban on meetings and participate in his congregations. Massive mobilization took place at this juncture of time, resulting in sporadic clashes with Maharaja's 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). Realization of this double control led to a perceptive change in many of local groups and vastly to the realization of the then Muslim Conference patron

¹ 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.

Sheikh Abdullah that they needed liberation from both British and Dogra rule. Many subsequent events were shaped by this realization.

The Glancy Commission which was set to inquire complaints of Muslims had earlier led to divide between *Pandit* and the Muslim community. They joined hands and protested together. 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 favor 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 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 Kashmir's politics in making the political leadership, especially *Sheikh Abdullah* understand the conflict in a different light" (Behera, 2000:49). After 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 by Jammu based Muslims.

Workers were organizing in labor movements, unions like Kisan Sabha, Peasant Association, and Silk factory workers union, students etc. Such developments with socialist outline led the leaders to think on secular lines and Shiekh Abdulla was influenced to see beyond the religious nature of political organization. The situation was demanding to focus on the exploitative nature of economic and political structures of the 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 Ahmadiyas, for example, while *Sheikh Abdullah* was in conflict not only with the Mirwaiz but also with the Ahrars and Ahmadiyas. Thus the chasm between the Kashmiri leadership and Punjabi Muslims deepened” (Bahera: 2006). On the contrary, Muslims, Hindus, and Sikhs of the national bend of mind were coming together and the working committee of the Muslim Conference had come up with a manifesto known as National Demand. It was remarkable change and after assurance against the apprehensions of Choudhury Abbas and Premnath Bazaz by Sheikh Abdullah, the name of Muslim Conference was changed to National Conference at a special session in June 1939 (Bahera, 2006: 17-18). “Abdullah, Abbas, and Bazaz solemnly declared that it would be most harmful and dangerous to bring the Kashmir Freedom Movement under the influence of any outside organization. It was decided that the organization should keep aloof from the Indian National Congress as well as the Muslim League” (Bazaz: 1945: 170). After establishing the National Conference, Abdullah launched the “Quit Kashmir” campaign, in a similar way the Indian National Congress ran “Quit India” movement against the British.

Sheikh Abdullah at a session of National Conference earlier in September 1944 adopted an elaborate socialist politico-economic manifesto known as *Naya Kashmir*. Its aim was to improve the living standards of his people who had faced exclusion and exploitation under the 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 a wide range of reforms to the princely state. The demands were to make the state of Jammu and Kashmir more constitutional, a 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. New Kashmir Manifesto, however, didn't mean that Dogra dynasty should leave the princely state but to change the system of governance. As Bazaz (1945:220) remarks that the document was envisaging the establishment of a communist state, "yet opportunistically enough, it guaranteed the perpetuation of the alien Dogra rule in Kashmir and gave the Maharaja a solemn assurance that he would continue to exercise the right of general control over the administration of the State".

1.4. LOCAL REBELLION AND DEBATE ON ACCESSION

The event of accession on 26 Oct 1947 has legal and political importance to Kashmir conflict. Partly because many of the events built around Accession are disputed and partly the act in itself is deeply connected to historical roots of modern-day Kashmir conflict. Maharaja of Jammu and Kashmir had procrastinated the Accession to either of dominion for 52 days against the scheduled date of 15 August 1947 (Rasool, 2014:65). This time frame was important for political and military development in the region. The Prime Minister of Kashmir sent two identical telegrams to India and Pakistan on 12 August 1947 requesting a Standstill agreement on all matters that existed prior to British withdrawal. Pakistan responded by agreeing to it by 15 August and India asked for a discussion which Government of Jammu and Kashmir was unable to do due to prevailing local political disturbances. Pakistan was formally given charge of running the state's post and telegraph services and supplying the population with various essential commodities (Bose, 1991:26).

During this time "a major local revolt against the Maharaja's authority developed among Muslims in the north-western Poonch area of Jammu" (Bose, 1997:26). The

Poonch revolt spread to the whole of Jammu and Kashmir in subsequent days. This armed revolt and arrivals of Indian and Pakistani armies shape the present reality of the divided State of Jammu and Kashmir. Maharaja claimed that the rebellion was Pakistani backed to justify the use of excessive force and call for support to quell the rebellion. Most of the scholarly debate has settled to indigenous origins of revolt.²

Rasool (2014) writes the revolt in Pir Panchal area was a reaction to the anti-Muslim policy of Dogra rulers and heavy taxes levied on them. Rumors and wrong information was spread that they were attackers but in reality, they were oppressed people. Local “no tax” campaign and Maharaja’s garrisoning of areas with Sikhs and Hindus escalated it (Schofield, 2000: 41).

From Poonch and Mirpur area, a significant number of Muslims soldiers had participated in the World War II. “After the war, the maharaja alarmed at the increasing agitation against his government refused to accept them into the 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 the 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 the wake of dissent in Poonch, the Maharaja's forces had taken arms back from Muslims in Jammu Province. It is claimed that these arms were redistributed to

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

Hindus and Sikhs in the area. 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 a resistance against and Sardar Abdul Qayoom started armed resistance from Nillabut area (Rasool, 2014:83). The Maharaja labeled this rebellion as infiltration from Pakistan. These people were local people who might have been joined by some raiders from others tribes from Pakistan because of kinship ties.

Snedden (2001:113-14) elaborates that the “Muslims from the Poonch Jagir, and Mirpur District, both located in western Jammu, then obtained arms from the North-West Frontier Province”. As he furthers his argument, it is said that “a large number of these men were former soldiers whose skills and experience had been gained in the Indian Army during the Second World War” (Snedden: 2001). These men used the arms in their defense against the communal onslaught. Disgruntled with the Maharaja, these men believed that Maharaja was conning with India and therefore, they decided to fight against ill designs and liberate the whole of Kashmir from the Maharaja's control. They took control of Mirpur and Muzaffarabad and proclaimed the independence for Azad Kashmir on 24 October 1947 while advancing towards the valley.

In the meantime, the communal situation had rapidly worsened in Jammu. 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 organizational 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 neighboring 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). The Jammu Massacre has not been part of mainstream academic and political debates primarily for two reasons as Snedden (2001:112) cites. First, the massacre caused a "chain of events which produced the Kashmir dispute" and second, it might have slipped through the history of violence in neighboring Punjab during the partition.

Essentially the nature of 1931 uprising and Poonch rebellion can be traced to the social, economic and political deprivations of the subject populace under the hundred-year rule of Dogra Maharajas. The political formation in the events of 1931-32 and 1947 was only an expression of various kinds of the demands by the subject population that culminated in Freedom Movements. The core of these political 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).

Jammu and Kashmir National Conference was one of the Kashmir’s largest political organizations with a mass base inside the valley. Much of the cadre base and the popular following were influenced by *Sheikh Abdullah*. Since MC and later NC became the representative's organization against the autocratic and repressive regime of Maharaja, it gathered the support of the “princely state’s educated younger generation of Muslims to eradicate 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. In this regard, Ayyengar, a Gandhist played an important role to rope in Sheikh Abdullah and advised him to “plunge headlong into the Congress ideology” (Bazaz: 1945: 183). It was also important that Nehru’s ancestors belonged to Kashmir and were a part of numerical minority Pandit community in Muslim majority Kashmir valley. On the other hand, Maharaja was procrastinating Accession probably to negotiate with Pakistani leadership to preserve his throne as he was witness to Congress’s disdain for the princely rulers (Bose, 2007:167). Further, on the side of Pakistan, it appears that the leadership had taken for granted the incorporation of Kashmir based on its Muslim majority character which was a principle criterion for partition.

When rebels declared Mirpur, Kotli and Muzaffarabad Free Kashmir (*Azad Kashmir*) and started approaching towards Srinagar, Maharaja Hari Singh 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 the valley for Jammu where he signed the Instrument of Accession with India. The timing and date of Accession are disputed in academic debates. Either it was signed on 26 or 27th of October in 1947. On 27th Oct, Indian army landed in Srinagar and was warmly welcomed by the National Conference leaders. The rebels had already entered the outskirts of Srinagar and for the next few days, the Indian army engaged the rebels forcing them back to Baramulla, Uri and then Muzaffarabad. Probably there was not much resistance towards the India army in Kashmir valley when they arrived. The reasons may be that “Muslims lacked enthusiasm for Pakistan. Muslims and Hindus in the Kashmir Valley shared the same ethnicity and were far more secular in their outlooks and liberal in their religious practices than co-religionists elsewhere. As a result, Kashmir Valley Muslims and Hindus were much closer to one another than to their coreligionists elsewhere in Jammu and Kashmir” (Snedden: 2001:116). As the Indian army’s onslaught on rebels was advancing, Pakistan also involved its regular forces to back the rebel position in Azad Kashmir.

Inside Kashmir valley, the Indian army got a good support from National Conference cadres making their operations smooth and successful. With their help, the military conquest paved a way for India to incorporate Kashmir into its union. The document of Accession while retaining the control and jurisdiction on all matters gave powers on foreign affairs, Defence, and communications to the Indian Union. Further, the instrument of Accession’s conditionality made ratification by the people of erstwhile

state mandatory. Such conditions were in the due course acknowledged in the form of Article 370 of Indian Constitution by extending the autonomy and special status to the state of Jammu and Kashmir.

Kashmir issue was taken to the United Nations by On 1 January 1948, accusing Pakistan of violating UN Charter and endangering international peace. United Nations sent a team for peacemaking and during the summer of 1948, the commission recommended ceasefire (Hilali, 1997:69). United Nations Commission on India and Pakistan (UNCIP) which was established to resolve the conflict implemented a ceasefire and truce in August 1948.

Sheikh Abdullah on his part saw the Constituent Assembly in Jammu and Kashmir which was convened in 1951 as a continuation of the 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 article 370 of the Constitution of India would be permanent and prelude to independence at a suitable time.

1.5. KASHMIR AFTER 1947

After the war was settled and United Nations was dealing with Kashmir issue, the General Council of the National Conference came to the conclusion that Jammu and Kashmir state for its political stability and administrative measures need to elect representatives for drafting a constitution for the state and also these representatives will act as legislature on the basis Universal Adult Franchise. The main agenda of the constituent assembly was to frame the constitution for the State of Jammu and

Kashmir and finalize its relationship with the Indian Union, the decision on future dynasty rulers and compensation for previous landowners who were affected by land reforms (Banzai: 1994:804). Since British Princely states were given the mandate to join either of the domain till 15 August of 1947 and most states signed their accession documents on three subjects i.e. defense, foreign affairs and communication and retaining powers on other modalities in their own hands. Within two or three years all of these princely states got completely merged with Indian Union except for Jammu and Kashmir. The pending status of the plebiscite and the politics surrounding it, Jammu and Kashmir didn't merge with Indian Union retaining her autonomy which was legally secured in the form of Article 370 of Indian Constitution. Communal events in Jammu where hoisting state flag was contested and popular mobilization against abrogation of article 370 played heavy on the secular ideology of Abdullah. He alleged and criticized India for communalism in his speeches and opposed any idea of applying the Indian constitution to Jammu and Kashmir. In 1952, Abdullah expressed his desire in the constituent assembly to form a republic within the Republic of Indian. Having opposition from the government of India, finally, Delhi Agreement was signed between J&K Government and Indian government and special status was accorded to Kashmir giving it internal autonomy.

Against the rising tide of Abdullah and the political rivalry in Kashmir, Bakshi Ghulam Mohammad, one of the leaders from the same party finally managed to garner a strong lobby against the Abdullah. "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

harboring subversive intentions” (Bose, 2007:189). From 1954 onwards the autonomy acquired through Delhi Agreement 1952 was slowly eroded by Centre through various measures aiming at integrating the Kashmir in all spheres of state.

The local collaboration was garnered through compliant politicians who acted as puppets regimes to New Delhi and extended support in lieu of holding the office. “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 only 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). For achieving the desired results, the policies from Centre were framed in such a way that local political clout was ready to subdue any reaction from the people. By raising and installing choicest puppets to the office, Centre managed to curb the civil and political rights of dissenters. Installing G.M. Bakshi as Prime Minister was one of such measures. He used force against dissident voices and managed incumbency against popular will.

Sheikh Abdullah was briefly released from the jail in 1968 and large crowds gathered to welcome and listen to him. He expressed his predicament to the gathering 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). First after the death of Nehru and now the dismemberment of Pakistan rendered his long hope fragile. He eventually realigned and concluded a rapprochement with New Delhi. Lion of Kashmir finally surrendered by signing the Indira-Sheikh Accord in 1975 and joined the conventional political channel of the state.

1.6. RISE OF PLEBISCITE FRONT

The rising discontent after Abdullah was removed from the government and jailed, simmered anger and frustration in his followers and the National Conference cadre base. It is said that only a handful of party workers were aligned with the new patron of the National Conference. The regime led by G. M Baskshi heavily came under the influence and dictates’ of Government of India. Widespread use of coercive measures was undertaken to maneuver and curb the sentiments of the people who rallied behind Abdullah and his Deputy Mirza Afzal Beg. In this tussle, the Constitutional and political motifs which formed the bedrock of political and legal relationship between J&K and GoI were downplayed. Abdullah supporters coordinated under the leadership of Mirza Beg who were looking for alternative space as institutions had not only been vociferously on denial but turned against them. Therefore, it was turning out that dissidents were left with two choices; either to be supporters of the Indian political malfeasance or organize under an alternate formation to mark their representative character. In response to this manifest closure of political process, Abdullah’s deputy Mirza Mohammed Afzal Beg established the Plebiscite Front in August 1955 to channelize and rally popular support for self-determination in an organized 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. Afzal Beg was also arrested but was subsequently released to "curb the sentiments from spreading further and also to legitimize Bakshi's rule among the Hindu chauvinistic forces of Dogras of Jammu" (Swami, 2007:32). Sheikh remained out of Kashmir's political scene for next 18 years after being jailed in 1953.

The continuous process of Centre's meddling into internal politics, sabotaging of local political parties and rendering the legitimate avenues ineffective for democratic political participation, a number of groups especially youth made the protests call for self-determination as their primary political objective (Sidiq, 1994, Cockell, 2000:330). One of such alternate organization formed during 1963-4 was the Jammu and Kashmir Youth League. It provided an alternate platform for the new generation youth to express their political views and a new activism that was not influenced by the Sheikh Abdulla's personality and leadership and they maintained a distance from Plebiscite Front. Afzal Begh seeing the youth activity also promoted youth group allied to Plebiscite Front, for example, Young Men's League and 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 and nominated Abdul Khaliq Ansari its president and *Maqbool Bhat* as its Publicity Secretary. The aim of this Plebiscite Front was the Liberation of Jammu and Kashmir. There was a schism among its ranks on the use of armed force leading to the split of the organisation. *Amanullah Khan* and *Maqbool Bhat* after the split established

National Liberation Front (NLF) on 13 August 1965 inspired by and organized on the model of the Algerian National Liberation Front.

During this time a small number of people were mobilized who went across the cease-fire line 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). And those who managed to sneak in were caught based on tip-offs from local people.³ This suggests that even though people had resentments and mobilized for self-determination but the general attitude for armed struggle during this time was negative. People either were waiting for transparency and strengthening of conventional political channels or deeply believed in nonviolent participation outside conventional political channels as a means to resolve the conflict. Meanwhile, 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 and escaped to Pakistan Administered Kashmir. Jailbreak 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 eventually elected as president of the Plebiscite Front. “In September 1970, the Popular Front for the Liberation of Palestine hijacked four jets

³ Interview with Hurrirat G chairman

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, carried the 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 a group on their own. While Pakistan claimed the hijacking was planned by India and Hashim Qureshi was tried in Pakistan. Pakistan gave the reason that India was planning to break the eastern part of the country and needed a viable reason for airspace blockade.

Sheikh Abdullah was acquitted from the conspiracy case after six years in 1964. Large unrest in Kashmir after the Holy relic⁴ episode had unnerved Nehru about settling Kashmir as an integral part of India. Bakshi was asked to step down after his value in furthering the Kashmir integration into India had lost appeal primarily by his corruption, venality and police state methods (CIA Special Report:1964:3). As a measure of liberalization of Indo-Kashmir relations, G. M. Sadiq was inducted as Prime Minister who proved to be another spineless puppet. The theft of holy relic had played heavy against the Bakhi regime and to handle such resentment even Sadiq was not potent enough for the prevailing situation. In these circumstances, Abdullah was released to bring about internal stability in Kashmir. Nehru and Abdullah had long been friends, shared ideology of secularism and cooperated over the political affairs. Ailing Nehru finally conceding to deteriorating situation wanted to bring about a political solution and asked Abdullah to visit Pakistan for a possible solution but his

⁴ A hair strand from the beard of the Prophet Mohammad (PBUH) preserved for devotional purpose

death left the Kashmir issue yet again unfinished. Abdullah returned midway believing to have lost the opportunity yet again. Prime Minister Lal Bahadur Shastri who had replaced Nehru was keen to finish what Nehru had left behind but he could not garner enough support and died immediately after signing the Tashkent Agreement. Sheikh was once again incarcerated after returning from a religious pilgrimage.

Beigh's Plebiscite Front finally left its long-held stance 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. Beg had expected the activists of the Students Federation and Young Men's League to help, but the Plebiscite Front was banned. The Central Government claimed that Front has links with Militant outfit Al-Fatah, "a group that thrived from the late 1960s until the war of 1971" (Swami, 2007:4). *Sheikh Abdullah's* finally reconciled with the Accession to India and gave up the idea of plebiscite. Sheikh Abdullah signed Indira-Sheikh Accord and returned to become the CM, thus accepting India Kashmir relationship to be guided by Article 370 of Indian constitution.

Plebiscite Front ceased to function which brought about disillusionment among most of its supporters. *Amanullah Khan*, leader of NLF in order to counter the unfavorable situation created by the Accord, founded a new organization 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 has 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 organization was that Kashmir is not a territorial dispute and maintained that neither India nor Pakistan has right over Kashmir. Behera (2000:170) writes that “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”.

1.7. INDIRA-SHEIKH ACCORD OF 1975 AND POLITICAL OPPOSITION

Jamaat-i-Islami and National conference were the two parties with a wide cadre base in Kashmir. Jamaat, a religio-political organization was allowed to hold its footstep in the valley in 1970s as “Congress strategy was to develop it as an alternate power center 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-i-Islami* sought to engage in the electoral politics of Kashmir, other underground groups started mobilizing against the Indian state. In order to settle for the change, the Jammu and Kashmir People’s League and the *Mahaz-i-Azadi* (Freedom Front) formed in October 1974 and 1977 respectively, became key political platforms for dissident supporters. “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 Accord of 1975 was seen as a closure to local politics by the people associated with a number of political groups in the valley. A large number of supporters of Plebiscite front and Abdullah now were realigning towards these new political formations. The leaders of Freedom Front such as Bashir Ahmad Bhat and Azam Inquilabi began to speak for armed struggle. Participation in the institutional politics started making no sense to the 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 *Nayeem 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 shut down. 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 a Congress candidate in 1967, 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). Things were turning against the much-revered Lion of Kashmir and Abdullah popularity had fallen to new lows.

1.8. EMERGENCE OF MUSLIM UNITED FRONT

Finding National Conference's politics and role deceptive many anti-Abdullah political parties started organizing in around 1986. These parties resolved together to form Muslim United Front (MUF) an amalgamation to check National Conference in the assembly elections. Maulvi Abbas Ansari's Jamaa-i-Islami was the core political organization of MUF and many other powerful parties like the 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 Center" (Schofield, 2000:137). The closure of the Plebiscite Front as a form of political expression in 1970's re-emerged as MUF in the 1980s. However, MUF was still a party working within conventional political channels and perhaps the last dissident organization that was working within the ambit of Indian institutional politics. The assassination of Indira Gandhi and the death of *Sheikh Abdullah* created a temporary political vacuum. Farooq Abdullah after internal party feud managed to inherit his father's legacy by capturing the Chief Ministers position; however, being young and inexperienced at the time, he could not replace his father in the spirit of politics. Cockell (2003) writes that political discontent at this time was rising more rapidly than during Plebiscite era.

MUF reached to all corners of the valley, their campaign was appealing, people responded well. MUF's religious tone to their political campaigns, large rallies and visible support on streets alarmed National Conference. Since it was the first challenge to the National Conference after returning to active politics in 1975, they got alarmed against the rising tide of local political forces against them. Fearing

defeat at the hands of rival conglomerate, 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 a democratic and peaceful method to bring the change. Nationalist Kashmiri youth started espousing radical means of politics. The workers of the Front coupled with cadres of the Islamic Students' League (ISL) who had campaigned for the elections were now disappointed and disillusioned. A substantial number of these youth along with some 'defeated' MUF electoral candidates soon went to Pakistan Administered Kashmir to receive training. "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). This opens a new chapter of Kashmir Resistance Movement in which a strong rationale had developed for the armed struggle as a necessary means to bringing about a solution to the Kashmir Conflict.

1.9. REVIEW OF LITERATURE

When conventional politics or the institutional politics, political violence or armed insurrections are not effective in bringing about desired goals, nonviolent political action or civil resistance become the alternate important mechanisms for social or political change. Adam Roberts and Timothy Garton Ash (2009) recognize such extra-conventional forms of politics in their work, "Civil Resistance and Power

Politics: The Experience of Non-Violent Action from Gandhi to the Present”. The authors contend that civil resistance has historically been prominent and in the recent decade, it has advanced the campaigns for decolonization, democratization and racial equality along with Worker’s rights, environmental protection, gender equality, religious and indigenous rights movements, preservation of cultures and political systems from external influences and different regimes against the against wars and weapons proliferation.

Martin Luther King (2008) claimed that nonviolent political action provides a middle path between acquiescence and violent resistance to the evil system. The acquiescence means to accept the injustice and segregation passively which is akin to saying that oppression is morally right similarly violence as a tool to achieve justice is also immoral. The nonviolent political action is not directed against the oppressor but against the oppression.

Schock (2003) explains that nonviolent political action is a “set of methods with special features that are different from both violent resistance and institutional politics”. Supplanted by Mark Garavan (2006) who defines the nonviolent political action as “collective action outside the formal institutions or procedures of the state that avoid the systematic or deliberate use of violence or armed force to achieve its political or social objectives”. Michael Randle (1994) use the term civil resistance to emphasise its character as “collective action on the part of ordinary citizens or civilians, outside the conventional political structures or organisations as well as avoiding the systematic use of armed force or violence by ordinary citizens or civilians, organising through civil society groups or social movements to achieve their social or political objectives”. Furthermore, the collective action involves popular

resistance to governmental policies or oppressive structures of state or government thus strengthening the capacity for popular power and popular resistance against oppression and injustice.

Mahatma Gandhi and Martin Luther King were associated with Principled Nonviolence however vast instances show that many individuals and groups use it for pragmatic reasons. Many times, these groups may not have awareness about the theory or practice of nonviolence, but the systemic or strategic considerations hone their tactics or techniques suitable for nonviolent political action. Gene Sharp (2005) elucidates that in many conflicts there are degrees of variation in people to have a prior knowledge about the technique of nonviolent political action.

Principled nonviolence as understood through ahimsa (non-harm) or agape (benevolence) requires a willingness to accept suffering without inflicting harm or suffering upon the other. The principle of voluntary acceptance of suffering thus transmits that only those who employ nonviolent political action suffer negative consequences of their actions (King:2001). It is the opposite of armed struggle or armed resistance where the maximum damage is put on the enemy and minimize the damage on oneself. Thus self-suffering triggers the conversion, therefore suffering is not only a risk but a weapon (Sharp: 2005).

Pragmatic nonviolence according to Gene Sharp(2005) is contingent on action rather than beliefs, principles or ideas. In many cases people who believe violence is perfectly justified in moral or religious terms, yet they choose nonviolence for pragmatic reasons. Civil resistance or nationalist movements use nonviolent methods for practical and strategic reasons when formal or institutional mechanisms are unavailable to deliver the objective and the opponents military or material strength is

overwhelming for example governments or the regimes have all the state resource at their disposal.

STATE AND NONVIOLENCE

In the theory of nonviolent political action state has a central role by virtue of having a monopoly over the use of legitimate violence to enforce order and security. Nonviolent political action has a significant interrelationship with state and operates within the constraints of the state as an organization seeking for a change, for example, making government more democratic, protect human rights, social order or ensure security from internal or external threats (Atack, 2012). Tolstoy's christen pacifism rejected the centralized, hierarchical structure of state as a form of political organization and Gandhi recognized its role in rule of law while Gene Sharp promoted the concept of Nonviolent Political Action as valuable means of mobilizing popular resistance against the centralized power and authority of the state (Atack, 2012). According to sharp (2012) "the combination of bureaucracy, police, prisons, and military forces, all under a single command, makes possible the turning of that combined State power from the serving the members of the society to control, repression, and on occasion, war, against its own population". States justifies the legitimate use of violence for the purpose of self-defense and law enforcement but such institutionalized and centralized violence is often used for other benign purposes.

COLLECTIVE VIOLENCE

McAdam argues that non-institutional protest was long considered as pathological (plural prejudice) as political systems possessed sufficient expressive channels which protestors evaded simply because they were irrational contrary to this, "political

process and contentious politics approaches have problematized and shattered the assumption; actors engaging in contentious, non-institutional collective action are not irrational; instead their departure from the proper channels reflects systemic channel deficiency” (McAdam: 1999).

Wieviorka (2009) counterpoised violence to conflict by propounding that when people fail to adequately express their grievance or the state is unable to be responsive, a reform deficit leads to conflict and eventually collapse, but key element that needs to be extended is disruptive propensity (potential of contentious actors to act transgressively) of conflict that changes from nonviolent conflict to violence. The space between disruptive deficit and reform deficit may lead to a great paradox when conventional institutional politics are no longer responsive to nonviolent political action and the disruption ultimately leads to violence. Emotions and relational nature of the nonviolent political action in a quest for meaning estrange from official politics and causal forces linked with emotions help in mobilizing the structures, frames, collective identity, and political opportunities.

Charles Tilly (2007) defines contentious politics as a form of collective action that challenges the existing social and political structures and practices and separates the violent conflict that shows special features to set them off from the nonviolent contention.

KASHMIR RESISTANCE MOVEMENT

Mahmud’s (2011) work focuses on the transformation of Kashmiri resistance from largely violent movement to peaceful resistance during 2008 and 2010 and tries to

look at the paradigm shift in the outlook of the struggle driving out external influences and highlighting the indigenous nature of the movement.

Navlakha (2010) emphasizes on state's precast parameters for looking at the new form of nonviolent movement that is dubbed as "agitational terrorism" or nonviolent terrorism by looking at the institutional interaction of state with the dissident population.

Tremblay (2009) makes an inquiry into ethno-nationalist aspiration and its resurgence in Kashmiri Muslim populace by evaluating the event of 2008 nonviolent uprising. The author draws a parallel between the 1989 insurgency and the 2008 uprising and also looks at the communal dimension driven from Jammu region that was reciprocated by the Kashmir valley.

Chowdhary (2010) commentary on 2010 uprising what she calls "Second Uprising" has focused on the participation dynamics of nonviolent resistance as a new form of resistance by the separatists that are now joined by youth, by looking at shrinking space for moderation especially after the rising discontent from 2007, misguided notions of 'normalcy' and assertions of youth in the movement.

Bradnock (2010) conducted a poll "Kashmir: Paths to Peace" for the first time on both sides of line of control (LoC) making an inquiry into perception of key problems for example the personal importance of Kashmir dispute, unemployment, corruption, poor economic development, human right abuse and Kashmir conflict itself. The report draws a conclusion that structural factors and shrinking political space form the dominant grievance in all the areas almost uniformly.

Centre for Dialogue and Reconciliation (2010) conducted a study on socio-economic conditions of victim families who had lost their family members in 2010 protests. The study also examined the processes of legal remedies provided that followed the death of these young men and women by profiling those killed during the protests. The report makes a substantive study into circumstances preceding the death of protest, how they died and circumstance afterward for the justice. In-depth profiling includes the age of the victim, occupation, educational background, family income, land ownership, areas from the victim hails, political affiliations, and involvement in protest or not, circumstances of death, access to information and FIR, compensation and legal redress.

Cockell (2000) has deliberated on the subaltern political nature of Kashmiri consciousness that connects the resistance movement from Kashmiri's struggle against the autocratic rule of Maharaja to present. His work deliberates on the various political formations up to the 1990s and their subaltern nature.

Roy in her work "Land and Freedom" amply connects the huge nonviolent protest demonstrations to what Syed Ali Shah Geelani, a prominent pro-freedom leader calls a non-issue in 2008 Amarnath land Row thus she ably sees the challenge that has emerged after the militant face of the movement is crushed. The movement has the "spontaneous energy of a caged, enraged people that has exploded on Kashmir's streets. Day after day, hundreds of thousands of people swarm around places that hold terrible memories for them. They demolish bunkers, break through cordons of concertina wire and stare straight down the barrels of soldiers' machine guns, saying what very few in India want to hear. Hum Kya Chahtey? Azadi! (We want freedom.) (Roy: 2008)"

Angana Chatterji (2011) writes that “summer 2010 saw a new phase in India’s maneuvering against Kashmir’s determination to decide its own future. Amid the civil society’s indefatigable uprisings in favor 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”. 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.

Other important works include Bose (1995), Ganguly (1996), Schofield (2000), Rasool (2014), Noorani (2013), Zutshi (2003) who have variedly worked on politics of Kashmir, the rise of armed insurgency, legal developments and history of Kashmir conflict

PEACEBUILDING IN KASHMIR

Current internal peacebuilding in India can be seen within the neoliberal paradigm, the development of institutions, local involvement in decision making and devolving power-sharing or autonomy to groups in conflict areas. As Pogodda & Huber (2014) elaborates that the Indian state over time has developed a distinct strategy of combining the security approach, development, decentralization and participatory governance and state- building as peacebuilding measures to address the conflicts in peripheries. In terms of security policy, the emphasis is drawn on the modernization of security setup and also reintegration of militants in Kashmir. Panchayat Raj Institutions are set up to ensure local political participation, physical and service infrastructure investments are made to ensure socio-economic development and promoting economic security. NGOs are also involved to ensure local involvement in

development, health, and education. Hence, the Indian approach towards peacebuilding in Kashmir reflects a liberal approach by focussing on development strategies.

By Conflict transformation approach, the societies are seen as a composite of the communities with intra and inter-group rivalries based on various issues. The issues that are frequently cited are group privileges, human rights, resource distribution, political aspirations, the interaction between religion and community life and collective demands. Pogodda & Huber (2014) explains that in the “societal sphere, conflict transformation aims to mend broken relationships between competing groups and change violent patterns of interactions into non-violent ones. Hence, the local societal sphere represents the primary relational dimension of conflict transformation approaches”. How the peace strategies that are devoid of local participation may not necessarily bring the transformation towards the nonviolence. The insurgency and counterinsurgency operations reshape the identities, power structures and general contextual relationships in a conflict for example huge human rights violations during 1990s in Kashmir turned the masses against the state and thus question the legitimacy of the state. Such kinds of state practices give vent to the narratives that forge collective identities to legitimize struggles against the state. Beek (2001) asserts that this identity-based denial veils the actors towards the collective resistance in Jammu and Kashmir Internal power-sharing arrangement what Lederach (2003) calls structural dimension of conflict transformation is associated with institutional reforms that foster nonviolent response in circumstances of developmental challenges, political alienation and self-determination demands i.e. internal (autonomy and self-rule by NC and PDP). Hence, curtailing these political rights itself gives rise to conflicts in situations where local political elite or parties are not empowered enough

to satisfy needs and aspirations at the grassroots level. Therefore a critical view of the context-specific individual, civil and political rights and policies of peacebuilding need a thorough scrutiny.

1.10. RATIONALE AND SCOPE

South Asian region is hosting many nationalist movements because of the diverse ethnic compositions of the states. Decolonization coupled with cartography in this region became a cause of violence as different ethnic, linguistic, religious groups and regional groups ventured for new states or greater power sharing in their respective states. This study focuses on one of the regions oldest conflicts i.e. Kashmir Conflict that dates back to the decolonization of British India itself. Though Kashmir is Muslim majority region, political mobilization has taken place mainly on the lines of a distinct Kashmiri identity. Over time, Kashmiris have witnessed greater infringement of their rights and political space because of the continuing rivalry between India and Pakistan. Pakistan's involvement in the conflict, local armed rebellion in the region and India's counterinsurgency, Kashmir represents an unending cycle of violent conflict. Chastised on the pretext of national security, territorial integrity, and disloyalty, successive governments in India irrespective of their nature have followed the policy of force to tackle the Kashmir Conflict. The decade of 1990s engulfed valley of Kashmir in violent conflict between Indian forces and local militants due to political malfeasance in the internal politics of Kashmir. It weakened the institutional politics process further as a mechanism for grievance redressal disturbing the peace dynamics in Kashmir and South Asia. In recent years, the political mobilizations have witnessed a transition from armed conflict to the civil uprising as primary tactical engagement with the state that forms the core of peace

and conflict studies i.e. ‘peace by peaceful means’.

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 a different reason. The main focus of the proposed research work will be on the nonviolent modes of political participation and how such processes operate in unconventional and extra-institutional spaces..

1.11. RESEARCH OBJECTIVES

1. To develop an understanding of nonviolent political action in Kashmir conflict.
2. To examine nature of the Kashmir resistance movement in shaping the tactics of contentious politics in relation to state structures.
3. To evaluate the processes of political participation and efficacy of nonviolent political action in contentious politics of Kashmir Conflict.
4. To substantiate the importance of the collection of works (plays, songs, graffiti, and other artworks) that an artist (resister) or organizations perform in a continuum or at intervals to shape the resistance against dominant narratives and institutions of the state.
5. To analyze the peacebuilding measures in Kashmir.

1.12. RESEARCH QUESTIONS

1. How are the state structures shaping the movement tactics outside the institutional framework?
2. Why and how people change their tactics rapidly between violent and nonviolent contentious politics?

3. What is the political significance of nonviolent political action in Kashmir Conflict that appraises the repertoires challenging existing form of governance?
4. How are the contributions of Indian Peacebuilding in Kashmir that changing the dynamics of Kashmir Resistance Movement?

1.13. RESEARCH METHODOLOGY

This study shall be based on qualitative methodology. Both primary and secondary sources of data shall be used to ascertain the claims and justify the historical development of the particular scenario of the conflict situation. Primary sources include reports by various local and international organizations, press releases and speeches by various political parties, art, music, and other relevant sources. Personal Interviews of Key stakeholders and experts on Kashmir conflict were used conducted to garner information, for example, influential leaders of main political groups i.e. National Conference, People's Democratic Party, Congress, BJP, Hurriyat Conference (M & G), JKLF, and some important leaders of other small influential parties. Further information was collected by interviewing different activists who are engaging in violent and nonviolent activism. The snowball sampling technique was used to reach out to this section of respondents who usually maintain anonymity because of security reasons. For the study of popular perceptions, questionnaires with a sample size of three hundred were collected by dividing the field of study into three zones i.e. south, central and north Kashmir.

The second part of the methodology included analysis of the stories, autobiographies, art, photos, music, poetry, and other form art and literature that revive, construct and disseminate meaning to individual and collective experience. This collective analysis was used acquire a deeper understanding of the ways in which

individuals organize and derive (frame) meaning from events in past and act in present and construct the repertoire of contention. This was used to understand how the connective social structures, repositories of memories and repertoires of resistance shape the consciousness of people for less intense events like Haqeeqat-e-Kashmir and Zubin Mehta's Concert. The effective framing of past events in the narrative is an important tool in which both active and passive, infused, latent meanings of the past can be understood.

1.14. CHAPTERISATION

CHAPTER I: ORIGIN AND DEVELOPMENT OF KASHMIR RESISTANCE MOVEMENT

This chapter gives a historical outlook on Kashmir conflict. A major focus is drawn on events of 1947, 1953, creation Plebiscite Front, Kashmir Liberation Front, their agendas, a decade of the 1970s, the emergence of Muslim United Front and insurrection of armed revolt in 1990s.

CHAPTER II: NONVIOLENT POLITICAL MOVEMENT AND ARMED CONFLICT IN KASHMIR

This chapter deals with the rise of insurgency and its different facets, the transition to nonviolence, dynamics of transition and its contextualization in Kashmiri ethos.

CHAPTER III: NONVIOLENCE AND PEACEBUILDING: THEORETICAL ANALYSIS

This chapter deals with theories of nonviolent political action and peacebuilding relevant to the present study.

CHAPTER IV: NONVIOLENCE AND POPULAR UPRISING: ANALYSING THE EVENTS OF 2008 AND 2010 MASS PROTEST

This chapter makes a careful analysis of Safre-i-Azadi (Journey for Freedom), event of 2008 and 2010 nonviolent popular uprisings. Further, a focus is drawn on the memories, art, music, and other forms of substance that narrate the tales and shape the day to day resistance activities in Kashmir and give rise to literary and verbal commotions as a resistance tactic, for example, Harud literary festival and Haqeeq-i-Kashmir.

CHAPTER V: INDIAN PEACEBUILDING APPROACH IN KASHMIR: FROM MULTILATERAL ENGAGEMENT TO NATION BUILDING

This chapter deals with various Peacebuilding measures that are taken by India for stabilization of Kashmir that include international, interstate as well as the internal measures.

CHAPTER VI: CONCLUSION

This chapter briefly outlines the summary and research finding.

2.1. INTRODUCTION

The pro-democracy, anti-monarchy freedom movement started in the erstwhile princely state of Jammu and Kashmir. The changing geopolitical realities, the partition of Indian sub-continent, internal political developments in Kashmir, and finally the international intervention sought by India and Pakistan, largely subdued the voices of Kashmiri own voice in the initial years. The pre-partition freedom movement resurfaced in an organized way in the aftermath of the division of Kashmir between India and Pakistan. The denotation of Kashmir as a disputed region under United Nations Organisation reaffirmed the confidence in the people. The incarceration of Abdullah and further relevant developments in this regard led to the creation of Plebiscite Front which became the first representation of political movement for the right to self-determination. The Indra-Abdullah Accord in 1975 closed this channel of politics which had a nonviolent lineage and people were sentimentally connected with it. Since this Accord meant that Sheikh surrendered the demand for the right to self-determination and accepted to run the state government under the Indian constitution, it didn't go well with its large cadre base. 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. Land reforms had relieved many people from the historical dispossession and oppression of feudalism, especially the older generation who were the direct beneficiaries. The growing influence of Islamic Movements across the 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 youths 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 only a single seat 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 the people. 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 descendants, who had fled Kashmir from 1947 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). Resettlement bill is still in limbo, caught between petitions and legal debates.

Farooq was carrying his father's legacy and was sensitive in forming an alliance with Indian National Congress which would have meant 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 against Farooq. Farooq was playing the card of Autonomy and protection of Article 370⁵ 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 favor 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 the national stage with seventeen parties in an organized conclave meet in Srinagar on 5-Oct-1983 to discuss Indian federalism and to form a real federation and limiting the powers of the center to influence the states. Andhra Pradesh, Karnataka, Tamil Nadu, West Bengal, 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: 1997). Indira Gandhi was herself into the drive of centralizing the federation and the three-day conclave led her to grave insecurity. This enraged her and thus a stage was set to oust the Farooq. In the coming days, chief justice of the High Court was appointed by center directly. In a Cricket match held at Bakshi Stadium, people hooted against Indian team and cheered for the West Indies and some Jammata-i-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

⁵ 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.

attributed to Farooq Abdullah. He was accused of patronizing the secessionists and anti-national elements and indulging in unconstitutional and undemocratic behavior.

Indian diplomat M. H. Mehte was kidnapped on 3-Feb, 1984 by Kashmir Liberation Army (KLA) in London and demanded the release of JKLF leader *Maqbool Bhat*. KLA was believed to have an association with JKLF. Maqbool, the JKLF ideologue, was charged with the killing of a police officer and awarded death penalty by a court in 1980. The Congress Government in reprisal for Mehte killing 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 were questioned and finally, Farooq was accused of providing space and training for Sikh militants (All India Sikh Students Federation). Having assimilated quite a huge baggage, Farooq was finally ousted by Governor Jagmohan. He personally ensured the defection of thirteen members of National Conference and Farooq was not allowed to prove the majority on the floor of the house (Naqash & Shah, 1997:130), a normal democratic practice. Finally, 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 Indira Gandhi. After the assassination of PM Indira Gandhi, Rajiv Gandhi extended his support to Shah till 1986. In 1985-86 incidents of communal violence started taking place and some violent incidents happened in the valley. Amid this mayhem, 26 members withdrew support from Shah and Shah was forced by circumstances to tender his resignation. Jagmohan imposed Governor's rule without dissolving the state assembly

which was followed by presidents Rule. Then after the assembly was dissolved in late 1986 and fresh elections were announced for 1987 which became a vantage point in the Kashmir resistance movement.

Various religio-political parties came together and formed the pre-poll alliance called the Muslim United Front (MUF) in 1986. It gained prominence as an alternate platform and NC and Congress perceived it as a threat. 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 voter turnout 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 chief of Hizbul Mujaheddin with name *De Guerre* Saladin was expected to win by a large majority from the Amira Kadal constituency also 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 visible and clear breakdown of conventional channels of political participation to an ethnic group finally led them to seek other ways of asserting themselves. As John Cockell (2000:319) theorizes that "where the state suspends access by nationalist minorities to the political process, militants often emerge to demand autonomy or secession by violent means". The decade-long

disarray in the political relationship between central government and state political elites ushered in a new politics, a politics by guns.

2.2. POLITICAL CONTEXT FOR ARMED CONFLICT

The emergence and rise of militant attitudes in otherwise a political movement of nonviolent lineage, it becomes pertinent to have a multi-dimensional understanding of the developments that might have led to such a change. To quote Ganguly (1996:80), he has analysed that “on the one hand, the developmental activities of the Indian government in Kashmir gave rise to accelerated political mobilization, making a younger generation of Kashmiris more conscious of their political rights and on the other hand, simultaneously, the government was also responsible for the deinstitutionalization of politics in the state, which drove the expression of political discontent into extra-institutional contexts”. It was the institutional denial and de-recognition of mass electoral participants premised on the unjust use of state power and democratic practice that caused a response similar but an opposite way i.e. the popular mandate started de-recognizing the state institutions. It is evident that “state institutional structures imposed on the premises that ethnic (popular) 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). Putting it into the context, the routine violation of the voting rights during the elections and on the other side watching people having a free exercise of their adult franchise in other parts of India certainly creates a sense of otherness. Sumit Ganguly (1996:83) attributes this to the expansion of education and mass media in the preceding decades of actual insurgency. The educated youth came to realize this distinction of maltreatment of

entire political group and resentment grew against the malfeasance and political meddling.

The event of 1987 elections convinced most of the young people that conventional political channels would not be made available by the Delhi sponsored political elite and passive political activism will receive the deaf ears. The jailing of the politburo of MUF and its internal dissensions and a new wave of radical activism led to its decline as a political formation. Developments on the side of radical activism emerged as a new phase of politics with the youth mobilized at 'Come What May' basis to serve as an alternative to the electoral process and institutional representation. Ganguly (1996:77) reiterates that "at a theoretical level it demonstrates the dangers states face when political mobilization occurs against a backdrop of institutional decay. It is the failure of governments to accommodate rising political demands within an institutional framework that can culminate in political violence".

Academician Sumantra Bose taking note of developments in the pre-armed uprising period gives a similar perspective. Understanding the relationship between the institutional politics and its availability for absorbing the dissidents politics he writes "a colossal and persistent democracy failure of Indian democracy, justified and rationalized through invocations of the 'interest' and 'integrity' of the Indian 'nation' by power hungry and self-aggrandizing elites, has, thus, engendered the struggle for 'self-determination' in Kashmir today" (Bose:1997:50). Bose bases his understanding on Leninist ideas to explain the advent of militant politics in Kashmir. The author deducts his argument from everyday life and political representation of the common people who derive meaning from their daily experiences of the state and the value of geographical and economic ties with India. The author contends that the sentiment of

secession or separation gets accelerated when the national oppression makes conditions of life intolerable and the economic benefits become the less effective rationale for the tolerance.

Sumit Ganguly (1996:78) work explains the sudden rise of the armed insurgency as well as its timing. His arguments are based on two sets of reasoning. One, the rising political mobilization that was taking place in reaction to changing political atmosphere and two the institutional decay that had made the political system unresponsive to the local political landscape. The rise and diversion of Nonviolent movement for self-determination into armed violence can be attributed to popular consciousness of political and economic discriminations, inappropriate means of grievance redressal, lack of institutional means of expressing the dissent and marginalization of popular leadership to address the issues as a method of breaking the status quo. The pace of radical political mobilizations for self-determination increased mostly after the 1970s, especially after the Indra-Sheikh Accord.

Continuing on the strand of arguments, John Cockell (2000:323) writes that the state and the ethnies (sub-national or ethnic group) frame their vocabularies that are contrary to each other. State uses its institutional language and the dissidents speak through values and sentiments and as a result, the dialogue becomes mutually exclusive leading to dysfunction of state apparatus and its acceptability diminishes in the dissident group. The inappropriate and defunct state apparatus create a space in which dissidence grows and as a result, the state ruling elite is left with no choice but to use oppression and coercion to subdue the dissidence. In the context of Kashmir, New Delhi approach to the electoral process, arbitrary implants, and dismissal of ruling elite with convenience, maneuvered power-sharing arrangement between the central

governments and local governments and the manipulation of the elections together created this feeling in Kashmiris that they will be perpetually marginalized in the asymmetrical power relation. “The outcome of this institutional-valuational opposition is that no mutually acceptable processual framework for even a preliminary consideration of dialogue can be arrived at, given that it is the very existence and practice of these institutions which is in dispute” (Cockell, 2000:323). From the academic analysis, it is the breakdown of state institutions which paved the way to the violent uprisings of the 1990s and Pakistan only exasperated it by supporting local groups across the line of control and inflowing foreign Islamist militants. To take Ganguly’s (1996:84) point of view in consideration, he emphasizes that if Kashmiris had been given the option of voicing their dissent through a fair electoral process, they would have been less likely to opt for the militant option of resistance. The demands of autonomy were admirably coped elsewhere in India but inside Kashmir, it presented a striking failure. To add to it, Sumit Ganguly (1996) writes that 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”.

Victoria Schofield cites Farooq Abdullah who attributed the alienation not so much to the ‘rigged’ 1987 elections, but to the failure of the government in Delhi to fulfill its promise to extend the economic incentives to Kashmir. Abdulla is quoted saying “we were unable to create jobs, to stop corruption. We were unable to provide factories and power generation stations” (Schofield: 2000:145). To this politically parochial and reductionist view Ganguly (1996:82) adds that 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”.

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 on Kashmir see the conflict as state’s institutional failure to channelize the popular grievances and base their assessment for the rise of insurgency on the rise of violent ethnoreligious fervor in 1989. This view undermines the essential linkage of the movement and its historical reality. “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 the armed insurgency was neither abrupt, nor related to religion, nor as directionless and purposeless as ‘fervor’ implies” (Cockell, 2000:325). To conclude, multitude factors in various capacities have over the period led to the change of the tactics of the resistance movement to armed conflict which has otherwise remained toed to nonviolent means since incept.

2.3. ARMED UPRISING AND POPULAR PARTICIPATION

During the period of 1987-9, some significant changes were taking place in international politics. The cold war was coming to an end and this period was marked by a wave of resurgent movements demanding nationhood or other collective rights.

Taliban backed by the U.S. had forced USSR out of Afghanistan which was viewed as a victory across the Muslim world. Taliban's success against USSR also acted as a precedent for many militant movements across the Muslim world that armed struggle was an effective tool to force the opponents out. As the USSR was collapsing, "various nationalities 'blinked in disbelief as statehood was theirs for the taking'. The instances of Romania and Afghanistan became a particular influence in 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 discontent from political exclusions and electoral malpractice in the previous two decades developed a rationale in conjunction with international developments for the armed rebellion. Especially the disillusionment with the institutional politics which was played down by the state in Kashmir made the situation ready for the angered and mobilized youth to look for an alternative.

A 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 was born (Behera, 2000:164). It started with four men, Muhammad Yaseen Malik, Ashfaq Majid Wani, Sheikh Abdul Hamid, Javed Ahmed Mir who joined the JKLF, an organization which was already active. They crossed the LoC into Pakistan Administered Kashmir for training. Known by the acronym HAJY (Hamid, Ashfaq, Javed, and Yaseen) group, they became the militant leaders of the organization and first armed guerrillas to declare 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 un-questionability of the group and the movement, beyond serving the motivation for youth participation in armed rebellion.

31 July 1988 marked the beginning of the armed movement in Jammu and Kashmir with the active involvement of JKLF. They 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 to limelight (Evans, 2010: 23). JKLF's origin at least dates back to 1970s when Ganga hijacking took place. But it had failed to garner much enthusiasm in the valley. *Amanullah Khan*, the then chairman of the JKLF alluded the failure to organizers who were not from the valley but Pakistan Administered 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 Dr. Rubia Sayeed from a hospital in Srinagar. Being daughter of a top-notch politician and Indian Home Minister Mufti Sayeed, she became a good bargain for the release of jailed militants. 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 in terms of reaching to the negotiation table and exerting power at the negotiating table. People welcomed it as a victory raising the morale of JKLF in public. Desmond (1995:5) writes that celebrations started in Srinagar, people came to streets which led to a clash with police and several people were killed in a police shooting. The CRPF along with J&K police started widespread house to house search operations and disturbed the

calm in localities of the city. “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 served as a governor in Jammu and Kashmir in 1980s replaced K. V. Krishna Rao on 19, January 1990. CM Farooq Abdullah resigned in protest for earlier treachery and rivalry on the part of Jagmohan (Farooq was dismissed arbitrarily by Jagmohan earlier in 1980s and it had created a personal antagonism between them). “Soon after the imposition of Governor’s rule, the people in Kashmir were administered a 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 a large number of peaceful protesters including women and children met at Gaw 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. The 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 inquiry 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 in Srinagar, leaving at least 130 unarmed

protesters dead. The eyewitnesses recall how the CRPF men moved among the dead, kicking and laughing, and searched to shoot if anyone survived the bullets (Wani, 2014). The onslaught of CRPF on civilians didn't go well with the local police. Some policemen also went on strike against such excesses and some clashes of policemen with Central forces were reported. 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" (Desmond, 1995:5). They demanded that the dead bodies be handed over to them. Such inter-forces confrontation stemmed from the Central force's trust deficit on local police and civil administration. Local officers were sidelined including IAS and IPS officers who couldn't be trusted for the new policy of the 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 smoothly with the people "I have come here as a 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). Before he was replaced, he had done significant damage and polarised the Kashmiri opinion by "insisting repeatedly that the security forces were blameless, and that there was by no means 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). As a veteran political commentator and human rights activist Balraj Puri notes that "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.

No institutional avenues available for civil grievances, people in Srinagar and adjoining areas rallied in tens of thousands towards United Nations Military Observers Group (UNMOGIP) to register their protests and demand international intervention, in February of that year. UNMOGIP has remained in Srinagar since 1953 as a Peacekeeping Observer Mission. By this extreme repression and lawlessness young men thronged armed rebellion and numbers increased. “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). The policy of using disproportionate force led tens of thousands of Kashmir youth to cross the line of control for arms training in Pakistan Administered Kashmir. Balraj Puri writes that “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 upsurge of support for the JKLF (Desmond, 1995:6). Jagmohan tenure was ended after the security forces fired and killed more than fifty civilians in the funeral procession of religio-political leaders Mirwaiz Maulvi Farooq who was assassinated in May 1990. Mirwaiz was well known for his leanings towards Pakistan.

There are views that the Jagmohan's iron-fist approach actually sabotaged Indian position and blew the small and localised insurgency into a full-scale armed conflict. "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. Increased frustration and anger at the prevailing situation, popular sentiment for Azadi came out, with young men joining and crossing over to the other side of Kashmir for weapons and training. Pakistan also extended support by providing logistics.

2.4. INTERNAL DYNAMICS OF MILITANCY

By mid-1990, the militancy was at its peak, throbbing crowds of a 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 who was sending the new recruits in groups for training to Azad Kashmir had an overwhelming response by the people. We were asked to come next month consecutively many times until it was procrastinated never to happen". By 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.

In the convening time with the change in the leadership of Pakistan, a new group Hizbul Mujaheddin was given primacy. Unlike JKLF's ideology of independent Jammu and Kashmir, the Hizbul Mujaheddin was pushing a pro-Pakistan stance. In an interview, Edward Desmond, Amanullah *Khan*, chairman of JKLF, had revealed that with the rise of Hizbul Mujaheddin, Pakistan turned its back on JKLF. The pressure and coercion were mounted on its top commanders and cadres to change their stand and 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" (Desmond, 1995:11). Bahera recounts that Pakistan realized that 'Kashmir Card' through JKLF had served the purpose. If it is further allowed to persist in its ideology of Independence and reunification 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 nationalist agenda of JKLF with a pro-Pakistan agenda. 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. The youth thought it necessary to carry the movement by any means and whatever ideologies will serve the purpose. However, on tactical consideration, several cadres of the Hizbul Mujaheddin have conceded to the fact 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 the 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-Fatah and Al-Jehad armed groups. Hizbul Mujaheddin was associated with Jamaat-I Islami, one of the core organizations of MUF which has been vocal of Pro-Pakistan sentiments. Most of these smaller groups advocated for the 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 a hundred and fifty such groups have been recorded during this time.

2.5. THE QUESTION OF PANDIT EXODUS

Kashmiri *Pandit* community, a small Hindu minority community indistinguishable from Kashmiri Muslims had a swift flight 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 use the term "exodus" to describe it. 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 the same community on opposite tables, at least politically. With the rise in political violence, armed nationalist started targeting of government officers who they saw as a threat to their movement. *Pandit* representation in the state services and at the higher position was significantly higher and some of them also became targets.

While some authors have tried to dig deep into finding the reasons for the exodus of Pandit in terms of the genesis of socio-political relations, power structures, and resources distributions. In terms of Kashmir's population share and their presence in power structures, for example, Kashmir had 65 percent of Muslim population in 1990 but only five Kashmiri-speaking Muslims were in India's professional civil service out of 22 senior-level officers, and the Valley's tiny *Pandit* minority was hugely overrepresented in Kashmir'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 demonstrations and mass rallies were all across the valley. The en masse participation was nonviolent but the underground movement of JKLF's armed campaign had also gathered 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 revitalizing and mobilizing the governmental and political institutions, he centralized 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*, by both *Hizbul Mujahideen*, a group which was in its infancy at the time in early 1990. In the chaotic situation, 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 crackdowns 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, Yaha kya Chalay Ga Niyamay Mustafa, reciting Kalimas* (invoking God), *Aye Kafiro, aye Jabiro Kashmir humara chod do, Kashmir Banega Pakistan*, 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 a conscious political agenda of government under Jagmohan, who provided state transportation to *Pandits* and assured them that the government has already arranged their accommodation in Jammu. Given the grave nature of the situation, no facts could be established whether transport was provided or not. Alexander Evans (1999:22) writes that Division commissioner Wajahat Habibullah, a senior Indian Administrative Service officer conceded to the fact that state transport was used but we didn't spur them to leave. He further writes that in March 1990, a delegation of about 300 Muslims came to Habibullah, who was heading the district administration of Anantnag 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 publically declare the establishment of temporary rehabilitation camps in Jammu.

In 1990, Balraj Puri, a prominent journalist and human rights activist of national repute, also visited the valley and monitored the human rights situation. 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 the angry mood but they expressed a genuine regret over *Pandit* departure and wanted them to stay back. Witnessing this positive atmosphere, Balraj Puri helped in constituting a joint committee in which former Chief Justice of high court Mufti Bahuidin Farooqi and H.N Jatto were chosen as its leaders to give confidence to the Pandit community. Many Muslim leaders and parties including militant organizations, appealed *Pandits* not to leave the valley. It was welcomed by Pandits and Pandit leader Jatto also endorsed it, but with the intervention of Jagmohan, he was advised to leave Kashmir and flown to Jammu. Governor did not believe to give a trial to inter-community understanding and

rapprochement (Puri, 1993:3-4). While it may occur that the 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* organization displays a figure of 700,000 while the actual figures are fewer than 140,000 for Kashmiri *Pandits* who left Kashmir in wake of the insurgency. Sumantra Bose (1997:72) writes that “a consideration of the available evidence reveals that these allegations are, largely though not entirely, a potpourri of fabrication and exaggeration”. Based on the empirical study Elaxander Evans (1999: 19, 24) deduced that the number of *Pandits*, who resided in the valley in 1990, can range to a 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 as 33 thousand Sikhs and, 400 Christians who stayed back in the valley harmlessly.

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 a few hundred to thousands appeared since then; the government puts the number at 228 while 1138 Muslims were also killed from 1989 to 1991 (Evans, 1999:37). The exaggeration of numbers is a part of the communal bend of politics which is used as a smokescreen to hide the reality. At

this time, RSS and VHP, Hindu right-wing organizations coupled with the BJP had led to the 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 center. State government banned the RSS following a ban on the organization 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 Kashmir’s claim for the right to self-determination is an obviously wilful creation to justify that people who wantonly violate the rights of minorities cannot have a moral right to demand Self-determination. To connect the present context with politics of the erstwhile princely state, the representation of the Pandit community can be deduced or at least partially connected to the disposition of Premnath Bazaz. Bazaz (

1945: 161-62) say that *Pandit* political community can be distinguished into two classes i.e. one that allied with Maharaja and opposed the freedom movement and people like the author who stood with revolutionary ideas and became the part of the movement. An analogy for this will divide the people in current scenario into people who align with political groups like *Panun Kashmir* and those who stayed and remained the part of everyday life in Kashmir.

2.6. INSURGENCY TACTICS

Insurgency or sustained armed rebellions are political acts that arise out of collective deprivation or grievances or manipulation of existing realities to give a sense of collective resolve to those who are affected. 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 strategize 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 armed rebellions are usually the reaction of groups against the oppression or occupation when inclusive political processes and institutions are dysfunctional or have lost their legitimacy. Their immediate objective remains to crumble the political system and take over the control. Inside Kashmir, the militants also used force to paralyze the political system and delegitimize the state institution to effective further their position and give a vent to local aspirations. "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). The 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).

Armed revolt in Kashmir was an outcome of the failed political process in which most of the excluded political organizations themselves formed militant groups. These political organizations gave credibility to these armed groups in representing the public opinion and sentiments. A sense of collectiveness, local cooperation and resolve to support the militants grew in intensity and this afforded a heroic status to the armed fighters who were fighting 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 to forests, armed deployment was less dense, and some militants were working in their own localities.

Pakistan Administered Kashmir became a safe haven for weapons, training camps and refuge to Kashmir militants. Sardar Abdul Qayyum, president of Azad Kashmir described it as the ‘base camp of the Kashmiris freedom struggle (Bahera, 2000:170). Due to geographical contiguity, most youths crossed LoC to 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 (1995:12), in October 1991, Ahsan claimed that Hizbul Mujaheddin has three stages strategy. The first was

arousing Kashmiri consciousness to join the rebellion which he thought was accomplished. The second was to cause the rural side impassable and inaccessible for the state forces and third, they wanted Indian soldiers to restrict them to their camps and attack them there. While they were successful in the first objective, the other two seem to be unachievable in the asymmetrical relationship.

The warfare tactics used by the militant's 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 the initial years, some militant organizations used for the first time rocket-propelled grenade launchers and by 1991, the militant groups used RPGs to attack the forces. Militant groups seemed to possess large stocks of IED's, "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 to excel 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 a 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, the 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).

2.7. COUNTERINSURGENCY

To counter the militancy, 4 lakh from the army (Santos, 2007: 76), the CRPF, and the BSF were deployed in Kashmir. These forces were further empowered by impunity laws to evade accountability from civil administration or political elite. “By mid-1991, the Indian forces, though still facing frequent attacks, had contained the insurgency” (Desmond, 1995:8). The number of forces deployed has increased many folds in the years. Separatists conclude that approximately seven Lac forces are stationed in the valley. The primary tactics used by Indian forces in its counterinsurgency operations are blanket 'cordon-and-search' operations in which the whole area where presence of militants is suspected is sealed off and door to door search is conducted in both urban and rural settings, roadblock checkpoints, blanket curfews, intimidation of local populace, deploying local as informers and now the use of new technology to track the movements of rebels. During the search operation, suspicious persons are arrested and interrogated for any information which has at most instances led to physical abuse and torture.

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 codenamed ‘Shiva’, ‘Eagle’, and Cobra that was launched in August 1992. Their aim was to suppress and deter the various operational militant's 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.

Beckett (2006:24) writes that “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”. Although not adopted as mainstream policy, some regular forces have also used the guerrilla forces in their counterinsurgency to overtly achieve their military or political objectives. The raising of local militias who are well acquainted with local people and the terrain, to fight the militants is now an established counterinsurgency tactic. In Kashmir, this tactic began to be used in early-mid '90s and surrendered militants as well new recruits were hired to do the job for the 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 private as well as govt. properties and arrest anyone without a search 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 thereon.

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 of detained youth , 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).

2.8. CONFLICT ESCALATION AND DE-ESCALATION

At the beginning of the insurgency, under Jagmohan Malhotra, Governor of Kashmir, counterinsurgency tactics like crackdowns, night raids and massacres of civilians aggravated the existing situation. His highhanded approach drew unprecedented crowds to the street to protest and demand Azadi. The state responded with even greater force, curfews and shoot at sight orders to quell them to silence.

Yet again the Kashmiris were not losing the thread to nonviolence and turned into huge groups to march towards the United Nations Office in Srinagar and would protest in common places across towns. But the seed of repression had evinced huge response and Kashmiris youth mobilized for armed struggle. Defunct civil administration, sullen and uncooperative institutions and reckless violence against civilian turned the dynamics of conflict toward a more violent phase. What Puri (1995:61) calls "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".

In such context, much of the emphasis was given to muscular policy by employing disproportionate state resources against a relatively small and localized (particularly urban-centric) insurgency. This stage is reflective of the 'conflict intensification' i.e.

changing the latent discontent to coercive nonviolent behavior which gradually slipped into 'conflict escalation' leading to increased frequency of coercive violent behaviors. With the escalation of the conflict, the number of armed groups proliferated. And with the involvement of Pakistani agencies, the nature of struggle changed (Chengappa: 2001, Marks:2006:124) getting diverted towards a larger set of militant violence, a global phenomenon from the precepts of the indigenous trend. The conflict stemmed from profound asymmetry. Neither the militant nationalists neither were politically and economically self-reliant nor were their optimism based on a sound strategy that could pose a challenge to the state. The only success these militants groups seem to have attained was to have shifted the passive nonviolent movement to a more a violent contentious domain where these nationalist militants increasingly presented themselves what is called in statist discourses of India as "subversive". The ensuing conflict became enmeshed with spirals of violence and counter-violence and led to an intractable conflict. In an effort to defend the interests of Pakistan, a vanguard armed group HM showed its schism with JKLF which was secular militant nationalists organization and began to fight for expelling Indian forces from Kashmir.

The conflict turned profoundly asymmetrical between militants and the state's big army. Perhaps it is always disadvantageous for armed groups to fight against a state that is economically and politically stable and militarily superior. Some of the things that might have temporarily given an impression to the armed groups, that they are at verge of conquering the goals, is by witnessing the administrative and political institutions getting dysfunctional temporarily and the chaos was misjudged as a transitional vacuum for a greater politically subversive change.

In the 1990s there were also organized nonviolent demonstrations happening, in since in the early day's militancy was not so widespread, which were put down violently. This might have also abetted many into hardened position and join militant ranks, since the nonviolent demonstrations, usually against human right violations, economic issues or political issues were also seen through the prism of sedition.

In 1996, the local recruitment to militancy dropped significantly thus opening avenues for conducting state assembly elections after nearly a decade. One reason for NC to come back for elections in yet the volatile situation was “autonomy placard” which they believed was a good bargain on both fronts and they campaigned with this manifesto. They later tabled the State Autonomy committee report in the state assembly and forwarded it to the central government which didn't bring any fruits. NC formed the government but they could neither generate any positive enthusiasm nor could they change on-ground security situation in Kashmir in a major way. As Kavita Suri (2010:71) writes “neither the union nor the state government seemed to have learned any lesson. Both governments failed to take advantage of the situation on either the security or administrative fronts”. As Suri further writes that the entry of armed groups like Lashkar-e-Toiba (LeT) took the lead with declining role of HM, the armed conflict became more entrenched with Jihadi character, their new tactics like fidayeen attacks gave a new impetus to the escalation. The Parakram military standoff was a result of this.

After 2000, Kashmir witnessed a change in its militants fighting. First after the 2001 parliament attack and then the 2001 US attacks by terrorists renewed the spirit of Indian state and US to fight against non-state actors that were responsive for violence. “The military standoff in 2001–02 and the elections for the legislative assembly in

2002 introduced a new situation. While Pakistan was pressurized by both India and the international community to rein in its support for militancy, the Indo-Pak peace process, which began in October 2003, has contributed to the present thaw in the armed conflict” (Suri: 2010:71). It was also observed that a war fatigue was set by decided long fighting as some of the top HM commanders had joined negotiation with India. Having positive effects of the dialogue process, the subtleness in the leadership of Vajpayee, the changing governance in Kashmir or widening political space for nonviolent activism, a transformation in the conflict progressed. The militant participation in the armed conflict dropped significantly and year wise casualties also narrowed down. Perhaps both the militants and forces realized that they had reached a mutually hurting stalemate and continuing such high-intensity conflict was in nobody’s interest.

From 2003-08, the incumbency of new JK PDP government in alliance with Congress was also period where people felt a respite from the violence. First, the government recognized the human rights violation was a serious issue and assured that there will be zero tolerance for such violations. Second, the party curbed the space of separatist leadership by raising issues that were core to the agenda of separatists, thus the binaries in the perspectives of people started diminishing. Third, with a growing stable environment, the other activities like business, tourism, and trade also started picking up thus instilling confidence in the people. Fourth, the start of CDP gave hope to the people that ultimately something permanent will emerge for Kashmir and troubles with the end.

2.9. CONFRONTATIONAL DYNAMICS.

The early response towards the insurgency was not well planned. Part of it was because the intelligence had failed to report any advent towards it. The early attacks by militants in Kashmir were not taken as seriously as it was assumed that perhaps the Sikhs who were fighting for Khalistan in Punjab might be involved. But once the alarm bells of Azadi rose in Srinagar, the forces were immediately relocated to Kashmir to fight a battle in the field they were least acquainted with. Indian Army was already involved in Nagaland, Punjab, Assam. The topography of Kashmir was different and these newly sent armed forces which were mostly drawn from Border Security Forces had least knowledge of it. Placed in a new field and faced with the attacks from militants, the forces got engaged in frequent outrages against the local population. The initial excesses committed by Indian security forces served to benefit the militants and giving the people yet another reason to resent India. Internationally the abuses by CRPF, BSF and the Army also caught the attention of the world and many international organizations criticized the Indian government for the torture and random killings.

To control the insurgency Indian legislation rather than investigating these allegations of misconduct by the security forces amended a number of laws for facilitating a greater control over the population 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” (Jones, 2008: 11). Along with legitimate avenues of political expression the basic individual, civil and political rights were

eliminated through these legislations or *modus operandi*. Under the Governor Girish Chandra Saxena in 1990, the powers of the military were expanded further under the Disturbed Areas Act. With the help of this act, Indian Forces were free or had enough discretion to use force against civilians as this act even gave power to the low-rank officers to use the force without the permissions from higher authorities (Ganguly, 1997:112). Many people question that had the Indian approach to counterinsurgency been well planned by employing trained and disciplined force, it would have served better to mitigate the losses and stop the insurgency from intensifying.

Militarisation of the whole of Kashmir's terrain and special powers through ordinances like DAA, AFSPA, and PSA have given unbridled powers to the security forces to carry out its operations. However, these laws have been abused and have been used to legitimize the acts of state violence against civilians by subtly categorizing the civilian population as a threat to national security and authorizing the use of excessive force by the security forces against them, giving rise to human rights violations (HRW, 2006). AFSPA extends discretionary powers to the low-level officers or non-commissioned officers and on the basis of mere suspicion, these officers are given the authority to kill to maintain the writ of the State. "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 forces have no limitation in carrying the counterinsurgency operations and often the lines between a combatant and civilian have not been respected.

The counterinsurgency measures taken initially were crude and ineffective and therefore had given rise to large-scale human rights violations, dislocating life in the valley and thus exasperating the 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” (ICG Report, 2003:15). As eyewash measure, the Terrorism and Disruptive Activities Prevention Act (TADA) was repealed in 1995 because of severe criticism from all corners but this has not affected the impunity structure in a major way.

The immediate counterinsurgency response by India to the insurgency in Kashmir was to deploy a disproportionate number of the soldiers. There were more than 500,000 Armed forces (army and paramilitary) in Kashmir by 1994. The highest degree of militarization was seen in Kashmir since 1990 with the 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. Deputy CM of Jammu and Kashmir has revealed during an assembly session in 2006 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 that are numerically very small in comparison to the Indian forces. Huge presence of army made it virtually impossible to carry the armed struggle forward with the same intensity. Indian forces 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 places in abandoned hotels, cinemas, and hospitals.

India based its approach to Kashmir conflict on security intensive positional warfare and military might, a centralized decision making and negligence to local sentiments. The tactic of militarisation of the rural as well urban with tens of thousands of soldiers and security centric mechanism of fighting the low-intensity armed campaign, largely neglected the political aspect of the fight thus initially raised the recruitment to militant groups. But continuously employing this doctrine of disproportionate force ultimately forced the insurgents to retreat though not to vanish. 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-1990s. 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 the peaceful struggle but instead of positive gesture, his house was raided by security forces in the 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 have a dialogue without the help of a 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 towards 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 organization of local surrendered militants into renegade militants by the Army also became detrimental to the militants. Renegades also known as “*Ikhwan*” were the former militants who surrendered and changed allegiance towards Indian forces. These renegades were 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 militancy. During this period, however, the militancy intensified into a war like situation with the local militants diminishing on the ground. A study by Thomas Marks reveals that the participation of foreign militants in Kashmir struggle until 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). By this time the total number of militants had squeezed to a two or three digit figures indicating a narrower participation in armed confrontation overall and specifically local youth.

After the 1996 elections, the *Ikhwan* started facing hard days, despised by the people for their ruthless oppression against the Kashmiris, along with 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 created 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 an election to restore government administration.

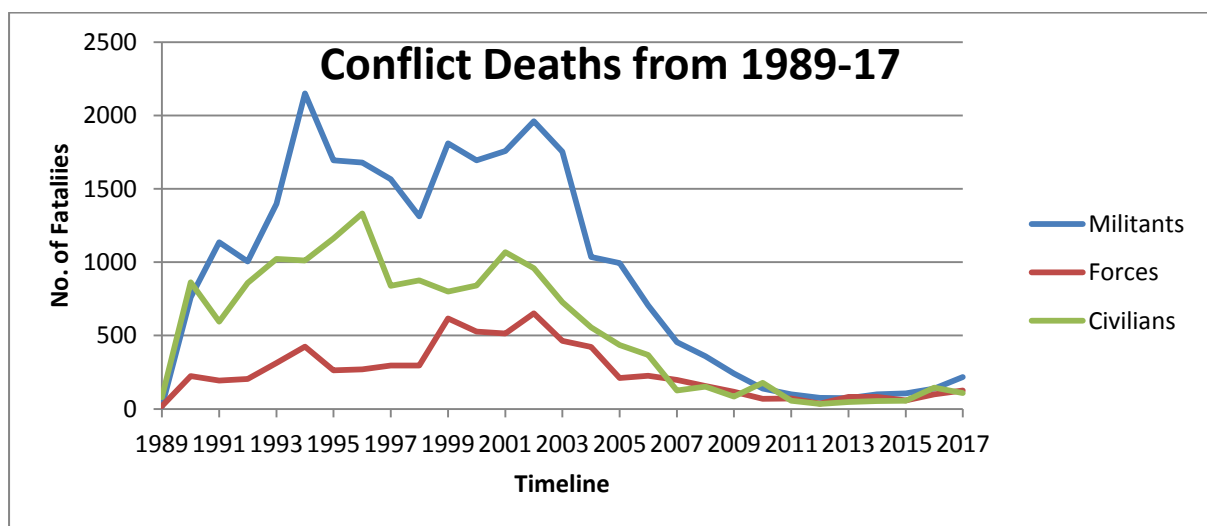
With the rise in deaths of civilians, militants, and security forces, the alienation of Kashmiris also increased, while the militants who are in disproportionate asymmetry with forces could not hope to defeat the Indian army, but it seems they are trying to sustain a low-intensity armed conflict. Unfortunately the stick approach to discipline the Kashmiris had its sharp marks on Kashmir Psyche. In an interview with Parvez Matta, program coordinator at JKCCS 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 the 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. The 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 maltreatment of their families unbearable and gave in.

State repression and human rights violations created a culture of fear and collective trauma. The widespread personal experiences and collective narratives of personal and collective victimization only reveal that the disproportionate force yielded in the attitudinal shift towards the shunning of the gun and embracing the nonviolence.

2.10. FACTORS FOR CONFLICT TRANSFORMATION

There is a vast literature on conflict transformations in armed movements. Armed conflicts sustain their operations for a certain period of time against strong opponents and eventually not sustaining the pressure, they transform their tactics either to nonviolence or conventional politics. Based on such tactical changes enforced by the contextual factors, the transformation in Kashmir conflict is divided into various headings from the individual agency of leadership to the other contextual factors.

Fig.1. Description: the total number of fatalities due to the conflict in Jammu and Kashmir from 1989-2017



Source: Data compiled from various reports of Jammu and Kashmir Coalition of Civil Societies Annual Reports 2010-17 and South Asia Terrorism Portal Assessment reports and Datasheets 2000-2017 URL: <http://www.satp.org/terrorism-assessment/india-jammukashmir>

The fig. 1 gives the graphic representation of the direct violence by showcasing the total number of killing of militants, armed forces and civilians in the conflict. It shows a steep rise in violence in the initial years from 1989 to 1994, sustained violence from 1994-2003 which represents the peak of the armed conflict, a steep decline from 2003-2007 and low-intensity conflict from 2007 onwards. Simultaneously the popular participation increased in sustained civil uprisings of 2008, 2010 and 2016 which shows a decisive shift in the resistance strategy.

2.10.1. INDIVIDUAL LEVEL

Three main parties or amalgamation representing the dissident politics are Hurriyat G, Hurriyat M, and JKLF. The former two can be classified as religio-political organizations, Hurriyat M is seen as moderate and Hurriyat G as hardliner and JKLF as a secular nationalist organization. Hurriyat G faction is headed by Syed Ali Shah Geelani who has previously headed the Jamaat-i-Islami party and also remained many time an elected member in the state legislative assembly. Currently, his core party is named as Tekreek-Hurriyat (Movement for Freedom) after breaking away from Jamaati-i-Islami on the basis of ideological schism related to use of armed struggle as a strategy in along with nonviolent political movement (Javeed:2018). The organization is a leading party in his conglomerate Hurriyat G in which various other parties with same ideological leaning have joined. Its break away from APHC in 2001 happened primarily because APHC under the leadership of Abbas Ansari had accepted and engaged in bilateral dialogue, which these parties contested, was against the constitution of the organization. APHC had maintained that a tripartite dialogue is an only acceptable way and excluding any party from dialogue will not yield positive and sustainable results.

JKLF initially emerged as a militant organization that spearheaded the insurgency in 1989 but gradually in 1994 joined nonviolent politics with other separatist organizations. All of these organizations are part of a nonviolent political movement who want a peaceful resolution of Kashmir conflict, but many times, these organizations are at the forefront to acknowledge the martyrdom of the militants and offer condolences. This primary stems from the thinking that armed struggle as a tactic was as important as a peaceful struggle. The chairman of Hurriyat G, Ashraf Sahrai whose son recently joined the armed ranks said that it was his son's own decision like many other young people to joined and fight the state because they are conscious and can't see the oppression unleashed by the state on the people in Kashmir. JKLF has completely shunned the armed path and adopted the nonviolent strategy. It happened when their cadre based was either eliminated in the counterinsurgency, jailed or killed in the onslaught by Indian armed forces and other militant organizations in the early 1990s. The JKLF chief's decision to resort to nonviolent means is clear from his excerpt:-

"I being one who resorted to armed struggle with my other colleagues in 1988, to make the world listen to Kashmiri cry for freedom, was first to announce a unilateral ceasefire in 1994. Numerous internal issues apart, this decision of mine had outside connotation too. The persuasion of the international community including the USA and European Union to give peaceful means a chance became a stimulus for me to take that rather tough and controversial decision. Against all odds, even putting my life in the line of fire, I took the decision and received 600 body bags of my colleagues killed by Indian forces in return. This was ample incitement for me to denounce my own decision as I realized the hollowness of international pledges but I stood to my ground, adhered to my path and tried to promote a resistance based on non-violent means" (Malik: 2018).

Azam Inquilabi who the head of militant organization Freedom Front also surrendered in 1990s owing to costs armed struggle has brought on the civilian population and believed that peaceful struggle was necessary for the context of Kashmir. Abdul

Majeed Dar, one of the senior commanders of Hizbul Mujaheddin, had also shown gestures for reconciliation when he agreed for a ceasefire and dialogue in the 2000s. Firdus Baba is another example who surrendered and later wanted to join the mainstream politics. He was disillusioned with armed struggle and thought that gun was not a solution to Kashmir.

2.10.2. GROUP LEVEL

While the armed insurgency overshadowed the nonviolent means of political participation and mobilization in the early years, the dissolution of MUF (Muslim United Front) now gave space for new political processes that were not institutional in nature. Having split from MUF, most of these organizations had a militant group. Having disarrayed and political invisible, these political once again believed that such armed contestation needs a political expression also. A consensus developed among the dissident leaders, Shabir Ahmad Shah, Syed Ali Shah Geelani, Abdul Gani Lone, Maulvi Mohammed Abbas Ansari, and Abdul Gani heading different political organisations while being held together in jail in 1992 to form a unified multiparty coalition to guide the movement. All the ideological differences were set aside and they united for asserting the right to self-determination. Around thirty political, religious and civil society organizations came together to form ALL Party Hurriyat Conference (APHC) in Feb 1993. The Hurriyat Conference led a unified demand for the recognition of Kashmiri's Right to Self-determination and also included the option of independence to earlier UN-mandated choices of either joining India or Pakistan. Constitution of APHC reads as "to make the 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”⁶.

As quoted Fazlul Haq Qureshi has said that the APHC was set up in the wake of the disillusionment with the gun, precisely to serve as a political interlocutor with Delhi and Islamabad, as the ones who enjoyed the confidence of the militants (Noorani, 2000: 3950). The creation of the APHC thus maintained a 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). The dramatic increase in the counterinsurgency operations in the meantime resulted in suppression of armed groups; hence no progress was made by APHC to force Indian Government into a tripartite dialogue however the conglomerate has maintained its relevance as a representative of the people’s sentiment. APHC has boycotted all the political processes that don’t include all the parties to conflict especially state electoral process.

By 2003, the APHC was showing conciliatory gestures towards India and moderation on its stand. APHC chairman Moulvi Abbas Ansari had shown his willingness to engage in bilateral talks with the Indian government by moving over the condition of having a trilateral dialogue as per APHC’s constitution. They had agreed that Pakistan can be involved at a later stage. This raised eyebrows and led to a crisis in the group between the hardliners and moderates when the chairman Molvi Abbas Ansari went against the 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

⁶ APHC constitution 1993

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 Mirwaiz 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, ... were not backdoor negotiations or closed-door meetings but the open dialogue in which we stated our position and our public statements are our private statements as well” (Ganai:2006). However, he maintained that the Dialogue Process or bilateral talks were mere rhetoric unless some change is brought in ground situation and had stressed for the release of political prisoners, revocation of AFSPA and DAA, and dematerialization of the Jammu and Kashmir.

The rise of Hizbul Mujaheddin (HM) had given a severe blow to JKLF armed wing by 1992 and the organization was left with a small cadre base. After Yasin Malik’s release from jail in 1994, he renounced the armed struggle and started pushing for nonviolence and dialogue that include India, Pakistan, and Kashmiris for a solution. The unilateral ceasefire declared by Yasin Malik divided JKLF with Amanullah Khan and Yasin Malik forming separate organizations. 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 returning to nonviolent 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 21st 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 with author reiterated that "even though we (JKLF) left the armed rebellion 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 it ventured to repeat the same in Kashmir. Kashmir was not like Punjab and had much deeper public antipathy towards India. The conditions for elections 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 the election were held in Kashmir. Yasin was quoted saying that elections proposed for Jammu and Kashmir "is a challenge to the pride of Kashmiri 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

polls. Desperate to avoid an electoral embarrassment, the government seemed to have ordered the police and army to ensure a good turnout” (Telford, 2001).

The state could pursue a negotiated compromise with the militants to bring them back to political process giving role in political, economic and social decision making and by appropriately incentivizing them for their return. Indian government started a dialogue with former militants of Hizbul Mujaheddin, and Muslim Janbaz force to create an alternate political base to the APHC in 1996 (Schofield, 2000: 175). Jamaat-I Islami disassociated itself from Hizbul Mujaheddin in 1997 and thus the militant leadership of this organization stood for political negotiations by themselves. The continued fighting between State Forces and Mujaheddin was now turning the tide toward the State forces by inflicting more causality on 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 as the one of the largest organization has shown signs of reconciliation. The announcement was widely welcomed as a 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 Pakistan of sabotaging the process by putting pressure on Hizbul Mujaheddin (Noorani, 2000:3949). In such an 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 demoralize; splits between HM and Pakistan, Dar and Salahuddin, HM and APHC, HM and other groups” (Noorani, 2000:3950).

2.10.3. SOCIETY LEVEL

Initially, the counterinsurgency in Kashmir focused on the military dimension of the conflict, leaving the blend of civilian component unaddressed. 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” (Jafa: 2005). Roads will be deployed by with road-opening parties (RoPs) to have a smooth movement of VIP’s, police and army convoys. A constant surveillance is maintained by foot patrols in streets, marketplaces and also civil lines to show the presence of state and repress subversive activities. The offensive action would include pre-emptive actions or retaliation 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 the ground, if some State Forces personnel is killed by militants that will mean indiscriminate firing on civilians infamously known as crossfire.

In the early 1990s there were daily attacks by militants, encounters, and cordon and search operations. Road checkpoints were 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 collecting 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 the last 13 years” (JKCCS report, 2005:18). This gives a measure of clear understanding how violence has been used to discipline a people and how it generates alternate rationality for movement and make the population realize 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 organizations, civil society groups, and activist and to some extent by international groups and media also. The clash between the militants and Indian forces escalated in the early years of militancy. By the mid of 1990s 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 the indiscriminate policy of State violence that could not differentiate the militants and locals. The militants were to rely on the local population for food and shelter, thus would take refuge in civilian areas. The State forces used harsh methods against the civilian population and those who showed resilience towards militants. Amid such strategies and policies of the state repression, the population had to reconsider or mollify to stop incurring more costs.

Based on the Government figures the number of killings was 46,581 from 1990 to 2004 in various districts of Jammu and Kashmir. It is also mentioned that if a village to village survey is conducted, the figures would rise to 70,000 (The state of Human Rights in Jammu and Kashmir 1990-2005). 23199, half of the figure for total casualties are said to be militants, although figures vary in different sources. 16,468

were civilians, 5,731 security forces, 587 *Ikhwani* (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.

While human rights organizations have documented various cases of human rights violations perpetrated by the state, for example, a report “Alleged Perpetrator” mentions 214 cases of human rights violations and 500 State forces personnel as perpetrators against whom no cases or action is taken. The report cites the reason that “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). 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” (Buried Evidence, 2009: 9). Other allegations include the presence of unknown and unmarked mass graves (Buried Evidence: 2009).

On the other hand, wide use PSA to control political dissent. In this case, the allegations against the victims 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). These reports are of great relevance and reveal the affliction of people by state. On the part, these reports also reflect the willful failure of State to keep the record of these atrocities, render accountability to institutions or any redress to wailing valley. It would be prudent to say that the trauma set by such indiscriminate counterinsurgency and rampant misuse of these laws under state patronage in the form of impunity set a war fatigue and people wanted to do away with the armed struggle that had huge costs for the civilian population.

2.10.4. GOVERNANCE LEVEL

In 2002, the intensity of armed conflict had dissipated, which seemed to give a relatively positive atmosphere for local political parties to participate in the elections. New Delhi also seemed determined for free and fair state assembly elections. Though the threats by militants loomed large and some activist of mainstreams parties were killed in election campaigns, large the process was successful. The elections showed an improved voter turnout compared to previous elections and close to 50% had voted inside the Valley. The elections were taking place at a time when militants were in a weak position on ground and separatists in the process were showing gestures for peaceful dialogue. Elections were seen largely seen as a breaking point from the previous decade and a marker for renewing the political process. Earlier in 1996, at the height of the armed conflict, elections were held with a high concentration of the armed forces in the whole of Kashmir to ensure a twenty-fold increase in voter turnout by intimidation from 2% in 1989 to a total voter turnout of 40% (Jones, 2008: 14).

Elections had proved illusory for the people in 1996 as Farooq Abdullah who was resented had come backstage as CM and it did little to soothe the sufferings of people. Militants couldn't accept his government because he had failed to stop armed forces from unleashing the repression on the people and militants alike. Violence continued under this government till new elections were announced. The year 2003 saw a shift in Kashmir politics. National Conference was defeated for the first time and People Democratic Party (PDP) and Indian National Congress state wing formed the coalition government. Since then PDP has claimed to have created a conducive atmosphere in Kashmir and Indo-Pak relations.

Until 1994, some sporadic dialogue had taken place between India and Pakistan. The institutionalized process of dialogue was started in 1997 called as Composite Dialogue Process. The dialogue was halted in the wake of the Kargil crisis and 2001 parliament attacks. Under the PDP government, India and Pakistan thought that the conditions were ripe for the dialogue and in 2004 the dialogue process was resumed. Official and back-channel diplomacy was used to carry on the dialogue process between these two States. Out of the CDP, some of the CBM's related to Kashmir were crafted out and had an impact on the situation in Kashmir. LoC was opened up trade and travel, tourism was revived, the establishment of some new universities and some hotels that were security forces were freed.

For the first time in 2005, pro-freedom leaders delegation led Mirwaiz Farooq and Yaseen 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 in dissident population. On the sidelines of CDP, they started to press for their inclusion in the 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 traveled 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 a conducive environment for containing the armed violence. People on both sides including the leaders showed interest in peace as a result of these CBM’s.

2.10.5. INTERNATIONAL LEVEL

The insurgencies that are widely supported locally and across the borders, sustain operation on the cross-border havens. As a countermeasure, domestic areas of operation are sealed from getting external support. The restricted movement of insurgents across the borders will preferably hold prolonging the insurgency to moderate levels (Horowitz & Sharma, 2008:753). Halting external state assistance to militants in an area where the 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 aggravated it. However, the conventionally superior forces of India tilted the balance in their favor. This was because Indian state devised plans with massive

resources to fence the LoC and increased physical manning of the borders to subside the impact of the external intervention.

Indian and Pakistan had worked on normalizing the relations after the Kargil episode. After the gestures from militant organizations 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. New Delhi instructed its forces not to initiate operation against the militants and this was well received in Pakistan also. Pakistan in reciprocation announced a unilateral ceasefire 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).

U.S. pressure on Pakistan after Sep 9/11 attacks 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 mobilized the army along the borders which created a difficult situation for Musharraf. The 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" (Patanaik, 2008: 392) while reiterating Pakistan's commitment towards Kashmir on moral political and diplomatic ends.

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 possibly instructed to hibernate. President Musharraf retained a strict and hard-line position on

Kashmir. He continued his hold that the insurgency in Kashmir is 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 convincing the international community to restrict Indian military exercise 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). Musharraf had also pre-emptively banned Lashkar-i-Taiba and the Jaish-i-Mohammed after the Indian parliament attack (ICG, 2002: 7), however, a large local base and acceptance to these organizations could not affect their existence grossly. These organizations were not part of UJC but

operated in Kashmir as well. Pattanaik (2008:396) writes that around 2000 people belonging to different organizations banned by Musharraf were arrested. 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 belong to indigenous Kashmiris 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

After Musharraf made a promise to restrict the militant activity; militants immediately left the training camps in PAK and relocated to various destinations in Pakistan. A series of raids and dismantling operations were started against these organizations. These militants waited for normalizing situations to return to Azad Kashmir (ICG, 2002:7). A part of belief is that Militant organizations inside Pakistan rely on government support and if they are deprived such support in terms of finance, bases, and sanctuaries, it will have a 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 organizations in Azad Kashmir, militant attacks over army installations will decline in Kashmir but will not necessarily cease unless some acceptable resolution to the conflict.

Internally Pakistan was realizing that promoting militants in Kashmir was backfiring. Elsewhere in Pakistan, these groups were becoming the cause of internal security threat with rising sectarian violence, the 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 took notice of one such transit camp in North West Frontier Province for militants displaced in Azad Kashmir by an earthquake in 2005 (Plett, 2007).

The 9/11 attacks in America definitely gave a severe blow to Jihadi groups inside Pakistan and the militant activities in Kashmir also received a setback. “The LoC has been coiled by India with several meters 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: 2014). “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). There has made the indigenous groups complete relay on the indigenous resources and in recent time, most of the groups have engaged in weapon snatching from the security forces.

3.1. INTRODUCTION

The wave of people power that erupted after Tunisian uprising in the Middle East in 2010 has generated renewed interest in nonviolent resistance among the scholars of social movements and revolutions to study their potential in bringing socio-political change. Traditionally, “research on nonviolence has never dominated the academic field of Peace Research. Compared to the focus on violent conflicts, peaceful ones have always been a minor sideline. The practice of nonviolence has, on the other hand, developed a lot over the last 100 years” (Jorgen Johansen 2007:143). History is replete with examples where nonviolence or civil resistance has been employed. Maciej J. Bartkowski (2013:1) writes that when we look back at the history of struggles, we find that the knowledge imparted through books, public ceremonies or national memories often boast about violent battles, armed insurrection and victories and defeats in war. These narratives reinforce the belief that violence is indispensable to bring about a social or political change or win freedom from foreign subjugation. Such narratives undermine the historical role that nonviolence or civil resistance has played. He further argues that a number of national struggles or self-determination movements might not have won primarily through violence and these struggles were led by bottom-up popular mobilizations by ordinary people using diverse methods of nonviolence. Civil resistance or nonviolence has been widely used throughout history. In modern times it has been used “against colonialism, foreign occupations, military coups d’état, dictatorial regimes, electoral malpractice, corruption, and racial, religious, and gender discrimination. It has been used not only against tyrannical rule, but also against democratically elected governments, over such issues as maintenance of key elements of the constitutional order, preservation of regional autonomy within

a country, defence of minority rights, environmental protection, and opposition to involvement in certain military interventions and wars” (Roberts & Ash:2009: 2-3).

From pacifist to strategic mobilizations, nonviolence has remained a low affair in academic studies. Until Henry David Thoreau’s essay “Civil Disobedience,” which was published as “Resistance to Civil Government” in 1849, the practice of nonviolence was largely ignored in literary works. This essay became widely popular for bringing in the individual rights and responsibilities within the domain of civil resistance against the government. It “has influenced people like Mohandas Gandhi, Martin Luther King, Jr., and countless others” (Cahoon:2013:3). Thoreau’s ideas have been since then used to legitimize the efforts to resist peacefully, challenging the unjust policies or at times, toppling the government itself. Mainstream academic study of nonviolence was inspired by Mohandas Gandhi led the peaceful struggle against British colonialism in India and its eventual success. Sharon Nepstad (2013:591) says that several books were published during the mid-20th century that introduced Gandhian ideas to the world. Some of them include Richard Gregg’s (1934) book titled “The Power of Nonviolence” denoting nonviolence as ‘a political strategy as well as a moral commitment’ where ‘nonviolent resisters do not retaliate, and their opponents lose moral credibility. Joan Bondurant’s (1959) work titled “Conquest of Violence” was another landmark in the study which transferred core Gandhian concept of ‘Satyagraha’ into Western Political Thought.

Some scholars have studied nonviolence independently from social movements and nonviolence is treated as a repertoire of contention and separating it from organized resistance politics. Netspad (2013) brings nonviolent and violent social movements under the same umbrella of contentious politics by arguing that both reflect the same

pattern and use their political power, ideology, strategy, and techniques to convert the opponents' power to their advantage. To bring a conformity in understanding the civil resistance and social movements, the later is variously defined for example Mario Diani (1992:3) defines it as "consisting a network of informal interactions between a plurality of individuals, groups and/or organizations, engaged in a political or cultural conflict, on the basis of a shared collective identity". Sydney Tarrow (1994:4-5) defined Social Movements "as collective challenges by people with common purposes and solidarity in sustained interaction with elites, opponents and authorities". Anthony Giddens (2006:867) while terming social movements as unconventional and unorthodox political activity defined it as "collective attempts to further a common interest or secure a common goal through action outside the sphere of established institutions". From the analysis of the three definitions, it can be said that social movements are unorganized or organized networks of people who engage in a political activity outside established political channels to secure a goal or change. Here it is pertinent to mention that civil resistance as an extra-institutional politics distinguished itself primarily because of the belief in the principles of nonviolence or nonviolence as a strategy or means to an end.

Here, it is important to emphasize the linkage between social movements, contentious politics and civil resistance and portray them as processes in which different actors, through the informal or formal organization, take sides in the social or political conflict. Nevertheless, there are differences based on strategy, context, and means and ends when it comes to social movements and civil resistance. In the case of social movements, violent and nonviolent action may be understood complementary by the resisters. In some contexts, primarily violent resistance is mobilized as a strategy where the conflicts wagers think that 'ends justify means', but in case of civil

resistance research, “nonviolent action represents a distinct break from violence and conventional politics where violent action and nonviolent action are almost always antithetical” (Shock:2013:280). It stems from the belief that wherever mobilization for violent activism is possible, mobilization for nonviolence is always possible and the employment of tactics (in this case nonviolent) may prefigure ends.

3.2. NONVIOLENCE

Nonviolence, nonviolent resistance or nonviolent action “is a civilian-based method used to wage conflict through social, psychological, economic, and political means without the threat or use of violence” (Stephan and Chenoweth: 2008). Schock (2003:705) emphasizes that “nonviolent action is an active form of politics which involves activity in the collective pursuit of social or political objectives and the term “nonviolent” reflects that it does not involve physical force or the threat of physical force against human beings” Adam Roberts and Timothy Ash (2009:2) after a review of vast literature on civil resistance give a comprehensive definition;-

“Civil resistance is a type of political action that relies on the use of nonviolent methods. It is largely synonymous with certain other terms, including ‘nonviolent action’, ‘nonviolent resistance’, and ‘people power’. It involves a range of widespread and sustained activities that challenge a particular power, force, policy, or regime hence the term ‘resistance’. The adjective ‘civil’ in this context denotes that which pertains to a citizen or society, implying that a movement’s goals are ‘civil’ in the sense of being widely shared in a society; and it denotes that the action concerned is non military or non violent in character” (Roberts & Ash:2009:2).

By nature, nonviolence is conducted outside normal political channels and it includes acts of omission, acts of commission, or a combination of both (Sharp: 2005: 41). It involves several phenomena and mechanisms for change. For example on a tactical level, nonviolence is not restricted to appealing the opponent but can involve pressure

and coercion tactics for getting the opponent to concede to the demands or opponent may face a crisis in terms of their capacity to control and lose the legitimacy and power. “Scholars have identified hundreds of nonviolent methods – including symbolic protest, economic boycotts, labor strikes, political and social non-cooperation, and nonviolent intervention- that groups have used to mobilize the public to oppose or support different policies, to delegitimize adversaries, and to remove or restrict adversaries’ sources of power. Nonviolence takes place outside traditional political channels, making it distinct from other nonviolent political processes such as lobbying, electioneering, and legislating” (Stephen: 2008: 9-10). The aim of nonviolent claims lay on two steps strategy. One, it ensures enough defections from the opponent government or regime and its supporters by varied kinds of actions for example campaigns, boycotts, demonstrations, strikes, petitions, sit-ins, occupations or creation of parallel institutions. Second, it transforms the opponents and garnering international support by not reacting to the violence by state and showing moral high ground through its campaign. “There is no assumption that the adversary power against which civil resistance is aimed necessarily avoids resort to violence: civil resistance has been used in some cases in which the adversary has been predisposed to use violence. Nor is there an assumption that there cannot be various forms of understanding or cooperation between civil resisters and certain governments or other entities with a capacity to use force” (Roberts: 2011). Here it would be reasonable to say that movements avoid violence often due to strategic reasons that are related to power dynamics, political culture or other contextual factors and not simply on the moral principles. For example, the reasons for employing the nonviolence can stem from the previous experience of engaging in violent activism or armed conflict, the

political legacy of using nonviolent action, or from legal, structural assessment or simply from the calculation of power differential.

3.3. PRINCIPLED NONVIOLENCE

Principled nonviolence is based on religious and ethical beliefs that reject violence as a means of action for policy goals. Persons like Mahatma Gandhi and Martin Luther King with beliefs in principled nonviolence have also embarked on active nonviolent political action or resistance. Gandhi believed in ahimsa which he rationalized into a political strategy to advance social, political and economic agendas. To “express the idea of victory over violence, Gandhi turned to Jainism- originally a reforming sect of Hinduism, and considered by those who follow it to be a faith- in which the central concept is the total renunciation of violence in word, thought and deed” (King:1999:12). Gandhi initially used the term ‘passive resistance’ to describe the belief and practice of ahimsa. But sooner he found the term incomplete and felt it conveyed a wrong message. Through his journal Indian opinion in South Africa, he invited for suggestions and received ‘Sadagraha’ that means ‘firmness in good conduct’. The term “Sadagraha” was later refined to “Satyagraha” by Gandhi meaning “truth force”.

Civil disobedience according to Thoreau was intricately connected to one’s beliefs and Gandhi made it a potent tool of nonviolence that is now employed around the world. “The struggle led by Mohandas Karamchand Gandhi against British rule in India sparked movements, some of them nonviolent that continue to this day. It was not the first struggle in history – far from it but it was the most influential, helping to set off the wave of decolonization in the middle of the twentieth century” (King:1999:11). As king (1999:11) argues that “the American civil rights movement

just after mid-century borrowed directly from Gandhi's example, his campaigns, thinking, and writings earlier in the century. And by 1989, nonviolent rebellion in Eastern Europe, the Soviet Union, South-East Asia, Latin America and elsewhere in the world were directly or indirectly influenced by Gandhi's profound insights into the power that resides in people". Though Gandhi was not the first to use civil resistance or nonviolence but he was the most influential exemplar.

A large number of people involved in nonviolent resistance may not have been devoted to principled nonviolence (Larkey:1987:87). The conflation of nonviolent struggle with principled nonviolence, pacifism, passivity, weakness or isolated street protests has contributed to misconceptions about this phenomenon (sharp: 2005, Stephans: 2008: 10). Sharp's theory suggests that nonviolent political action is more of strategy to achieve the political goals by employing one particular set of tactics which are less risky, garner wider participation and open to all sections of people and has wide acceptability and efficacy compared to violent forms of political actions.

Gandhian nonviolence is significantly employed in peace and conflict theory and practice. In the field of conflict transformation, his contributions have been immensely acknowledged from activist to academicians. Francis (2002: 7) contends that

"One of Gandhi's most important contributions was to revolutionize the theory and practice of power. His Satyagraha, usually translated as 'truth force', is inseparable from the twin notion of ahimsa or 'non-harm'. It represents power as a moral energy, the ability to transform minds and relationships, rather than the capacity to control or dominate through the use or threat of violence. While those who work in social movements are subject to forces beyond their immediate reach or control, and influences of which they may not be aware, they also have many sources of power for transforming the world around them" (Francis:2002:7)

For the field of conflict transformation, one of the challenges faced by mobilized groups is to overcome the structural domination of the state and it remains for the groups to find the ways in which they can effectively exercise their power which affects the relationship. Here the focus of the civil resisters remain on shifting of the power from the opponent and weaken their power base and get them to accept the demands.

One of the important ways in which Gandhi can be differentiated from other social reformers was his inclusion of women in Satyagraha. His insistence that women can play a role in their own emancipation, stemmed from Gandhi's belief that women have the moral power particularly suited to the principles of nonviolence he was preaching. "To call a woman the weaker sex is a libel; it is man's injustice to woman. If by strength is meant brute strength, then indeed woman is less brute than man. If strength is meant moral power, then the woman is immeasurably man's superior. Has she not greater powers intuition, is she not more self-sacrificing, has she not greater power of endurance, has she not greater courage" (Gandhi: 1930: 57). This was an attempt to not let the same masculinity of British colonialism take over by Indian nationalist movement and womanhood stood as a civilizing force for India society. Although Gandhi argued that women were best suited for domestic life, he also encouraged them to participate in a political activity as the equals of men (Hardiman: 2003:111)

3.4. STRATEGIC NONVIOLENCE

The pragmatic or strategic tradition of nonviolence has been variedly employed by people in social movements and civil resistance for freedom, democracy, and human rights. Various parties use the strategic tools of non-violence to influence a conflict

situation in their favor. With the specific use and precision, techniques of nonviolent action are employed against repressive and unjust ideologies, governmental policies, corrupt systems, political decisions, and unjust laws. The choice to use such techniques is based on its effectiveness as a strategy not necessarily moral belief in nonviolence. Political theorist Gene Sharp outlined a purely strategic use of nonviolent resistance which he called Nonviolent Political action. It was different from principled nonviolence in the sense that adherents necessarily didn't need to have moral beliefs in nonviolence but yet can use this as a strategy. Sharp (1973) believed that Gandhi defeated the British colonialism by acts of non-cooperation, leverage, and resilience.

The concept of people power as given by Gene Sharp explains that power ultimately rests with people of the state and it does not derive from intrinsic qualities of a state as all the power structures or organizations of state ultimately derive its power from its population and if the people don't obey, they rulers are powerless. In the works of Gene Sharpe (1973), the people power is divided into six categories as elaborated by Netspad (2013). First, popular mandate grants or withholds the legitimacy of the rulers or governments. Second, since governments depend on the people as their human resource, people can withdraw their compliance and cooperation. Third, all governments require the skills and knowledge of its citizens to keep their system working and if citizens launch a general strike that will bring the government to a standstill. Fourth, citizens can deny the material resource by not paying taxes or purchasing govt services. Fifth, states cultivate beliefs in obedience to their policies and programs and citizens can contest them and create alternate beliefs and ideologies to subdue them. Sixth, finally, defection of security forces decreases the capacity of the government to further sanction civil resistance. Here the goal of nonviolent

resistance is to withdraw or weaken the source of power to the opponent and hinder their functioning.

Sharp (1973) has broadly categorized the acts of nonviolent political action into protest and persuasion, non-cooperation, and non-violent intervention. Success of the campaign of nonviolent political action is pursued by the mechanism of conversion of the opponent's belief that demands are justified and accept them, accommodation- where opponents think the fight is too costly and cooperate, coercion- where civil resisters get an advantage over the opponents in power dynamics and get most demands accepted and finally disintegration where system collapse due to 'people power' (Sharp:1990) A range of tactics that are outside the conventional channels of State are used by civilians involved in nonviolent struggle. Sharp (1973) further categories the path of nonviolence into 1. Acts of omission whereby people refuse to perform acts expected by norms, customs, law, or decree 2. Acts of commission where people perform acts that are forbidden by law, regulation or decree. 3. A combination of acts of omission and acts of commission.

3.5. MISCONCEPTIONS ABOUT NONVIOLENCE

Nonviolence or nonviolent political action is not submission to opponent, inaction, avoidance of conflict, or pacifism; rather it is a means of active and direct action in prosecuting conflicts with intent and a clear rejection to submission. Anything nonviolent is not nonviolent action or civil resistance but there specific theoretical and practical details in which nonviolence is understood and employed. While nonviolence, as it speaks for itself, involves less risk but it never guarantees that no physical harm or coercion from the opponent but instead nonviolence can invite harm at times from the opponents. Some of the actions like litigation, lobbying, letter

writing, or other institutional measures are not considered as nonviolent methods or actions since they used the same institutions and nonviolence is always used outside the institutional framework of the state. Nonviolence is also context specific for example strikes and boycotts that are conducted within the bounds of institutionalized labor relations can't be considered nonviolent action. "However a wildcat strike in a democracy and most democracies would be instances of nonviolent action given their non-institutionalized, indeterminate and high-risk features. Nonviolent action is not a form of negotiation or compromise but means for prosecuting conflicts and it should be distinguished from means of conflict resolutions" (Ackerman, and Kruegler, 1994,5, Schock, 2003, 705). Participants in nonviolent political action are not required hold strict ideological, religious or metaphysical beliefs for their activism, for example, nonviolent resisters may not have ethical beliefs in nonviolence yet they may employ nonviolence as a strategic tool. Nonviolent resisters don't believe that state will not use force against them nor do they believe that it is the last resort in the sense that means for violent activism are limited or exhausted. At rare instances, the contextual factors like accessibility for violent means can reinforce the strategic consideration of in nonviolence. Efficacy of nonviolence in different political systems may vary but it is not usually attached with ideology opponent, for example, to say that nonviolence only works in democratic politics would be wrong. Nonviolence has been effectively used in non-democratic contexts, against the dictators, and in anti-colonialism struggles.

3.6. WORKING OF NONVIOLENT RESISTANCE

Stephans notes that the members of the regime may show defection towards the nonviolent campaigners when violence is wantonly used against them. This is

particularly true when the moral appeal of a nonviolent campaign evokes disobedience in the authorities especially when its forces or legal machinery gets the impression that using violence against unarmed campaigners was wrong (Stephens:2008:12). But such defections are very rare where the state is dealing with a population that is ethnic, religious or otherwise an out-group. Factions in the regime may also shift sides in the wake of greater public mobilization and active participation and this may lead to forces that are prepared and trained for combats to not actually want to engage with civil resisters.

On the other side, nonviolence can harness international support towards its cause and thus get the international players stressing on the opponent to concede to demands or at least put a moral pressure to stop the injustice or oppression. While armed movements find it hard to get the international support and heavily rely on physical power tactics. The high-risk activism in armed confrontations further reduces its cadre base and demographic support. The opponent who is in charge of situation can issue flaks against such people thus can costing them economic, social and political insecurities. On the hand, states also find it easy to justify the killing of armed resisters as their activities are legally outside the constitutional framework of the states. In such a scenario, nonviolence becomes a powerful tool in the hands of resisters or non-state actors. As a strategy by resisters, Chenoweth and Lawrence (2010) reestablish that civil resistance campaign can deprive the opponent of the sources of economic, social, political and military support in sustained efforts and remain resilient in the face of oppression.

3.7. NONVIOLENCE IN CONTENTIOUS POLITICS

For many scholars of social movements, the acts of protests, demonstrations, riots, strikes, revolutions, and rebellions fall under the collective action category of social movements. The use of collective action against state becomes contentious when it is exercised outside the ambit of state institutions. As Tarrow (2011:7) states “collective action becomes contentious when it used by the people who lack regular access to representative institutions, who act in the name of new or unacceptable claims, and who behave in ways that fundamentally challenge others or authorities”. Here theorists cover both violent and not violent action under the same umbrella. As Veronique Dudouet argues that there are various similarities between violent/armed and nonviolent/unarmed protests or struggles, “They share a number of similarities that are worth spelling out before emphasizing their distinctiveness. Firstly, both belong to the arena of collective political action, as opposed to individual acts of political dissent. Secondly, they are employed by organized (vs. spontaneous) opposition movements, representing an oppressed minority or disempowered majority, engaged in a struggle against the structural violence of the state – characterized for instance by an exclusionary regime or a foreign occupation army or administration. Thirdly, both are non-institutional, in the sense that they operate outside the bounds of conventional political channels” (Dudouet: 2013:402). Having so much common, the main differences between armed and civil resistance is the strategic use of direct violence against the opponent. In the former case, the violence is intentional and to inflict damage on the opponent but the civil resistance restrains from using direct violence and doesn’t aim at physically hurting the opponent (Bond et al 1997, Dudouet 2013).

Violence is understood to act as a contaminant for nonviolent resistance campaigns and make them inefficient or destroy them. Use of violence against the government or their supporters plays against the rationale of nonviolent struggles. Small events of armed violence provide convenient rationale and justification to the state for employing disproportionate force against the civil resisters. On the other hand, excessive violence by the state may affect public confidence and enhance movements' participation.

In reality, the theoretical boundaries marked between the armed struggles and civil resistance are very fluid. "Movements are not always exclusively and explicitly armed or unarmed – many involve a combination of both. Moreover, their members might not hold a differentiated understanding of these two dichotomic clusters of methods" (Dudouet 2013). In most struggles, the popular beliefs are that both violent and nonviolent forms of resistance have their own importance and are complementary in nature (Seidman: 2000: 165). In fact, Maharaj (2008) writes that in the struggle against apartheid, leaders of African National Congress (ANC) gave equal importance to armed, nonviolent, and political movement and equally understood the role of an international campaign.

3.8. NONVIOLENCE AND SOCIAL MEDIA

The revolutionary changes in information and communication technologies (ICT) in recent years have dramatically changed the ways in which people interact. "cell phone cameras and social media (such as Facebook and Twitter) turn individuals into on-the-spot reporters, sidestepping what used to be the exclusive purview of journalists and media syndicates. The general public is now capable of taking pictures and videos of violence, sending them to friends, who then distribute these disturbing images

onward, providing mass-media-type coverage in seconds” (Bock:2012:1). Alternately this is also called “Citizen Journalism”. Now growing scholarly attention is paid towards the role of new technologies in conflict zones where there are sufferings due to civil strife, repression, and undemocratic governance, civil liberties are curtailed and civil movements are ignored in mainstream media or given biased coverage. The role of ICT in popular mobilization, nonviolence, and dissemination of the information can be gauged by the extent to which the external world gets to know about the events that otherwise would remain hidden from the world. Social media itself can’t bring a political change but it certainly alters the relationship and capacities of the opponents and their accountability. Earlier the governments were able to easily censor the information that they didn’t want to pass on to potential actors and now within seconds, the events reach to global audience. In organizing networks of resistance movements’ social media has immensely helped and revolutionized the way people organize and approach some change. For example Bock (2012:2) elaborates that “it would be a mistake to contend that social media is central force behind pro-democracy, anti-dictatorship movements of Arab Spring, but there is no question that ICTs added capacities to these movements that allowed protestors to communicate and coordinate in ways that were not possible before.” On the contrary development in technology has also increased the surveillance on the movements and their increased organized capacities and it also becomes easy to break into such networks and pre-plan and preempt interventions.

Conflict Escalation: “Armed and unarmed resistance might be introduced as alternative methods of popular mobilization for collective, organized, non-institutional, contentious and coercive action” (Dudouet: 2013: 402). Conflicts have their own trajectories and scholars study conflict based on the level of contention and

their intensity. Conflict intensification is referred as the shift from latent or overt (nonviolent) conflict while conflict escalation is the drastic increase in hostilities (violent one) between the contestants (Mitchell: 2011, Galtung: 1996, Dudouet: 2013). The phenomenon of De-escalation refers to the reverse of the escalation where parties usually the non-state actors engaged in armed contention due to strategic, ideological or personal commitments abandon the path of violence and return to nonviolence and in extreme case to institutional politics (Horgan; 2009, Reinares: 2011 and Dudouet 2013).

At collective or group level, the behavioral disengagement from violent action has been attributed to six alternative trajectories: Decapitation of the leaders of the groups, success of the group, failure, repression, negotiation processes and reorientation towards other forms of activism for example criminal activities, insurgency or major war (Cronin: 2009, Dudouet: 2013: 404). States having the monopoly over the use of force can employ disproportionate resources to discipline or suppress the dissidents. The use of legal, executive as well as the judicial instruments also further the state's strategy to disadvantage the participation in violent movements and in turn may shift it to the tactics of nonviolence.

In protracted armed conflict, there is a record of armed groups or their selected members giving up the violent path and entering peace processes with their opponents. When parties reach to mutually hurting stalemate where both parties recognize and acknowledge each other's power and realize the symmetry of power, negotiations become considerable options. But when the negotiations in asymmetrical conflict situation fail to give settlement, the adversely positioned party may relook the strategy and transform to more subtle, cost-effective and nonviolent way of resistance.

On the other hand there are also individuals or groups who shift from nonviolent collective action to armed ranks. Dudouet (2013) makes some important points regarding the mobility of groups or individuals between conventional, nonviolent and violent politics. Some groups leave the violence completely and engage in nonviolent collective action. Second groups primarily use the nonviolence as strategy but also believe that armed groups have a role to play. Third armed groups revert back to conventional channels to use the institutional mechanism for peace process and in case of failure, they remobilise for the nonviolence. The last, significant numbers of members of an armed group revert to nonviolent political activism but organisation doesn't make official proclamation of the shift.

3.9. EFFICACY OF NONVIOLENCE

Debates over the efficacy of violence and nonviolent action have continued for a long time. Violence, as is generally understood, as an effective way of waging a political struggle to achieve policy goals may not be so effective in practice. Maria J. Stephan and Chenoweth have conducted a study by examining “aggregate data on major nonviolent and violent resistance campaigns from 1900 to 2006show that major nonviolent campaigns have achieved success 53 percent of the time, compared with 26 percent for violent resistance campaigns (Stephan and Chenoweth:2008:8). Two mains reasons are cited in the study for this effectiveness:-

“one, Nonviolent methods enhances its domestic and international legitimacy and encourages more broad-based participation in the resistance, which translates into increased pressure being brought to bear on the target. Recognition of the challenge group's grievances can translate into greater internal and external support for that group and alienation of the target regime, undermining the regime's main sources of political, economic, and even military power. Second, whereas governments easily justify violent counterattacks against armed

insurgents, regime violence against nonviolent movements is more likely to backfire against the regime” (Stephan and Chenoweth: 2008:9).

Therefore it is contrary to the common beliefs that violent or armed resistance is more effective against a conventionally superior opponent than nonviolent resistance. Instead, it can be said that nonviolent resistance as a tactic is a more powerful alternative in both democratic as well as nondemocratic contexts, and has been much more effective than violent resistance.

There are several forms of contentions and nonviolence is one of them. Nonviolence is given importance for the reasons that it leaves ample scope for negotiations and diplomacy compared to other violent forms of activism. Violent forms of activism often harden the attitudes of the parties to the extent that negotiation or diplomacy becomes unthinkable. One of the major advantages of the nonviolence is that it transforms the actors as well as their relationship. The awareness component in nonviolent activism gives ample scope to opponents who by definition are oppressors or aggressors to reconsider their tactics and positions and usher in a new approach that is reconciliatory in nature. In the Indian case, theoretically speaking, nonviolence has even greater chances of transforming the conflicts and bring resolutions through dialogue and negotiation for the reasons that Gandhian principles of Satyagraha have evolved from the religious doctrines and social norms. Fitzgerald (2007) writes that Gandhi and Ambedkar are particular influences in the in which discontent or dissent is expressed in independent India.

3.10. CIVIL RESISTANCE AND THE STATE

Human rights violations play an important role in conflict intensity and escalation. The use of violence on either side brings new normality for the tactics used in

achieving the political, economic or social goals and sustains on its own structure. The evolution of repertoire of contention is gradual and shapes the collective repositories of memories that in turn shape collective action. Violation of Civil and political rights which “consist of the right to life, liberty, and security of the person; the prohibition of torture; the prohibition of arbitrary arrest, detention or exile; the right to fair trial; freedom of opinion and expression; freedom of assembly and association; and the right to participate in the government of one’s country” (Thoms & Ron: 2007: 684) aggravate the dissidence more than economic, social or cultural rights. Among these rights as Thoms and Ron (2007) further argue, that the

“Personal integrity rights, life and the inviolability of the human person, are “core rights” indispensable to human dignity. Legally, these rights require absolute protection, even when other liberties are temporarily suspended.....while socioeconomic conditions rarely trigger violent conflict on their own, violations of personal integrity or security rights-including indiscriminate killings, systematic torture, disappearances, or wide-scale imprisonment- do provide a clear link to escalation” (Thoms & Ron: 2007).

Resistance movements respond to opportunity structure provided by the state that includes the level of political openness and state repression. When the means for the nonviolent expression of dissent fades away, people ally to violent means. And when the repression by state leads to violations of personal integrity rights and the families and relatives of dissidents are targeted indiscriminately, it brings in new dynamics of rationalizing the movement participation. State’s indiscriminate violence and violations of personal integrity rights can transform the nonviolent responses to violent ones. For example, Thoms and Ron (2007) write that “individuals and groups may grudgingly tolerate economic inequality and discrimination for years, but they are more likely to respond with violence when physically threatened or attacked”. On the other side, the use of tactics by non-state actors also determines the state’s response and if non-state actors use violence that may breed more violence from

the state. This violence can spiral and form a vicious cycle in which violations of rights, connectives structures for resistance and state repression will form a structure of its own to sustain and perpetuate the conflict and the contention.

Thoms and Ron (2007) further write that Poverty and economic underdevelopment are also “human rights violation when it undermines subsistence and well-being, but it does not, in and of itself, demonstrably lead to conflict. It is usually not the poorest of the poor who organize armed opposition.... Abuses of personal integrity rights are closely associated with conflict escalation. The causal link between repression and conflict seems strong, although other political factors are crucial. Denial of political participation rights is a conflict risk factor insofar that established democracies experience less conflict, but it is unclear whether the causal link between intermediate regimes and conflict is repression, or instability or something else”.

“Repression sparks dissident behavior, yet repression also deters dissident behavior” (Moore: 1998: 851). The role of state structures and how its coercive behavior shapes the dissident repertoire of contention varies. Moore (1998) develops on three theoretical explanations: - “Lichbach (1987) suggests that dissidents seek to maximize their return on protest and substitute nonviolent protest for violent protest (and vice versa) depending on state responses of repression. Gupta, Singh, and Sprague (1993) argue that repression foments protest behavior in democracies but deters it at high and low levels in non-democracies (i.e., the relationship between repression and dissent in non-democracies can be represented by an inverted-U curve). Finally, Rasler (1996) contends that the short-run impact of repression is to deter dissent that the long-run impact of repression is to stimulate dissent and that in revolutionary situations accommodation further spurs dissent”.

The dissident's choice for substitution of nonviolent forms of political action with violent ones against the state repression depends on the openness of the system in accommodation of the demands of the protest. If dissidents feel that their nonviolent maneuver is not efficient to bring a policy shift and state's repression is far exceeding than their modest efforts, dissidents may swap to violent contention. One simple thesis as put by Moore (1998) is that "if the state responds to violent protest behavior with repression (as opposed to accommodation), then dissidents will abandon violent protest behavior in favor of nonviolent protest behavior. Similarly, if the state represses nonviolent protest behavior, then the dissidents will respond with violent protest behavior". But some of the questions are not explored for example if dissidents adopted strict forms of nonviolence and state repression is disproportionate. Will that bring the dissidents back to conventional political channels or violent forms of protests. What if the opportunities for violent resistance are negligible?

The dissident group's tactics change to violent activities with the state repressing the nonviolent one and when violent activities are also meted with disproportionate force, there may be trend reversal towards nonviolence (Lichbach: 1987) but when both the forms of resistance are meted with state repression, it could result in diffusion of dissidents between nonviolent and violent forms of resistance. This case scenario is in a situation where the political process is not ready to substantially accommodate the demand of dissident groups and is mutually exclusive.

Repression or coercion can take three forms as "first, coercion may be overt, that is, the actual use of governmental authority to inflict punishment on the dissident's groups. Second, it can also manifest in expectations about the future threats of sanctions from the regime. Third, coercion can have covert or pre-emptive aspects,

such as surveillance and infiltration of the opposition movement by the forces of the authority” (Gupta et al. 1993). While all of them play a role in the dynamics of the inter-relationship and the repertoire, the overt expressions of the repression are what directs the specter of dissent. Within the covert actions, the state’s use of arrests of dissident leaders and activists, ban on their political activities, censorship of their media and use of physical violence are prominent ones. Gupta et al (1993) further contends that the democratic and non-democratic political spaces reacted differently to state repression. In democracies, the repression invites more violent behaviors from the dissident groups while in autocratic regimes, it works in an inverse relationship for example in former cases, the use of force will incite more protest and outcry while in non-democracies, state repression suppresses the dissident political mobilization. Rasler (1996) suggests that the repression can have instantaneous effect where the protests behavior if dissidents may subside in the immediate situation but it can have a lagging effect i.e. when the repression or coercion are continued they can surface with even more power. She also emphasizes that if the dissidents are successful in achieving some concessions, it may spur further mobilizations. Therefore the government’s continued repression may subside the protests and mobilizations in the short run while inducing more protests over the long run and concessions which don’t actually meet the goals of the dissident but rather focus on the temporal policy shifts in the use of force intensify the protests.

3.11. PEACEBUILDING

By traditional approaches, the focus of peace scholarships has rested on the peace discourses between the States; however, the decentralization and rise of humanitarian agencies have put a substantial focus on contentious politics within the States. Some

research findings suggest that all past conflict countries return to conflict within five years (Jenkins:2013:1). International community finds it important when states within which the conflicts occur fail to address the human rights issues and its obligations under international covenants on social, economic and political rights, to intervene and engage in holistic Peacebuilding measures. The idea of peacebuilding has risen to prominence in all three sectors UN work- international security, sustainability, and human rights.

Peacebuilding in the short run is concerned about stopping the recurrent, systematic violence and prevent the outbreak of new violent conflict and its long-term focus remains on the building the social, political and economic institutions for sustainable peace (Jenkins:2013:2). Peacebuilding generally adopts a two-tier strategy. Its first strategy is the political approach in which the focus is drawn on the root causes of the conflict and appropriate measures are devised to address the conflict. The second strategy encompasses the needs of the actors and focuses on the institutions and physical infrastructures that are either destroyed during the conflict or is scarce due to underdevelopment.

During the 1980's and 1990s Peacebuilding by UN evolved in specific relations to international politics. Peacekeeping then during the cold war had been shaped and defined by the bipolar system. Only certain conflicts were subject to interventions because intervention in each other's domains was ruled out by either of the blocks as these "operations relied on and were restrained by a local contender, consent and superpower inclinations" (Roberts: 2011:9).

On June 1992, Secretary General of United Nations, Boutros Boutros Ghali submitted a report, "An Agenda for Peace: Preventive Diplomacy, Peacemaking, and

Peacekeeping”. The report was unconventional for the past working of United Nations peacemaking efforts (i.e. the peacekeeping and peacemaking efforts). The report came at a time when USSR had fallen out of cold war equation and two block rivalry had come to almost an end and new conflicts of a different nature were emerging.

By the end of cold war and until this report no vetoes were exercised that gave a clear indication of strengthening of United Nations to maintain the international Peace and security. In these changed circumstances the Secretary General believed that the organization should aim in pooling: to seek to identify at the earliest possible stage, situation that could produce conflict, and to try through diplomacy to remove the sources of danger before violence resulted; where conflict had erupted to engage in peacemaking aimed at resolving the issues that had led to conflict; through peacekeeping, to work to preserve peace where fighting had been halted, and to assist in implementing agreements achieved by the peacemakers; to stand ready to assist in Peacebuilding in its differing contexts; and to address the deepest causes of the conflict, economic despair, social injustice and political oppression (Ghali: 1992). Further, the focus was drawn towards structures that can be resurrected where the lasting solution to conflicts is required. It was also stressed that important aspects of the United Nations for the wider mission of “organization would demand the concerted attention and effort of individual states, which remains the foundation stone of this work, regional and non-governmental organizations and entire United Nations System” (Ghali: 1992).

Secretary General defined Peacebuilding or post-conflict Peacebuilding as an action to identify and support structures which would tend to strengthen and solidify peace in order to avoid a relapse into conflict. Preventive diplomacy is done after it is

clearly established circumstances in some place can lead to violent conflict and any local, regional or global players can engage in it in consultation with UN. In a situation where the escalation is expected, preventive deployment can be done to stop the fights between the parties. Thus it could also involve preventive deployment. For Peacebuilding Secretary General has elucidated:-

“With regard to peacebuilding, the Secretary General stressed that for Peacemaking and Peacekeeping operations to be truly successful, they must include efforts to identify and support structures that would tend to consolidate peace and advance a sense of confidence among the people. After civil strife measures might include for instance disarming the previously warring groups and restoration of order, the custody and possible destruction of weapons, repatriating refugees, advisory and training support for security personnel, monitoring elections, advancing efforts to protect human rights institutions and promoting processes of political participation. In the aftermath of international conflict, Peacebuilding might take the form of concrete, cooperative projects that link two or more countries in mutually beneficial undertaking that could both contribute to economic and social development” (Ghali:1992).

Having such cooperation between states for conflict resolution and eventually for the Peacebuilding can only be contemplated in contexts where states are weak and international community can press and leverage the issue. But in cases of states that are politically stable, global stakeholder and powerful, international pressure or interventional for conflict resolution or external internal is a distant proposition in contemporary international statutes and international politics.

To properly understand the context for strategic Peacebuilding Lederach and Appleby (2010:22) describe

“an approach to reducing violence, resolving conflict and building peace that is marked by a heightened awareness of and skillful adaptation to the complex and shifting material, geopolitical, economic, and cultural realities of our increasingly globalized and interdependent world. accordingly, peacebuilding that is strategic draws intentionally and shrewdly on the overlapping and imperfectly coordinated presences, activities and resources

of various international, transnational, national, regional, and local institutions, agencies, and movements that influence the causes, expressions, and outcome of conflict. Strategic peacebuilding takes advantage of emerging and established patterns of collaboration and interdependence for the purposes of reducing violence and alleviating the root causes of deadly conflict”.

Michael Lund (2001: 16) contends that responding to violent conflict requires two steps. First, it is important to know the specific tool of Peace Building according to circumstances and second, employing the specific strategy to transform the conflict from violence to durable peace. There are usually multiple causes for conflicts and these conflicts can be at different stages of escalation and de-escalation. Therefore any stage should be based on the contextual stage of conflict to have an overarching impact. Lund (2001:17-18) describes seven major heading for Peacebuilding tools that are important here. 1. Official diplomacy (at All levels) 2. Non-official conflict Management methods (for example mediation, peace commissions, Non-violent campaigns, problem-solving workshops or civilian fact-finding missions 3. Military Measures for Peacekeeping, DDR or CBM’s etc. 4. Economic and Social Measures for Example Development Assistance, Economic Reforms, Inter-commune Trades or Joint Projects 5. Political Development and Governance Measures for example Institution Building, election reforms, decentralization of powers or constitutional reforms. 6. Judicial and Legal Reforms for example inquiry commissions, war crime tribunals, police reforms etc 7. Communications and Educational Measures: for example Peace education, Peace journalism, civic education and training for peace. The success of these Peacebuilding tools or strategies depends first upon whether the parties are ready to employ them at first place. Further Lund (2001: 19) suggests that after successful application, the results depend on the context of conflict and associated conditions.

Peacebuilding is primarily concerned with ending the violence or enhancing the peace by positively engaging with social, political or economic systems and resurrect old structures or augment them into new ones. Since all the Peacebuilding is context specific, no single coherent model can be used for conflict analysis and Peacebuilding. An analysis of Kashmir conflict reveals that multiple parties are involved at various levels and their roles differ according to their positions and interests.

Similarly ideologies of core parties and their alliance in the international system, in addition, the domestic political atmosphere is also very important. Where international states are contesting over the territories, Peacebuilding heavily relies on their corresponding political positions, their domestic politics, and their national standing in the international system. At local level or national level, Peacebuilding largely involves relations and negotiations between the state and dissident political group. Finally, at the extreme, Peacebuilding is linked to politics, at the ground where the actual contestation is taking place. In order to understand the Peacebuilding approach in/on Kashmir, one needs to comprehensively analyze the multilevel interventions and contestation in historical context and draw a trajectory of measures taken. I have marked five major themes under which all Peacebuilding in Kashmir can be included and critically evaluated.

In tackling Kashmir Conflict, primarily three parties have a direct role i.e. India, Pakistan, and Kashmir. The efforts invested by any one party in tackling the conflict have a direct impact on the conflict path. It can also be said that unilateral efforts that don't encompass the interest of other parties are bound to fail for the fault that other parties are not involved. Since the focus in this study is drawn on the Indian

Administered Kashmir, the analytical Framework is mostly restricted to the events and policies happening with respect to the Indian state. Although a broader framework is also used to comprehensively deal with the peace approaches at all levels and engage all major actors and processes.

For the conceptualization and analysis Peacebuilding Model (1996, 1998, and 2001) by John Paul Lederach will be amended and recalibrated with Michael Lund (2001) to fit into the context. Lederach outlines three levels Pyramid Approach for Peacebuilding. At the top of the pyramid, the leaders and politician, military and police official or others who have a good influence in their respective constituencies. The goal here is to reach a political solution, bargain or a compromise. The middle level of the pyramid consists of the middle tier of leadership, for example, the religious leaders, the business community, academics, think-tanks or trade unions. They are opinion makers and connecting thread in leadership hierarchy. At the grassroots level, on ground leaders that influence activities at an ultimate level where mobilization takes place. Here the local activists are involved who have a direct experience of conflict and are connected with people. Knox and quirk (2000:24-25) make two observations from Lederach (1997: 43) work.

“First, the grassroots level is the tier at which many of the symptoms of conflict are manifest; social and economic insecurity, political and cultural discrimination and human rights violation but the lines of ethnonational conflict are drawn vertically rather than horizontally through the pyramid. In other words, the three levels in the model are not pitted against one another, conflict is cross-cutting. Second, there are two inverse relationships in the conflict setting. Those at the top of the pyramid have the greatest capacity to influence the wider peacebuilding process but are least likely to be affected by its consequences on a day-to-day basis. Those located at the bottom of the pyramid, on the other hand, will be very directly influenced by the outcomes of macro developments but will have limited access to the decision-making process and a narrower view of the wider agenda which may demand bargaining and compromise” (Lederach :1997: 43).

Lederach (1996: 45) argues that no one level of leadership is capable or sufficient in their own right to deliver and sustain peace rather he contends that the interdependence across all the levels of leadership needs to be recognized for successful Peacebuilding.

3.12. INTERNATIONAL PEACEBUILDING

By mid-1948, United Nations Commission for India and Pakistan was sent and which was replaced by United Nations Military Observers Group in India and Pakistan (UNMOGIP) to supervise the ceasefire line and monitor and report the developments on both sides of Kashmir (Widmalm:2002:41). This brings in the international players into the picture in Kashmir Conflict. UN charter at the outset describes the purpose of the organization is to maintain international peace and security, to develop friendly relations among nations and to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character (UN Charter). Three chapters of UN Charter are particularly important. Chapter I, Article 1(2) Equal Rights and Self-determination of peoples, Chapter VI which deals with pacific settlement of disputes and Chapter VII which deals with “action with respect to threats to the peace, breaches of the Peace and acts of aggression”. Chapter I, Article 1(2) is further enshrined in International Covenant on Civil and Political Rights adopted by the General Assembly of the United Nations on 19 December 1966 where part I, Article 1(1) states “All peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development” (ICCPR:1966:173). Similarly International Covenant on Economic, Social and Cultural Rights (ICESCR:1976:1)) mentions under Part I Article 1(1) “All peoples have the right of self-determination.

By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development”. These three articles played an important role when the Kashmir conflict was taken to the United Nations by India and Pakistan and subsequently many resolutions were passed in the United Nations Security Council. Security Council consists of fifteen members out of which five hold permanent membership (Britain, China, France, USSR (now Russia) and the US) and rest ten members are selected for a period of two years. The permanent members hold veto power with the help of which they can block any resolution or decision on dispute listed in Security Council. Based on international relations since 1947, many alliances, bilateral treaties, and regional treaties and security organizations were founded outside the UN where International states based on the national interest and international cooperation either came close to each other or became opponents in pursuit of their national interest and political goals. Such politics also impacted the developments on Kashmir dispute in Security Council where veto was used multiple times.

Further additional responsibility of UN Good Offices Mission is laid on the Secretary General to consider “in response to a request from one or more of the parties to dispute, or as a result of a request from the Security Council or the General Assembly”⁷ or based on *sou moto* cognizance of dispute and offer its office for negotiation or mediation. Outside the UN platform, International States further use regional or other platforms for dispute resolutions or in international opinion making. Such platforms are also vital in putting pressures on the disputants to amicably settle disputes.

⁷ <https://peacemaker.un.org/peacemaking-mandate/secretary-general>

External intervention in international legal jurisprudence has limitations. External military interventions have been controversial in at least two aspects, one where intervention was done for example Kosovo, Bosnia and Somalia and also where International Community failed to intervene for example in Rwanda genocide where close to a million people were killed over a span of 100 days and UN despite her presence acted as a mute spectator. Inspired by these controversies, UN Secretary General in 2000 directed the international community to try and find amicable consensus on the issues humanitarian crisis and international intervention. He starkly pointed out that “if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that affect every precept of our common humanity?” (ICISS: 2001: VII). With the leadership of the Canadian government, the International Commission on Intervention and State Sovereignty (ICISS) was established to deal with political, moral, legal and operational questions of external intervention. The report was titled, “The Responsibility to Protect” which deals with

“the idea that sovereign states have a responsibility to protect their own citizens from avoidable catastrophe – from mass murder and rape, from starvation – but that when they are unwilling or unable to do so, that responsibility must be borne by the broader community of states. The nature and dimensions of that responsibility are argued out, as are all the questions that must be answered about who should exercise it, under whose authority, and when, where and how” (ICISS:2000).

However, the scope of intervention according to this report seems practically possible only in weak or failed states which rules out any intervention in Kashmir conflict where both India and Pakistan as parties have a global stake.

3.13. INTERSTATE PEACEMAKING

The international disputes even though listed in UN nevertheless don't negate the scope of the bilateral and multilateral engagement of states for reaching peace agreements. States are usually the last resort where the desire for peace is expected and practiced. Since states are the primary actors for providing the security and wellbeing of their citizens, the responsibility of the international community lies in strengthening the state and promoting all the activities that are done with the intent of peace. In this context, a lot of development has been witnessed in terms of bilateral agreements between India and Pakistan to normalize the relations that have been sore since the partition. Some of these agreements are of general relations for example trade relations and some of the engagements have been particularly done in the context of Kashmir.

The two countries have fought three wars in 1947, 1965, 1971 and a limited war 1999. Regular border skirmishes are also witnessed across the Line of Control, a *de facto* border dividing the territory of Kashmir between India and Pakistan. Apart from engaging at international forums, the two countries have tried on several agreements to reach peace. Such cooperative agreements are important for understanding and analyzing the attempts of peacemaking by the two countries. Cooperative or peace agreements are defined as “a strategic principle that seeks to accomplish its purpose through institutionalized consent rather than through threats of material or physical coercion. In a system in which economic and political interdependence is explicitly recognized as both an objective and depending reality, armed aggression can become futile as it is self-destructive” (Biringer:2002:59, Nolan:1994). Biringer further explains that

“International agreements have many levels of formality. Confidence building measures (CBMs) are actions designed to increase trust and interaction among the parties.... A second category is international agreements that declare certain intentions to cooperate or share information but are not as rigorous in their approval process as treaties. These may take the form of memoranda of understanding or declarations signed by national leaders but not requiring approval by legislative bodies. The most formal level of agreement is a treaty. These legally binding documents commit a nation to certain actions. In addition to signature by national leaders, these agreements usually require the approval of legislative bodies for ratification” (Biringer: 2002).

Nevertheless, states may comply with cooperation to the extent it serves their interests or is mutually beneficial and may withdraw their cooperation in times when the agreements turn against the national interest of either of the party. The two countries have since the time of independence made some significant peace agreements, for example, Indus water treaty 1960, Taskent declaration 1966, Simla Agreement 1972 and Non-nuclear Aggression Agreement 1988. Between these agreements and contestations, “in 1997, the two countries began a composite dialogue process aimed at building bilateral relations. Both sides identified a cluster of eight issues, including the Kashmir dispute, peace and security, economic and commercial cooperation, and promotion of friendly exchanges” (Bali & Akhtar:2017, Padder:2012).

3.14. NATIONAL LEVEL PEACEBUILDING

State-building, Nation Building, and governance have remained an important constituent of the international system and all the efforts of the Peacebuilding in one way or the other way rest on the state itself. The state has been increasingly seen as a central pillar to all kinds of Peacebuilding, fostering belief that only strong states can sustain peace in the domestic and international arena. For example, Rolf Schwarz

(2005: 429-46) argues that the main content of Peacebuilding is security, welfare and development and better political representation which are the core state functions. For Luc Reychler (1999:133-46) successful Peacebuilding will be characterized by the elimination of physical violence, removing economic, political and cultural discriminations and garnering legitimacy for the state. Reychler's model for sustainable peace further elaborates five pillars of "effective system of communication, consultation, and negotiation; peace-enhancing political, economic and security structures and institutions; an integrative political-psychological climate; a critical mass of Peacebuilding leadership and a supportive regional and international environment" (2006:1-6). Furthermore, functions of Peacebuilding that get prominence in theory and practice are good-governance and rule of law, national and regional security, democratic participation and representation, and, moral and psychological reconciliation.

Civil society participation in maintaining peace has been well acknowledged, particularly after the September 11 attacks. International actors have insistently proposed and utilized a common platform where the civil society is consulted by these organization for effective Peacebuilding measures. The role of civil society serves to understand the local context and helps to frame and formulate the policies in accordance with the needs of the people bearing on the cultural, structural and political sensitivities. Michael Pugh's (2000:127-29) work further enforces the belief that the involvement of local communities in Peacebuilding will lead to legitimate processes and sustainable peace. In the contexts where civil society and national government lack cooperation and mutual ground for carrying a joint approach for reconstruction or rejuvenation of peace processes, the role of states, international civil society, multilateral agencies, and intergovernmental organizations is to work in

tandem for a fruitful engagement. it has been observed in cases of DRC, Burundi and Rwanda that the national governments support civil society groups as long as it serves their purpose (Issaka and Bushoki,2005:7, Lambourne & Annie:2008:280). To make civil societies relevant to the national government and international agencies should take them as collaborators to bring legitimacy to the institutions and enhance the democratic dividend to all stakeholders. Undermining or excluding civil society invariably reduces the legitimacy of any peacebuilding initiative.

3.15. GRASSROOTS OR LOCAL PEACEBUILDING

The bottom-up approach of peacebuilding gives centrality to the local ownership of processes. Theorist and practitioners alike define local ownership as “the degree of control that domestic actors wield over domestic political processes.....the notion conveys the common sense wisdom that any peace process not embraced by those who have to live with it is likely to fail” (Donais:2012:1). Giving due recognition to people as stakeholders in the Peacebuilding processes has greater dividends for bringing stability in the conflict-ridden societies. If people become part of it and are ready to expand it, the scope for a positive change increases. The security situation in the conflict areas have implications for political systems and people at grassroots levels. Booth (1991: 319) writes that “emancipation is the freeing of people (as individuals and groups) from those physical and human constraints which stop them from carrying out what they would freely choose to do. War and the threat of war is one of those constraints, together with poverty, poor education, and political oppression and so on. Security and emancipation are two sides of the same coin. Emancipation, not power or order, produces true security. Emancipation, theoretically, is security”.

Necla Tschirgi (2004:17) contends that “peace can’t be imposed by external forces, military or otherwise, but rather be nurtured through the patient, flexible strategies carefully calibrated to the domestic political context”. The local ownership debate becomes more meaningful in cases where no external intervention is possible for example in stable democracies where efficient mechanisms of grievance handling and functional institutions are in place for the disposal of the dissident groups or population. But in case of the exclusion of people from the processes of the state, ensuring their inclusion and ownership can strengthen the Peacebuilding and the stability of the state.

Drawing focus on liberal peace, the neoliberal ideology rests heavily on security and development paradigm. At the core, the locals are understood as illiberal victims and peacebuilding is premised on the development of institutions in a manner to reproduce the capitalistic model of economic life. Peacebuilding, therefore, conflates with state building and whole operational strategy assumes that interveners have privilege knowledge about holistic peace (Pugh: 2013:13-14). For the past many years, the liberal peace has attained a superior position in international interventions and Peacebuilding clearly shown the dominance of political liberalism. But Ginty and Richmon (2013:768) point out that it is “still unresolved structural problems at the international or state level of political and economic architecture, which mean no conflict is really local, just as peace may not be solely international or state led”. The conditions at the local level and understanding of local actors who have a stake in social, economic and political life have their own ways of engaging with the obstacles and violence within the conflict structure and institutional set up which maintains them. In this scenario, theoretical debates suggest that realities at grassroots are important but less understood and usually dismissed by the executive agencies who

wield power in peacebuilding. The local turn or local ownership has remained a subject of significant misunderstandings from the beginning.

In this regard, Paris (2010:335-65) remarks that the attempts to focus on rights, needs and identity at the local level are often repulsed as anti-democratic, relativist that tend to mar the global equity of human rights and are anti-developmental in nature. Thus the pro-local is “assumed to be a near empty space, willingly subservient to the mainstream statist liberal underpinnings” (Ginty and Richmon: 2013:765). Therefore local involvement loses the relevance between the debate of state and international intervention. The focus is mainly drawn on how state being the recognized unitary part of the international system along with other international governments and non-governmental organizations can help local communities or groups to achieve peace, security, and stability. In various scholarships, it has emerged that combinations of local and hybrid nature of institutions are fragile, corrupt and non-cooperative and no thrust can be given to ‘local’ in an increasingly globalized world.

Current internal Peacebuilding in India can be seen within the neoliberal paradigm, the development of institutions, local involvement in decision making and devolving power or autonomy to groups in conflict areas. As Pogodda & Huber (2014) elaborate that the Indian state over time has developed “a multi-pronged strategy, combining heavy-handed security measures with the promotion of socio-economic development, state building, local participatory governance, and decentralization, as well as support for civil society” as peacebuilding measures to address the conflicts in peripheries. In terms of security policy, the emphasis is drawn on the modernization of security setup and also reintegration of combatants. Panchayat Raj Institutions are set up to ensure local political participation, physical and service infrastructure investments are made

to ensure socio-economic development and promoting economic security. NGOs are also involved to ensure local involvement in development, health, and education. A comprehensive view of the Indian approach to peacebuilding in Kashmir rests on a liberal approach focussing on development as a panacea while at the same time maintaining a hard security approach to curb the insurgency.

The peace strategies that are devoid of local participation may not necessarily bring the transformation towards the nonviolence. The insurgency and counterinsurgency operations reshape the identities, power structures and general contextual relationships in a conflict for example huge human rights violations during 1990s in Kashmir turned the masses against the state and questioned the legitimacy of the state. Such kinds of state practices give vent to the narratives that forge collective identities to legitimize struggles against the state. Beek (2001) asserts that this identity-based denial veils the actors towards the collective resistance in Jammu and Kashmir

Internal power-sharing arrangement, what Lederach (2003) calls the structural dimension of conflict transformation is associated with institutional reforms that foster nonviolent response in circumstances of developmental challenges, political alienation, and self-determination demands. Developmental lag and political alienation are the dominant frames used to understand Kashmir conflict by the policymakers. To ensure a sustainable peace an institutionalized comprehensive approach that encompasses all the dimensions of conflict can transform the conflict.

4.1. INTRODUCTION

Armed struggle has not been a permanent marker of Kashmir's assertion for the right to self-determination. For most of the period from 1947-1989, only sporadic, small and isolated groups have tried to bring the armed struggle to the realm of political contestation. The dominant feature was its nonviolent character. Principally the reason can be associated with the wider discourses of nonviolence as woven around Mahatma Gandhi during the anti-British struggle in British India and its eventual success as a strategy. To ascertain the claim, Lockwood (1969:382) makes it apparent that the Kashmir's popular leader Sheikh Abdulla "has long viewed himself in the tradition of Gandhi and the Indian nationalist movement. As a young political leader during the pre-independence era, Abdullah was able to observe the effectiveness of passive resistance in the struggle against British rule. The example of Gandhi and his philosophy has continued over the years to inspire Abdullah as well as his friends and associates." This is further reflected in the *modus operandi* of Abdullah and his associates in organizing the politics outside the conventional political channels after his arrest in 1953 and yet not engaging in the violent forms of contestation.

The formation of Plebiscite Front was the first step towards an organized nonviolent campaign for the right to self-determination. Led by a deputy to Abdullah, *Beigh* was supported by many other tall leaders in their pursuit. "The belief in non-violence" as Lockwood (1969: 387) maintains "has also been an important adjunct of the party's political program".

During the first decade after partition, much of the dissent was contained by frequent and pre-emptive arrests, severe repression and selective targeting of the Plebiscite

Front members, a significant characteristic of the Bakshi Mohammad's autocratic rule. The *holy relic* cases in 1963 and the ensuing large-scale mobilizations unnerved the belief in the Centre that Kashmir was subtly transforming for complete integration (Bose:2003:77-81). They had a considerable and immediate impact, forcing the Centre to release Abdullah to calm down the people and stabilize the situation. This also led Nehru to rethink his Kashmir policy. He invited Abdullah and sent him to Pakistan to develop a consensus. Since Mirza Afzal Beg, Abdullah's trusted friend served jail term almost equal to his leader; the party leadership was entrusted to less prominent members to actively promote the principle of self-determination for the people of Jammu and Kashmir.

After Abdullah's rapprochement with Indira Gandhi government, the Plebiscite Front was disbanded, only to be later revived by one of its earlier senior leaders *Sofi Mohammad Akbar* (Ahmad 2017) to continue the nonviolent campaign. Many other smaller pro-self-determination parties also sprouted after disenchantment with Sheikh-Indira Accord in order to give vent to their aspirations. A decade later, various political developments, as discussed earlier, led to many popular mobilizations, occasionally turning violent. The simmering discontent and the resultant blocking of conventional political channels finally lead to major slide towards an armed campaign in 1989.

4.2 POLITICAL OPPORTUNITY FOR NONVIOLENCE

The resistance movement witnessed a shift from the armed insurgency to various forms of nonviolent means of popular participation especially after the change in political opportunity structures since 2000. Primarily the past decade has seen new forms of political mobilization in Kashmir ranging from mass protests to internet

activism (Staniland, 2013:931). Such shift in tactics is variedly interpreted by different stakeholders, for example, the Indian state heralds it as a return to “normalcy” while the torchbearers of the mobilizations see it as reaffirmation and rejuvenation of existing demands. The shift in resistance movements can be attributed to various factors, contextual dynamics, and changing opportunity structures. It is imperative here to mention that the shift in the strategy is primarily tactical in nature based on the evaluation by local activists, changing popular perceptions and international dynamics. As Meyer (2004: 126) writes that such shifts are a composite of local and global level factors that herald the popular 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”.

NC has dominated the scene in electoral politics and representation, independently or in alliance in Kashmir from the 1950s. Pertinently this single party rule came to end with 2002 state assembly election. Jammu and Kashmir People Democratic Party (PDP) replaced NC and formed the government in alliance with the Indian National Congress. PDP was founded by Mufti Sayeed, former Union Home Minister of India in 1999. The party’s core political agenda is self-rule doctrine. Though the party propounded a similar framework of an autonomous Kashmir couched in the language of “self-rule” as the NC’s “Autonomy Model”, it broadened the scope by extending its ambit to Pakistan Administered Kashmir.

The 2002 assembly elections were viewed by many as an important indicator for reinstating the political process and ushering “a new era in Kashmiri politics—one that constituted a vital first step in the long process of returning the state to a

condition of normalcy” (Webb: 2006, 87). The significant voter participation in the 2002 election compared to previous elections held in 1996 showed signs of improvement in the electoral politics of Jammu and Kashmir. Although the killings of Law and Parliamentary Affairs Minister *Mushtaq Lone* of NC and the head of Peoples Conference *Abdul Gani Lone* and other political activists during the year had instilled fear among the contestants and their supporters amid the boycott call, increased voter participation meant that for the first time, NC was dislodged. Out of 87 seats in J&K state assembly, NC won 28, Congress 20 and PDP 16. Independent candidates got 15 and the rest by other small parties (Bukhari, 11-Oct-2002). Amitabh Mattoo (2009:30) a veteran academician and political advisor to J&K government, writes about 2002 elections that ‘electorate was for the first time able to dislodge the ruling party and bring confidence to democratic process’.

Centre’s insistence on holding a free and fair election and willingness to involve Hurriyat Conference in talks for a resolution to Kashmir problem (Peer, 29 Aug 2002), PM’s package and support for the new alliance between PDP and INC marked many changes in the political atmosphere of the state. The new government wielded its influence to the decade-long turbulent conditions in Kashmir that had crippled the life. PDP’s decisive shift in the policy related to security scenario and public relations marked a break from the lingering shadows of the past wrongs committed in the conflict-ridden region. As a new party and without any historical baggage, having relative popular faith, it generally held back the excessive force used against civilians in previous decade thus brought the new atmospherics to the fore. The unraveling of the new approach of government found resonance in the popular mood and conduct.

A landmark initiative included repealing the powers of *Ikhwan* (pro-India govt. militia in Kashmir) and Special Task Force (STF) which were raised under the NC government. These forces acted either under state impunity or within the grey zone of conflict enjoying extra-ordinary and extra-legal powers to conduct extra-judicial murders, tortures, abductions, and assassinations of ideological opponents (HRW, 2006; PUDR Report, 2007; ICG Report, 2003; JKCCS Report, 2005; JKCCS Report 1990-2005; AI Report, 2011; IPTK and APDP Report, 2012;). STF was merged with state police thus ending their authority and *Ikhwan* was disbanded (Soz, 8, Jan 2018). Infamous for severe repression, their departure was seen as a sign of relief especially when the war weariness had also set in. With this, the changes in the security forces engagement with the civilian population also began to mold into more people friendly as security points and frisking of commuters came down drastically. As Aziz, 59 corroborated that “such a shift in politics and revival of the political process was necessary for widening the political space for the conduct of conflict with minimal losses on all sides. That the changing atmosphere gave us respite and fresh air to breathe after scathing conditions of life in Kashmir in the previous decade” (Interview, 2017). This was also reflected by the decline in the total number of conflict-related casualties in the ensuing years.

Moving beyond the conventional, PDP revived the tourism which had seen a sharp decline previously with the act of inviting Bollywood and other personalities to send a message that Kashmir is safe for foreign as well as other visitors. With such gradual developments, PDP became a glimmer of hope for the people and an initiator of change. PDP’s popularity and relative success in containing the situation led many to believe that the party was of being “supported by separatist parties or having a soft corner” (Jacob:2016:15) for them. However, such claims are denied by both the

groups. As one of the senior leader of *Hurriyat G, Ashraf Sehrai* reiterated that PDP is no different than NC as PDP has used subtle ways of repressing the movement activities and went a step ahead in their agenda against the *Tehreek (Movement)* (Interview: 2017). Since this politicking remains a normal discourse between two antagonist parties or ideologies, on-ground reflections were quite commendable. Based on the interaction with people of various shades, it was a common observation that people started enjoying relative freedom in various aspects, for example, people could move in and out and travel in late hours, business started picking the pace and tourist places started getting increased footfall. One of the respondents Hayat Ahmad, 45 reflecting on the changing security conditions remarked: “*we embraced the change. I went out along my family to vote. I had understood if we leave everything to chaos, this bloodshed would continue, we will have no one to enjoy the freedom we demand in the decades to come. We need a sound institutional system, rights protection, and civic amenities, then the political issues can be resolved politically. War gives destruction and nothing else*” (Interview: 2017). His perspective was endorsed by many educated young persons.

It could be said the arrival of PDP on the political stage and their stand for a negotiated settlement to Kashmir conflict over violence was a revival and re-legitimization of the political process which had witnessed a low during the height of the violent conflict. Rekha Chowdhary (2011) writes that

“PDP’s entry into politics changed the character of power politics in many other ways. Seeking to make space for itself in the context of the dominance of the National Conference on the one hand, and the overwhelming influence of separatist politics on the other, the PDP located its politics in the context of the conflict situation, specifically responding to the common people’s sensitivities. Its discourse of a ‘healing touch’, aimed at providing succor to a people troubled by prolonged aggression and violence, not only helped it to gain popularity but also facilitated the process of making power politics relevant in the given situation. What

assisted this process was the party's approach towards the conflict situation, specifically separatist sentiment at the ground level" (Chowdhary: 2011).

The reaping of popular sentiment by PDP and presenting itself as a pro-people party within the separatist's social spaces raised its stakes in the valley but it has also created problems for itself. As the improving security conditions created political opportunities for dissident politics to recalibrate their methods to non-violent political mobilization, a section of Indian commentators stressed that the changed context indicated an appropriation of separatist politics by the PDP. As Chowhary (2011) writes that 'the "mainstreaming" of the separatist issues by PDP not only challenged the exclusivity of separatist politics, it positioned mainstream politicians as legitimate stakeholders in the politics of the state". Nevertheless, such liberal assumptions turned out to be facile and were rebuffed by the 2008 and 2010 uprising. The appropriation of 'separatist' space by PDP and forging it with the mainstream political process was inherently antithetical to the discourse of the mainstream political process. Nevertheless, the declining violence and the creation of political space for subtle nonviolent activities by the dissident groups marked the period. Such tactical shift also reflected the readiness of the groups to utilize the opportunity to reframe and redirect their politics.

4.3 SAFRE-AZADI CAMPAIGN

As this 'normalcy' returned, the separatists also started taking advantage of the political space to reorganize their politics. The government softened its approach during the PDP led coalition thus giving leaders of the Movement enough space to disseminate information, run awareness campaigns and mobilize people through nonviolent means. One of the prominent among such campaigns was Safre-Azadi spearheaded by JKLF. Led by Yasin Malik, the Chairman of the organization, the

literal meaning of the campaign was 'Journey for Freedom.' The campaign commenced after nearly three years of the Composite Dialogue Process was initiated. Designed as a political tool, the campaign's insistence and goal were to make the people of Jammu and Kashmir a part of the ongoing dialogue process and make the whole process more substantive. The deeper belief reflected that the involvement of the people will make the process more fruitful and a lasting and durable solution can be achieved. It raised slogans like "Voices for Peace, Voices for Freedom- Peace in South Asia, Kashmir First". The organization's believed that the success of the dialogue process was dependent on the involvement of the ground level and real stakeholders..

Started in 2007 from *Mati Garwan*, a village in South Kashmir, the campaign was successfully run for 114 days in various districts of Kashmir and Jammu Division. This nonviolent campaign by Yasin was one of the largest and unconventional in nature since he reverted to nonviolence in 1994. JKLF, while welcoming the dialogue process, stressed the need to involve people of Jammu and Kashmir in the dialogue process. Stemming from the belief that exclusion of Kashmiris from any decision making processes on the political future of Kashmir will the make the process hollow and insubstantial.

Through this campaigning, JKLF recorded signatures of 1.5 million people in Jammu and Kashmir and organized an "extraordinary exhibition in the history of the Kashmiri struggle for self-determination. Held at the Gandhi Peace Foundation premises in Delhi under the banner of "*Voices for Peace, Voices for Freedom*", the exhibition displayed 1.5 million signatures of Kashmiri people demanding self-determination" (Khan, Apr. 2005). The event was attended by various prominent

personalities, diplomats, and intellectuals which made a spectacle in the national media. The exhibition showcased some 5000 demonstrations and photographs, coverage of 5000 villages that were visited during the signature campaign and an unedited 340-hour-long videotape showing detention and interrogation centers run by Indian forces in Kashmir (ibid). Through the petition, JKLF requested the Government of India and Pakistan and also the international community for a thoughtful approach. Terming the act as a symbolic exercise, Malik expressed through the campaign that common people of Kashmir should be involved in all future dialogues that are held to determine the fate of Kashmir and its people (Das, Mar 17, 2005).

This symbolic act of protest based on the principles of nonviolent political action which had gained its prominence in India during the freedom struggle sent a message to the parties with a noble gesture. At *Mati Garwan*, Yasin had reiterated that if Kashmir issue was to be addressed, the inclusion of genuine Kashmir leadership is the first and foremost prerequisite (Safre-I *Azadi* Documentary film, 2007). “The *Safre Azadi* (Journey for Freedom) was symbolized for the journey of rediscovery for the people of Kashmir, the power of collective action, the power of coming together, voices for the idea of freedom” (Shah & Choudhury: 2017). Several JKLF activist recounts that people welcomed such efforts in their streets, villages, and towns and saw it as a positive development as it demanded no bloodshed but a collective nonviolent quest which has commonality with sentiments on the ground.

This was a deliberate act aimed at the creation of the platform for a reformulation of the tactical engagement of people with the changing circumstances and conflict dynamics. People took long marches on the streets, sloganeering, holding speeches at

gatherings, and various rallies during the campaign. At the *Mashal Marches* (torchlight processions) participants carried lighting (fire) objects in their hands after dusk to raise the conscience of the masses.

In contrast to the armed revolt in the 1990s, the *Safre-Azadi* resembled earlier mobilizations held under the umbrella of Plebiscite Front. However, in the present context, it showed the ideological adherence to an organized and sophisticated nonviolent movement by strategically employing the methods of nonviolent action. This shift in the tactics, as said earlier, was a thoughtful consideration, of the various leaders and activists disillusioned with the gun, of circumstances and contextual factors where opportunities for nonviolence seemed to have been assessed as a durable and sustainable form of resistance in the disproportionately asymmetrical relationship. As (Shah & Choudhury 2017) assert that “*Safre Azadi* was a creative nonviolent action organized 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

During the three years of its rule (as part of the coalition agreement Congress was to head the government for the next three years), PDP carved out its own space in Kashmir’s mainstream politics. On the other side, the dissident groups, Hurriyat G, Hurriyat M, and JKLF, were also involved with the ‘governance related issues’ which they had kept aloof since its formation (Jacob: Dec 24, 2009). Jacob (2009) further argues that “this crossing of traditional political boundaries by the hitherto opposed

political groups indicated the complexity of Kashmir's new politics". This also reflects that a relatively conducive political atmosphere was created due to the Indo-Pak dialogue process and many working groups on Kashmir. Given the fact that militant violence was receding year-on-year, the observations by some analysts on the return of 'normalcy' based on the less frequent protests or the absence of large-scale dissident activism, turned out to be misleading at best.

After the 2002 assembly, relatively better atmospherics were visible for the elections that were to be held in the summer of 2008. All the parties were preparing for election campaigns especially after the insurgent violence had witnessed a sharp decline. This turned out to be illusory as the political scene in Kashmir took an unpredictable turn which even seasoned Kashmir watchers had failed to predict. Kashmir erupted into a large-scale popular uprising and reinvigorated the sentiments that were thought to be on the wane.

As the spring started in the summer capital of Kashmir, news started circling in Kashmir that 800 Kanals of forest land was being transferred to Shri Amarnath Shrine Board (SASB). Separatist leadership was taken by surprise and they returned to actively opposing the move of the government by the mobilizing the popular support. SASB was constituted by the state government in 2001 for managing the Amarnath *Yatra* affairs. The process for the land allocation was started in 2005. After many administrative and legal hurdles, the matter was placed before the cabinet in February 2008 and later in May 2008 cabinet approved the land transfer to SASB (Greater Kashmir, Aug 19, 2008). As the news spread people agitated against the 'misdeed' of the government and considered it as an existential threat. Reeta Tremblay (2009:938) writes that this "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.”

Watching the changing circumstances, various separatist groups joined hands to form Action Committee Against Land Transfer (ACALT) to lead a united front. Based on its role as a collective decision making and action directing, it was also called as Kashmir Action Committee. Chief among these were Syed Ali Geelani led Hurriyat G; Mirwaiz Ummer Farooq led Hurriyat M and Yasin Malik’s JKLF and it was joined by other civil society groups like trade unions, activist, or other workers associations. The responsibility for organizing protests and demonstrations were taken by ACALT which was also joined by “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 Association” (Tremblay, 2009: 941). The controversy escalated after Arun Kumar, the CEO of SASB promulgated in a press conference on June 17 in Srinagar that Land transfer was permanent and irrevocable. The protests gathered pace, NC also criticized the govt. Under the pressure and fear of public backlash, PDP pulled out of the coalition with Congress. On 29th June, the SASB surrendered the claim for land and government undertook the management control of *Amarnath Yatra*.

ACALT’s announced its first protest demonstration on June 23, against the forest land transfer to the shrine board. It got an overwhelming response from the people, thousands gathered in Srinagar to show their solidarity. Some newspapers reported that more than fifty thousand had joined. As state laid security restrictions to curb the burgeoning protest rallies, clashes erupted. One person was killed in force’s firing on demonstrators and more than 40 civilian were injured. Syed Ali Shah Geelani

addressed youth and called for peaceful protests. Yasin Malik announced Satyagrahi fast unto death if the land order was not revoked. With time as the govt. was having meetings over the stretch, the protests intensified, spreading horizontally to other major towns. With this, the purported days of normalcy came to an end as the protests resembled the escalation of 1990 with large-scale popular participation, albeit without the gun.

Irked by the developments in the valley, various groups joined hands and formed the Shri Amarnath Sangarsh Smriti (SASS) in Jammu spearheaded by BJP to lead an organized protest against the revocation of the land transfer order. Mobilized along the communal lines, BJP's state president Ashok Khajuria declared economic blockade against the Kashmir Valley. With support from various other right-wing organizations like VHP and Bajrang Dal, a total blockade was enforced. NH 44, the only national highway connecting Jammu and Srinagar was blocked for all kinds of vehicular movements. "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 a severe shortage of essentials like medicine food etc in the valley" (Shah: 2017). The seasonal produce e.g. fruits loaded in trucks for transportation to various markets in India got damaged on its way waiting for the blockade to end. Pertinently apple production forms the backbone of the rural economy in the valley. 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).

Marred by the blockade of the only commercial route for supplies, Hurriyat Conference called for “Muzaffarabad Chalo” (Move to Muzaffarabad- another commercial hub across the LoC in PAK). Having no alternative, hundreds and thousands participated in the ACALT led march, an act similar to Dandi March (Salt-Satyagraha) and joined by the “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). Terming the blockade as an act of war, hundreds of trucks, loaded with fruits and other perishable items, started their journey on the traditional Uri-Muzaffarabad route. Historically this route was operational and lifeline for trade and commerce in Kashmir until 1947. The rally was thronged by nearly half a million participants unnerving the beliefs of many.

Photograph 1: More than one million people gathered in Eidgah Srinagar to Pray for Freedom on 22-August 2008



Source: Showkat Shafi/Photojournalist Date: 22-08-2008

The Muzaffarabad Chalo was a culmination of failure from the central government to ensure the safe passages for fruit laden trucks, as various bodies associated with the fruit industry in Kashmir had requested PM Manmohan Singh to intervene. Seeing the mass rally proceed with fervor, security forces dug the roads leading to Muzaffarabad at many places between Uri and Baramulla to halt any forward movement towards LoC. Senior Hurriyat conference leader, Sheikh Abdul Aziz was killed by the forces who resorted to firing on peaceful protestors. Several others were injured. Infuriated by his killing and the continuous blockade in Jammu, protests intensified, and over a dozen people were killed in subsequent days. Police, CRPF, and Army troopers fired on many processions throughout the Valley, people complained that 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).

Tensions escalated further along the communal line as BJP at the national level called for Bharat Bandh and extended their support to SASS, with BJP national president Rajnath Singh and senior leaders Arun Jaitley arriving personally in Jammu. As protests continued in the valley, more youth fell to bullets arousing more anger. Failing to see the gravity of the situation, Hindu Preacher and head of the Art of Living Foundation, Sri Sri Ravi Shankar further infuriated the protestors by claiming that the land transfer was only a token and was not enough to accommodate lakhs of pilgrims (GK, Amarnath Land Low:2008). Adding fuel to the fire, the BJP in opposition was threatening the government to stop the Haj pilgrimage to Mecca. Under the leadership of SASS, people of Jammu were united for the first time in recent years with such intensity. As Tremblay (2009:942) writes “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 and private businesses were shut for two months.

Amarnath *Yatra* is an annually held faith-based pilgrimage by devotees of Hinduism, in high altitude hills placed between Pahalgam and Baltal area of Kashmir valley, in the month of July. In Hindu religious tradition, the followers of Lord Shiva, one of the prominent gods in Hinduism, believe that one time pilgrimage is compulsory religious obligation where they pay homage to the deity. Amarnath cave was discovered by a Muslim shepherd, Buta Malik, in 1850. It is said that until 1990 only Kashmiri Pandits used to visit the cave and additionally some hermits (Sadhus) would join them. In 1990, some 20,000 pilgrims visited the Amarnath cave (shrine) in the hills of Pir Panjal range. By 2005 the numbers had increased significantly and in 2008, numbers crossed half a million. The land transfer and this exponential rise in numbers were seen as an aggressive political agenda of Right-wing Hindu Nationalists and then as Roy (2011:59) write that the “land transfer was viewed asan elaborate plan to build Israeli-style settlements and change the demographics of the valley”.

With the rising tide, “the gun took the backseat in Kashmir and public protests came to define the separatist struggle, the *Yatra* became conflict-neutral. There were no major incidents after 2002. Even during the massive protests against the transfer of government land to the Amarnath Shrine Board in 2008, the *Yatra* remained unaffected. Even as the Valley and Jammu’s Hindu majority areas were sharply divided along communal lines, *Mohalla* committees organized *langars* for *Yatris* in Srinagar and Ganderbal districts. This situation remained unchanged during the 2010 and 2016 summer uprisings” (Jaleel & Masood: 2017).

The chief architect behind the creation of SASB and land transfer, S. K. Sinha, the governor of Jammu and Kashmir was replaced by N. N. Vohra on 25 June 2008. Under the leadership of Governor Vohra, the crisis was averted. Taking in confidence the then acting CM Gh. Nabi Azad, the order was withdrawn. State government undertook the management of pilgrimage and SASB was handed over the responsibility of looking after the religious rituals associated with the pilgrimage.

Historically, the two divisions in J&K have seen flare-ups in their relations but it was for the first time that such a consistent campaign for many months was run in Jammu. While the popular perceptions in Kashmir were not dominated by the religious bend and people differentiated between the religious rituals of Hindu and Land transfer. But this was portrayed as an attack on religious symbols of Hinduism by right-wing parties in Jammu. As the Prof. *Abdul Gani Bhat*, head of the Muslim conference recalled that people never went against the *Yatra* or even the land but through this, they got an opportunity to demand *Azadi* that they have been doing for past several decades. When land order was revoked by the government, people celebrated which did not go well with people in Jammu and they reacted unimaginatively by the economic blockade. The leaders of ACALT cleared their position viz-a-viz *Yatra* by reiterating that Amarnath *Yatra* has never been a problem and Kashmiri society has never opposed it. Rather Kashmiri Muslims have welcomed the Yatris and supported them in all circumstances but the transfer of forest land for construction of concrete structures paves a threat to the environmentally sensitive area (Safvi, 2008). *Yatra* in previous years was being managed locally with makeshift sheds and *Langars* (temporary footstalls).

Kashmir Action Committee issued a list of demands at the peak of the popular uprising which included the right to self-determination; the opening up of all trade

routes with Azad Kashmir; demilitarization, revocation of AFSPA, DAA, and PSA, and release of political prisoners (Tremblay, 2009: 943). The leadership spearheading the movement seemingly had a good bargaining position as Tremblay (2009) says, “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 the agitation marches in mid-August to protest against the economic blockade and appealed for UN and other international organizations’ intervention”. Despite the use of force against the unarmed protestors, leaders emphasized the need for peaceful protests. They didn’t want it to derail into chaos like the 1990s and put forth a unified demand for Azadi under the ACALT despite having various groups of different ideological leanings.

The uprising in the valley and the reactionary unrest in Jammu finally came to an end by using a middle path approach. It was agreed that the land will not be transferred to SASB but shall be used seasonally for *Yatra* purpose. On the other hand, the central government conceded that LoC trade routes will be opened for cross LoC trade and the protests subsided in the valley.

This was the first event where nonviolence was practiced after the previous turbulent decade. Adopting nonviolence as a strategic tool by the youth in Kashmir was least expected after a decade of violent insurgency, but in collaboration with the leadership of Kashmir, they crafted a new way of resistance. As Roy (2011:59) writes that through these *Hartals* and popular protests, Kashmiris were charged with committing every kind of communal excesses while 5lakh pilgrims not only returned unhurt but were touched by hospitality showered by locals.

Seeing the new dynamics of the Kashmir resistance movement turning powerful, the government imposed a blanket curfew, blocked the internet service, and censored local media and house arrested top leadership. Mass organized nonviolent protests ruptured the idea of normalcy which many had been claiming after the decline of militancy. As Roy (2011:57) writes that mass uprising was nourished by “people’s memory of years of repression in which tens of thousands had been killed, thousands had 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”.

Changing dynamics afforded the space for pragmatic application of nonviolence as no cases of militants attacks were reported during the period of the popular uprising. As violent activism acts antithetically to the way nonviolence is employed in conflicts. In contrast, the organization and leadership insistence to not let the popular uprising’s disruptive propensity drown with violence like 1990s and lose the strategic potential advantage it presented, it represented a drastic shift in employing the nonviolence as a strategic tool.

4.5 SECOND POPULAR UPRISING 2010

2010 was yet again a year of turbulence in Kashmir. Large-scale protests disrupted the purported ‘normalcy’. The uprising constituted the protests politics, *Hartals* (Strikes), mass rallies and other tactics that come within the ambit of civil resistance. In response, the excess force used by the state led to the killing of 120 youth during the uprising. There were spontaneous mobilizations as event after an event turned out and yet again they were connected with separatist’s programs. Taking control of the situation, these parties would issue protest calendars (a pre-planned charter of events

and activities that is issued by separatist leadership in Kashmir primarily because they are restricted to freely communicate to people and pre-emptively arrested en-masse in wake of a public stir) to keep the popular mobilization focussed and goal oriented. And during such popular mobilizations, the separatist politics become the 'mainstream' for the people and their people overwhelmingly comply with their programs and look up to them for future engagement (Pandit 31, July 2010).

The rise in unaccounted civilian killing that continued from 2008 uprising and the institutional apathy for any legal measures to address the grievances fuel the long protests and Hartals. Chowdhary (2010) presents the trail of intermittent incidents during the 2009 protests that in summer

“the protests over killing of two youth in army firing in Bomai in February 2009; killing of a carpenter by the CRPF in Khaigam in South Kashmir’s Pulwama district in March 2009; rape and murder of two women in Shopian in May 2009; killing of two civilians in the custody of a special operation group of the police in Alochi Bag in May 2009; killing of a man near the security picket in Dangiwachi Camp in North Kashmir in October 2009; killing of a teenager by a tear gas shell in Baramulla in October 2009; killing of a civilian from Pulwama allegedly used as a human shield by security forces in an encounter with militants in January 2010; killing of a teenaged boy playing cricket, hit by a smoke shell fired by the police in February 2010, among others”.

This is not to argue that self-determination movement is premised on the excesses meted out to people and vice versa but rather that the human rights violations escalate the popular mobilization for street protests and Hartals. Having such mobilization started from one sensitive incident, the use of force against protestors lead to further protests and killing thus making a vicious cycle of protests, confrontations, and repression.

Prior to this 2009 also saw intermittent protest throughout the year. It started with rape and murder of two women in Shopian district, Asiya 17 and Nilofar 22, whose

bodies were later found in the high-security zone, in a shallow stream between army and police camps. Earlier the post-mortem reports had confirmed the rape and murder by doctors in the district hospital and later the investigation overturned the initial findings (Roy: 2010). Investigation report finally released declared that the women had died of drowning, which many in Kashmir and India refused to buy considering the ankle-deep depth of water (Yaseen: 2011). Seeing the level of anger rising, major towns across Kashmir were put under curfew. In *Shopian*, the curfew continued for four months. Pertinently, in *Shopian* a locally formed association ran a campaign demanding justice to the victims and on the other hand, other parts of the valley continued the campaign for *Azadi*, a central point of Kashmir's protest politics.

Human rights violations are one of the central sensitive issues in Kashmir's collective imagination that connects people in remote and distant corners of Kashmir. One single incident disrupts 'peace'; it is the perennial denial of justice and a sense that Indian institutions can never deliver the justice. While a single case of human rights violation if taken as criminal act of an individual in a system and tried in court of law, could have on many occasions allayed tensions and ushered new perceptions about the justice system, the repeated denials signify and give a sense to people that India is using a subtle and deliberate policy to intimidate the people. It is this denial of justice which leads the people to streets, and then subsequently disproportionate force used by the state makes a vicious cycle of more killing and more protests.

The 2010 uprising was triggered by *Machil fake* encounter by the Indian army. On 30th of April, Indian army claimed to have killed three militants who crossed LoC in Machil area of frontier district Kupwara. Pertinently, a video clip surfaced on social media showing the staged encounter of three Kashmiri youth (JK fake encounter, The

Hindu, 2010). The three youth were civilians from the Baramulla district lured for jobs by two persons of Territorial Army in collusion with some officers of the Indian army and dubbed as Pakistani Militants.

To subdue the protests, pre-emptive deployment of security forces were initiated to suppress any potential mobilization and suppress the issue. As Chatterji (2011:99) says that during “summer 2010, the recurring use of violence by Indian forces has been deliberate; with precise and cruel tactics, to maneuver the Kashmir’s determination for *Azadi* (self-determination) with the indefatigable uprising in the summer”. The issues of human rights violations by security forces provoke the youth to protests and the widespread nature of such beliefs reinvigorate the collective repository of past memories which accentuate the dormant claim for the right to self-determination. As Chowdhary (2011) writes that the disregard for human rights by security forces and the continued killing of Kashmiri civilians brought back ‘self-determination’ as the ‘central symbol’ of their protests.

Thus the trail of the incidents in 2010 protests started with the killing of Wamiq Farooq 12 on 31 Jan 2010, a 7th class student who was killed while playing in Gani Memorial Stadium at Rajouri Kadal and three civilians in Machil fake encounter. Allegedly the security forces were chasing some youth involved in protests or clashes in the nearby area and fired teargas shells into the stadium that resulted in the death of Wamiq Farooq (Teenager Killed, Ali, 2010). The intensity of protests was fizzling out when on June 11, a tear gas canister fired by security forces from close range bashed a hole in Tufail Mattoo’s skull, killing him instantly. He was heading home from a tuition center where he was studying for the medical entrance exam’ (Polgreen: 2010). “In brief, it was the unending cycle of killings that led to the summer uprising.

As each killing led to fresh protests and each day of protest led to fresh killings, the anger on the ground intensified and the political discourse became increasingly radicalized. By the time the summer ended, *Azadi* and self-determination had once again become the core of protest” (Chowdhary: 2010). The protests and strikes were carried out for more than two months making the state administration totally powerless.

In maneuvering the situation in the name of ‘law and order’ problem, out of 75 days of strike and popular agitation, curfews were imposed for 73 days and violence continued on the Eid-ul-Fitr. As Chatterjee (2010, Sept) writes that “Each instance of civilian violence was provoked by the unmitigated and first use of force on civilians and/or extrajudicial killings on the part of Indian forces. Peaceable civilian protests by women and men dissented the actions of Indian forces. Individuals, caught in the midst of the unrest, or mourning the death of a civilian, were fired upon by Indian forces, leading to other killings by Indian forces, more civilian protests, greater use of force by the police and paramilitary, use of torture in certain instances by Indian forces, more killings by Indian forces, larger, even violent, civilian protests, and further state repression”. The abuse is not unprecedented in the history of Kashmiri resistance but the level of awareness about rights and political consciousness has increased which lead people to fearlessly contest against the discrimination and injustice. The social repertoire and collective memories have empowered the local solidarity and large mobilizations.

4.6 FRAMING THE ONGROUND ENGAGEMENT AND DISCOURSE

The framing of conflict, its representation in state discourses and advancing one discourse over the other directly shape the policy response of the state. “The concept

of framing relates to the way one understands a word or issue, a discourse can be understood as the shared way to apprehend the world” (Fischhendler et. al.: 2016). By employing particular frames to prioritize certain aspects of an issue is a political choice to forward a preconceived thinking while at the same time undermining other. The use of “metaphors, catchphrases, visual images, moral appeals, and other symbolic devices” (Fischhendler et. al.: 2016, Gamson & Modigliani, 1989), normalize the frames to everyday language. Framing certain issue as existential leads to its securitization which prioritizes the policy initiative from decision makers and legitimizes the policy implementation (Buzan et. al: 1998). Framing is important for making representational imagery of certain issues, generating public opinion, creating justification for certain policies and normalizing certain policy behaviors (Lakoff:2010). Through the framing of discourses, a particular way of understanding is ushered in the realm of policy about an issue to create justification for addressing it through “collective action and the mobilization of political power” (Lakoff: 2010).

The legitimization and delegitimization of certain discourses, actors or struggles within the security prism of state determines the acceptable behavior in the security challenges faced by the state. The discourses on popular participation in resistance politics of Kashmir is portrayed differently by the state and the separatists. In front of disproportionate assets at the disposal of state, the resistance leadership employs the repertoire not only to contests state discourse and express the desire for freedom but sustain the connective social structures of resistance. The political leadership of the Kashmir resistance movement sees the popular participation as rejuvenation and legitimization of the demand for self-determination that has historical roots. Indian state remains on the denial and variously frames it as irrational and illogical troublemaking by some miscreants. The state discourses allow little space by

maintaining its dominance and exclusivity to an extent that the narratives of human rights violations are portrayed and dubbed as a ploy of secessionist politics. The dominant discourses by state inhibit the institutional channels for redressal of such claims and make institutional channels unavailable or unresponsive thus making the claims of democracy problematic. Whereas it is evident that both the discourses are exclusivist in their framing, the on-ground reality in Kashmir shows a wide difference with state narratives. As this paragraph asserts:-

“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 color-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.”
(Mishra, 2011:1-2)

Kashmir has remained at the center of the national imagination and nation-building prospects in both India and Pakistan. For India, Kashmir represents its ‘Crown’ or head on the map as it is viewed in symbolic human shape and in Pakistan, it is projected as the ‘Jugular vein’. The overwhelming and powerful narratives of India and Pakistan in their respective constituencies have created popular sentiments that have gone beyond the control of the political leadership. Pakistan repeatedly raises the Kashmir issue in international forums, but India’s growing stake in the international system, not only prevent the international players from mediating in the conflict but also overlooks the human rights excesses by Indian security forces.

Here it is pertinent to mention that since the eruption of armed revolt in 1990s, India through a parliamentary resolution clearly rejected the role of Pakistan in IAK and has laid a claim to PAK as an integral part (SAPT:2013)⁸. “In Kashmir, the militant turn of the simmering conflict in the early 1990s was met with a brutal crackdown as the dominant government narrative focused on the abetment and direct sponsorship of the violence by Pakistan. Pakistan became the lens through which the situation in Kashmir was analyzed, and an acknowledgment of possible Indian government policy failures in Kashmir as driving Kashmiri discontent has only been made in the twenty-first century” (Talwar: 2015:55). In the 1990s, the agitating youth were framed as ‘obstructions to Peace’ and ‘youth led astray’⁹ to new categories of “misguided youth” and “terrorists”. With the decrease in militancy and increase in popular participation in street protests, the ‘misguided youth’ is likened to ‘agitational terrorists’ or ‘gunless’ terrorists as the senior official of Army and CRPF¹⁰ called them. Likening the mass uprising of 2008 and 2010, to ‘agitational terrorism’ sponsored by Pakistan and its agents i.e. Separatists in Kashmir, conforms to the discourses that delegitimize their genuineness. Similarly, such framing striped off the nonviolent character the protests had attained. The editorial of India’s three major English dailies i.e. The Hindu, Times of India and The Indian Express show that Kashmir is primarily seen in “International relations” followed by the “Law and Order Problem” frames (Imran:2013). Whereas the Indian state seems to agree that the issue is multipronged but it continues its policy of security approach by giving emphasis to the “law and order” frame.

9 SAPT (22 Feb, 2013) Parliament Resolution on Jammu and Kashmir, Url: http://www.satp.org/satporgtp/countries/india/document/papers/parliament_resolution_on_Jammu_and_Kashmir.htm Pubhised: 22 Feb 2013 Accessed: 16-05-2018

9 PM I K Gujral Speech in Loksabha on July, 28 1997

10 <http://www.greaterkashmir.com/news/2010/Feb/4/pak-sponsoring-gunless-rebellion-crpf-72.asp> Accessed on 1/10/2013

Within the state discourse, the mass popular uprising is framed as ‘an internal issue of law and order problem’ or dubbed as cross-border sponsored agitations. The entry of Pakistan into the picture as a sponsor makes the use of violence justified because the protests are not then seen as expressions of legitimate grievances but ‘agitational terrorism’ that threatens the security of the Indian state. Dubbing every uprising whether violent or nonviolent as Pakistan induced renders the disproportionate force against the dissidents not only as legitimate but as a necessity. The sustained reproduction of a particular narrative on Kashmir, in which it is viewed as a crown of a secular India under perennial threat from Pakistan, has turned it into a ‘matter of national prestige’. In this narrative, any third party intervention is seen as a defeat: admitting that ‘India has not been able to handle its own problems’ (Pande: 2011). As the text cited below makes it clear.

“It serves little purpose now to continue repeating ad nauseam that ‘Kashmir is an integral part of India’ or that ‘there can be no discussion outside the framework of the Indian Constitution’, or to talk of the ‘Pakistan factor’ and look at Kashmir in the context of ‘the external security scenario’, to view the view the phenomenon of mass popular protests as a ‘law and order problem’ and talk of the suffering of people in terms of ‘grievances’. Such phrases trivialize the situation and ensure that any dialogue becomes nothing more than a repetition of the rigid positions embedded in the syntax and the idiom of the dead discourse. From the Kashmir side, this means repeating ‘recognition of the Kashmir dispute’, ‘the inherent right of the Kashmiri to self-determination’, ‘Freeing Kashmir of Indian occupation’- phrases that immediately trigger a hostile reaction from the large sections of the Indian middle class” (Pande: 2011:82).

To contain the protests, the government strictly regulates all the channels that could potentially be used for expression of dissent. This control is exercised through a ban on electronic and print media, public protest rallies, imprisoning or killing of the dissidents if they don’t conform to the directives and total gag on local leadership and blanket curfews. Such tactics rather than dissuading the popular mobilization provoke even greater mobilizations. On the contrary, it is the revival or rejuvenation of the

decayed political space that could have given meaningful nonviolent possibilities of engaging in the political process for all the parties including the dissidents.

The receding militancy since 2002 and restoration of electoral politics and gradual recovery of the on-ground situation that was portrayed in binary terms, was a clear misreading of the situation. The purported victory of ‘mainstream politics’ derived from the fact that people participated in elections which were understood as a rejection of the ‘separatist politics’. There could have been a temporary disenchantment with separatist leadership for failing to deliver as per the expectations of people but at the same time, it was not a decline or death of popular sentiment. The new generation, which has grown up witnessing the conflict, violence, and denials, are more vociferous, dedicated, uncompromising and disenchanted with the existing system that fails to deliver justice. They are vocal about “*Azadi*” with ever more determination. They take different means to express themselves. From music, poems, graffiti, literature, social media to stone. They represent a new reality that is not acknowledged by the Indian state.

Democracy itself becomes contradictory when it fails to realize the distinction between unarmed popular insurrections and armed confrontations and employs the same old methods of silencing the dissent by disproportionate forces often killing unarmed protestors. Rekha Chowdhary (2010:10-11) writes that the decline of militancy on the ground has not led to any change in the state response towards the people. These new assertions are not evoking any meaningful response from New Delhi and relegate the youth to permanent confusion on their political fate. As Prof. Amitabh Mattoo opines, “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” (Cited in Polgreen, 2010). Polgreen (2010) quotes the then Prime Minister Manmohan Singh saying, “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”. Such statements that seem to give agency to Kashmiri youth see the political mobilization as a result economic desperation because of lack of job opportunities. “Over the last couple of years, there has also been an increasing attention to Kashmiri youth in the form of economic packages and employment expansion schemes as part of an official discourse suggesting that the conflict and the alienation of the people is primarily an economic issue” (Talwar: 2015). The separatists reading of the situation suggest that giving this economic façade to youth mobilization is akin unseeing the reality and wilfully abdicating its responsibility of being a trusted party to the conflict. But such abdication, could, in turn, stem from the fear as Congress MP Sudhir Sawant has said in parliament debate that “the question in Jammu and Kashmir is not the question of whether the people want to be a part of India or not. The question is of the right of a state to secede from the Union. We cannot afford it”¹¹(Talwar: 2015). First, the state discourse rules out the question of self-determination in Kashmir, and marginalizes or totally excludes the ‘separatist’ assertions and second, the agenda of the pro-India, local political parties like NC and PDP (also called as ‘mainstream’ parties) also doesn’t reflect much enthusiasm in state discourses for their internal autonomy models.

¹¹ Lok Sabha, May 8, 1995, Budget Session, Government of India.

If the argument that Kashmiri youth are ‘economically’ and ‘socially’ marginalized from the benefits of India’s economic growth and politically ‘alienated’, from its democratic fabric and institutional robustness, is the main source behind the disenchantment of the Kashmiri youth with India, holds true. It is also true that the rigid and exclusivist nationalist frames have often undermined and contrasted the local aspiration of Kashmiri people and dominated the relationship to the extent the locals feel dispossessed from any decision making that affects their lives. The disproportionate difference between the media of the two rival discourses and asymmetrical federal relationship ensures that such discourses attain more exclusivity and rigidity. Neither the assertions of Kashmiri youth herald any changes in the state narrative nor have the state discourses been able to change the narrative inside Kashmir, especially in youth.

4.7 CHANGING TRENDS IN POPULAR MANDATE

Kashmir is a place for three competing nationalisms, as Ashutosh Varshney (1991:999) describes: “religious nationalism represented by Pakistan, secular nationalism epitomized by India, and ethnic nationalism embodied in what Kashmiris call Kashmiriat (being a Kashmiri)”. Such forces emerged to the forefront with partition and subsequent arrangements within the subcontinent which are laden with “internal inconsistencies, contradictions, and paradoxes”. The nation building and evolving political structures, in both India and Pakistan, gave primacy to the nationalist narratives that strengthened their claims over Kashmir and also strong domestic contingencies for these political imaginations. Within these nationalist discourses, the space for Kashmir’s political leadership squeezed making it bereft of its own voice. Both the states maintained their own version of history and political

imagination over the territory and formed it as a ground for the political contestations. While the claims of all the sides have grown in their expansive imagination over Kashmir, nothing has changed the physical controls of the territory since the beginning of the conflict. Over time, the parties to the conflict have evolved or changed their principles of engagements for resolving the conflict. Within the tripartite conflict framework, self-determination has remained a focal point for political mobilization in Kashmir. Within the federal structure of the Indian Union, the special status extended to the state of Jammu and Kashmir under Article 370 of Indian Constitution, has shaped the nature of the relationship between the Centre and the state. Thus the special autonomy that was granted and subsequently eroded and the electoral exercises that were conducted have been two important facets to determine the progress of the conflict and the shifting representation in Kashmir's electoral politics. Nevertheless, the participation of people in electoral politics has also become the part of the Indian narrative that such participation reflects the rejection of the 'separatists' claims. With such claims, the separatist constituency is portrayed as a fringe in Kashmir's political aspirations.

The credibility of electoral processes in Kashmir, right from the time of partition has remained highly contested. As Sanjay Kak writes that

'having been personally close to Nehru from 1940s, Sheikh Abdullah advanced to help India retain Kashmir in the first election of Kashmir in 1951. To make a statement, only two seats were contested among the total of the state's 75 legislative assembly seats and rest were accorded without any candidate contesting in opposition. The parties in opposition were simply not allowed to file nominations for the elections. "This happened with the concurrence of Prime Minister Jawaharlal Nehru; with the world looking over his shoulder, he desperately needed to demonstrate the legitimacy of India's control over Kashmir. Sheikh Abdullah, at that time a personal friend of Nehru, took over as the Prime Minister of Jammu and Kashmir" (Kak: 2014).

Nehru defended it by saying that the politics in Kashmir revolved around personalities and Sheikh was a popular leader. “There is no material for democracy there,” he once said as quoted by Sanjay Kak (2014). Kak (2014) writes that between 1954 and 1965, Kashmir’s political autonomy accorded under article 370 in the legislative, judicial, and fiscal spheres was effectively destroyed by a series of integrative and centralizing measures enacted by New Delhi. While in jail his deputy, Mirza Afzal Beg’s newly formed Plebiscite Front became an alternative channel for representation outside the conventional channels of state institutions.

As Kak (2014) writes Kashmir was heading for yet another election in 1957, it is reported that Nehru had communicated to Bakshi Ghulam Mohammed, Sheikh Abdullah’s successor, to generously lose a few seats so that the image of the world’s largest democracy would not be tarnished. But it appeared that such suggestions were hardly taken seriously by NC and it again won 68 seats. Almost half the seats went uncontested again. For the next elections in 1962, the same strategy seems to have been employed by NC and it won seventy seats. Once again half of the seats went uncontested. For the next elections in 1967, Nehru has passed away and the leadership of the Indian National Congress had gone into the hands of Indira Gandhi, who was now heading the Indian State. Things had changed after 1965 when a popular mobilization had taken place against the theft of holy relic. Bakshi was thrown out and jailed. Another senior leader GM Sadiq of National Conference was ready to prove his loyalty to Delhi. He merged the National Conference party with Indira Gandhi’s Congress and the latter fielded its candidates for the election. Giving little space to the opposition, now Congress came up with 61 seats in which 22 were uncontested.

It was an address to the people by Abdullah during his short release in 1968 to calm the political turbulence in Kashmir that he expressed: - “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). Kak (2014) writes that “until 1967, in many constituencies considered politically sensitive today—Anantnag, Ganderbal, Kangan, Karnah, Lolab, Pulwama—the electorate didn’t get a chance to actually vote at all”. 1977 elections, considered to be fairest of the elections until then (Habibullah 2008: 40) were the first elections to have some credibility. “Voter turnout during this quarter century was consistently low, never more than 25 percent. The lack of enthusiasm was hardly surprising. Whether you voted or not, the conclusions were usually foregone” (Kak: 2014). This lack of empathy for institutional credibility played heavily on the electorate and public sentiment.

The eroding credibility of NC and the rising tide of MUF during 1987 elections were changing the electoral dynamics in Kashmir. New situation witnessed the rising popularity of MUF on streets. Farooq Abdulla felt threatened even after having a pre-poll alliance with the Congress to overcome any untoward results. Opposition candidates and supporters were severely harassed and cases of widespread rigging were reported. Then for 2002 elections, a new party People’s Democratic Party (PDP) formed a coalition government and retained some credibility for democratic politics.

It is perhaps vacuum that is exploited by all political constituents when public opinion is to be mobilized. From NC's autonomy card to PDP's Self-rule doctrine, the issues of human rights violations have taken center stage in political campaigns of mainstream parties. Pertinently, the human rights have been the core agenda of the 'separatists' whose politics revolve around a final solution to the conflict based on the principle of self-determination. Large electoral participation in 2008 elections, after the huge public mobilization against the land allocation had taken place, was projected as the normalization of Kashmir and also declining influence of the separatists' constituency. Such correlations are highly misplaced political projection of the on-ground situation and the dynamics. As Reeta Tremblay (2009) has lucidly described that:-

“the Kashmir Muslim population since the 1996 election—the first since the 1989 secessionist movement—has discovered that it can pursue its short-term economic objectives by participating in the official state-sponsored electoral process while continuing to express its long-term demands for Azadi outside the institutional political framework. For example, Kashmiri Muslims may have participated in the November/December 2008 state assembly elections following the Amarnath land dispute in high numbers to have their daily needs for Bijli (electricity), Pani (water), and Sadak (roads) addressed, and not in affirmation of Indian control over the Valley. This relatively high voter turnout in the Valley, in fact, occurred against the backdrop of massive demonstrations for the right of self-determination during the land dispute and an election boycott called by many ethno-nationalist groups. These dynamics appear to point to the Kashmiri Muslims' strategic compartmentalization of their short-term interests into daily issues of management and governance. Omar Abdullah, the new chief minister of Kashmir belonging to the National Conference (NC) and Congress coalition government, seemed to share this assessment when he observed that the people in the Valley wanted to separate day-to-day issues from the issue of Kashmir's constitutional status, thus largely explaining why such a large number had come out to exercise their franchise”.

This compartmentalization of daily needs and long-term demands are consequently based on the popular perception of the Kashmir conflict and its intractable nature. In a long drawn conflict where people see no visible end, such strategies become

acceptable politics. Some interviews of active political activists of mainstream political parties who wanted their anonymity also indicated a dilemma in their convictions and tried to explain that such engagement in electoral process doesn't mean that one has to submit his political allegiance for eternity but on the other hand having such know-how of electoral process and administration will definitely help the stabilization of institutions in the wake of any political breakthrough on Kashmir.

The engagement of people with state institutions can't be dubbed into absolute binaries i.e. whether engagement is an endorsement of the Indian state or a repudiation of separatist politics. In other words, say one can't live in isolation from the state institutions for their daily needs. Primarily the separatist organizations have maintained a complete boycott for participation in state elections since 1993 and their representation and role in administration even at District, Tehsil or Block level is nil. This is not completely possible for the vast working class population who work to make both ends meet and thus it becomes necessary to engage with mainstream politics. Here the conviction does not take the priority of the people but the immediate economic needs determine their way. Such a phenomenon was obvious in the interaction during my fieldwork. This can be broadly maintained that a person while having political conviction towards one group may actually be physically 'associated' with another group. Further such argument can be augmented by the swaps happening between the workers of the mainstream parties where people are hardly concerned or well versed with their political ideologies but are concerned with eking out their livelihood.

4.8 EVOLVING STRATEGY AND ON GROUND ENGAGEMENT FOR JUSTICE

The resistance Movement itself is transforming by harnessing new changes and strategizing meticulously to come in terms with the state. One of the principal changes is a decentralized campaign for seeking justice from the state institutions. Here the central claim is the campaign for the right to self-determination or a political solution to the Kashmir conflict. Gowhar Geelani (2014:217) writes that the nature of protests between 2009 and early 2010 was different from the earlier for the reasons that “these protests were part of focused agitations led by ordinary people, aimed to achieve specific tangible objectives; organic, localized and self-consciously disassociated from the established political organizations; meticulously organised, systematic in their functioning and largely nonviolent”. His work draws from two such cases i.e. Bomai which is in Baramulla district and Shopian.

In the long trail of incidents, on 21, Feb 2009, Army troopers from Rajinder Camp in Bomai killed two young men who were protesting for being disembarked from the bus for frisking. Other cases cited by the author are killing of the groom on his wedding night, beggar¹², molestation and harassment of students and teachers of govt. a school whose building shares a wall with the camp. In response to this, “villagers organized themselves under local leadership, forming Bomai Coordination Committee (BCC) to manage the campaign aimed at fixing responsibility for the murders and getting the camp removed from the village” (Geelani: 2014:218). The camp was removed and a legal process was initiated after ‘a 37-day long agitation involving methods unprecedented in Kashmir, such as the threat to mass migrate, holding up the

¹² Beggar is practice where youth are picked up and made to do work against their will and without paying them

local administration as the responsible party and nonviolent, non-cooperative modes of resistance’(Geelani:2014:218).

In Shopian a similar campaign, decentralized in nature, was held by Mashawarati Committee (MC) after the alleged rape and murder of Asiya and Neelofar. It is evident from the shift in thinking perspectives of people in protracted conflicts that extra-institutional political activism is itself compartmentalizing and at the same time segregating the long-term policy objectives and short-term strategic needs. As Geelani (2014:219) writes that “though there have been numerous local and valley-wide agitations in Kashmir over the past 20 years of intense conflict, there appears to a shift in terms of the sustained nature of these localized campaigns and the quality of leadership that is emerging from the immediate vicinity of each event”.

Yet again further decentralization and near adoption of an institutional mechanism for justice are also evident from some cases where individual victims of the violence at the hands of the state have engaged with the legal system of the state to indict the perpetrators. Farooq Ahmad, the father of Wamiq Farooq who was killed on Jan 31, 2010, is fighting a legal battle against the alleged perpetrator ASI Abdul Khaliq and SPO Mohammad Akram in Jammu and Kashmir High Court for last 7 years (Yaqoob: Oct 25, 2017). Wamiq Farooq was killed in an unprovoked incident when state police fired teargas shells in a sports stadium. A similar case is filed by parents of Gowhar Nazir, 22, who was allegedly killed by security forces in 2015 when PM Narendra Modi had arrived in Kashmir to announce a development package (Raafi; Nov 7, 2016). While the accused were arrested in the former case, the proceedings in the latter case are pending in which a magisterial probe was ordered. Pertinently, in the

second case, where CRPF is accused, there is a serious limitation for the judicial institutions or civil administration to implicate the accused protected under AFSPA.

Such disassociated engagement for justice can be understood in the strategic nature of these localized activisms and conscious decision making. For example ‘the president of BCC has explained that the involvement of the ‘broad canvas’ political organizations with their divergent interests and ideologies result in hijacking the immediate issues at hand. Their ‘interests tend to dominate’ and the immediate’ issues at hand’ remain unresolved’ (Geelani:2014:225). This mechanism of engagement with state institutions makes it difficult for the government as a responsible party to downplay all the misdeeds of its machinery.

4.9 REPERTOIRE OF NONVIOLENT CONTESTATION

Gene Sharp has identified hundreds of tactics that are used in nonviolent political action. Some of the prominent and routine methods used in Kashmir movement “are public speeches, declarations, mass petitions, slogans, caricature, symbols, banners, and posters, earth-writing etc. In some instances the methods included displaying flags and symbolic colors for example green and black colors, are used to show the dissent” (Shah: 2017). Social structures surrounding the martyrdom recently have widely appealed to people, as witnessed by large-scale participation in rites of such persons. Such participation in funeral rites and the specter of martyr’s graveyards which are maintained separately from the normal graveyards form connecting structures for collective memory and resistance activism. While those who reach for the funeral prayers witness firsthand the history of violence represented by endless rows of graves and those in physical distance or security restriction also connect with the collective act of paying obeisance by offering prayers in absentia. The empty

graves of Maqbool Bhat and Afzal Guru are maintained in Martyr's graveyard in Srinagar as a symbolic representation. Their mortal remains were not handed over after being hanged in Tihar jail in 1984 and 2013 respectively. “These memorials for the dead have acquired a life of their own in the political imagination and practices of Kashmiris.....and have not only become evidentiary markers of the violence and repositories of collective memory but have also engendered affective dispositions that establish new forms of sociality and community among Kashmiri subjects” (Junaid:2018: 249). Their symbolic representation in popular imagery has made these sites as powerful centers of political mobilization for the right to self-determination.

The separatists have maintained a boycott of local assembly and parliament elections since 1993 as an act of non-cooperation. While the dynamics of electoral participation and impact of boycott call do not show a uniform linear correlation, this has stringently maintained the separatist position outside the institutional frame of state. Denying the mandate to MUF through the rigging of 1987 elections brought this to prominence otherwise boycott was used earlier also.

The Gandhian tactic of Satyagrahic fast has also been used by the Yasin Malik, Chairman JKLF in many instances to put moral and psychological pressure on the state. One the routine and the most used tactic of nonviolent action is general strikes (Hartals) called for by the Separatist leadership. While the *Hartals* have often been criticized by people and other intellectual circles, for being overwhelmingly employed as a resistance tactic, yet, the Hurriyat Conference has maintained that *Hartal* is the single most larger event of nonviolence that is recognized all over the globe (Interview:2018). Hartal often seems to be enforced by voluntary popular acceptance and the role of cadres of these organizations seems not manifest. At many places,

youth come on streets and block the roads for vehicular traffic and disrupt the normal functioning of the government. As a localized strategy, sit-ins are announced in many places as a tactic of disruption.

Photograph 2: Moving towards nonviolence: Symbolic protests by showcasing the inscription of Azadi sentiment on stones



Source: Showkat Shafi/ Photojournalist Date: 28-08-2010

On other occasions, localized protests in some specific towns and villages are announced. Some protests and sits or other tactical engagement is locally organized by youth, leading to total decentralization from the programs announced by the separatist leadership. There is self-organization of groups of youth who mutually decide they protests are held.

In order to dissuade the local people from collaboration with state or involvement of local personnel in repression against their own people in connivance with the state, instances of social ostracism are also reported. Pertinently these people are portrayed

as disloyal, betrayers and locally frowned upon for example there are cases where persons associated with *Ikhwan*, STF or other counterinsurgency groups were denied burials in ancestral graveyards and people refused to perform their last rites. It seems people avoid inviting or visiting such people in festivals or other social events like marriage, thus an unannounced social boycott seems to be in place.

Social media has emerged as one of the powerful tools for the people across the globe who don't have a say in mainstream media. Equally, it has become a platform for people to communicate, discuss and organize resistance activities. Inside Kashmir, the internet has primarily taken a central role in popular mobilization and contestation with the state. Cyberactivism, airing their grievances and advancing their cause by registering their protest and resentment without physically facing the state is the primary motivation for many. The low-risk activism through social media platforms like Facebook and Twitter which allow these persons to organize events, protests, run signatures campaigns and disseminate information that state does not want to, make it acceptable to all categories of people. On the other hand, a lot of written and visual material shared on these platforms exposes the youth to new knowledge about the context, their histories and also shape a collective thinking. In the event of some serious human rights violation perpetrated by security forces, pictures and visual graphics of these events bring almost immediate outburst of anger in youth in the form of protests.

Markedly there seems a shift in the participation of youth from physical protests to alternate media (social media). It is perhaps the realization in some youth that the efficacy of protests can be maximized when it reaches to a targeted audience. As Hilal Ahmad, a resident of frontier district Kupwara eloquently said, 'we have protested

often non-violently, sometimes turning to violent confrontations. But our place is away from the center of media attraction and all these protests seemed to go nowhere and take a shape of personal enmity between youth and the security forces. Since our protests are political in nature, we now register our protests through social media. For us, it is important that the politicians and people in India and the world know this.’ This was collaborated by youth in a focus group discussion also who maintained that nonviolent protests were important to prevent the situation from exacerbating and social media is an important tool where there is a direct and unfiltered communication with the audience. At times, some of the confrontations between the mobilized angry youth and security forces escalate into stone-pelting incidents, nevertheless such incident seems to be marginal to what are by and large peaceful protests and are mostly limited to some ‘hotbed’ areas. “Social media has shifted the paradigm in terms of the tools available to protesters in Kashmir. They no longer need to resort to illegal measures to protest and, instead, social media has given them the space to raise awareness, spread information and plan protest rallies through completely legitimate means. The number of people in Kashmir with access to social media has increased significantly from 25 percent in 2010 to about 70 percent by the end of 2015” (Kaura: 2017:7-8). Governments successively have learned to block internet and mobile service pre-emptively on the occasions where large-scale mobilization and campaigns are expected. Civilian killing and more recently people are seen overwhelmingly get mobilized when a militant is killed. In some cases, the ban of the internet and mobile services are very localized limited to some district or an area within a district.

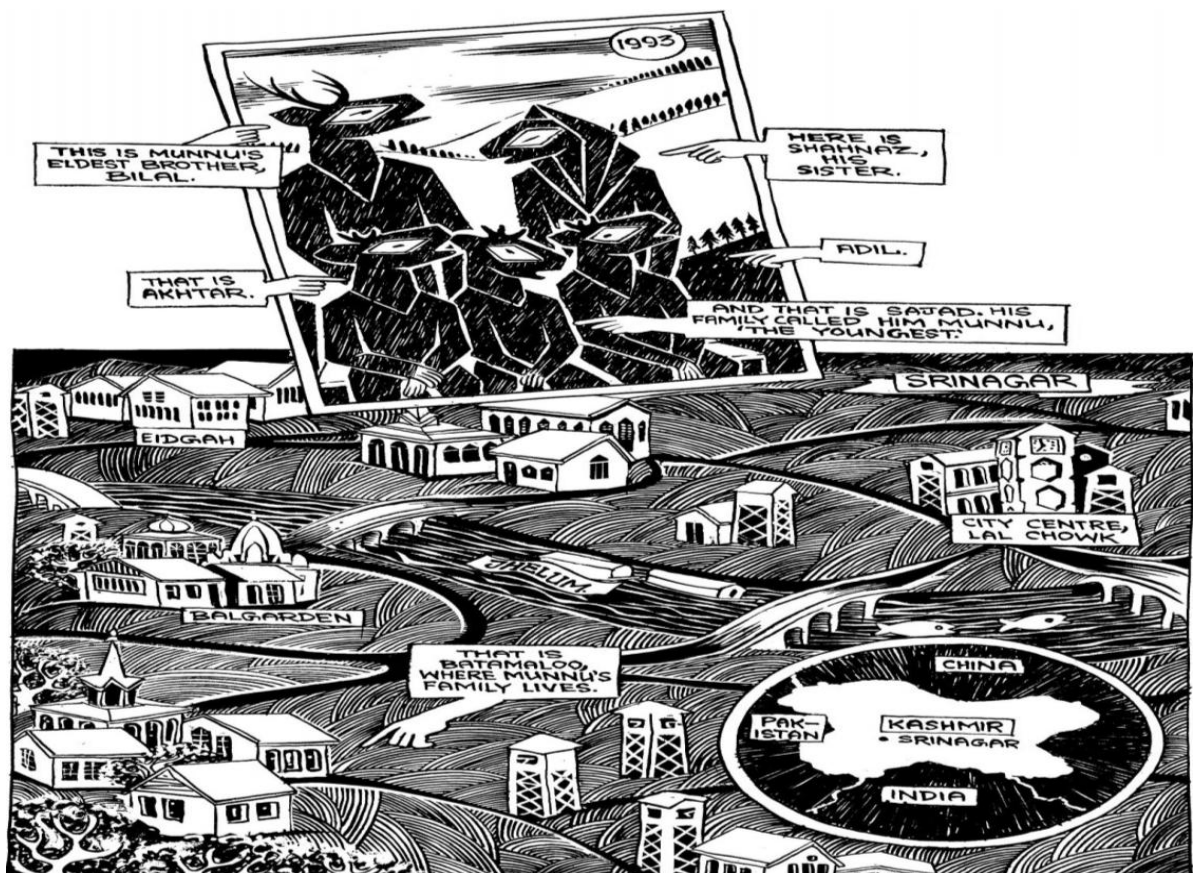
4.10 ART, MUSIC, AND WAR OF NARRATIVES

In the conflict zones, besides other media of expression art becomes one of the primary media of expression for the suppressed and unheard voices of the society. As Garrard (2015) writes that “there is an assumption that when music or art engages directly with contemporary issues, such as social justice or politics, that a choice has been made between artistic quality and the desire to promote a shift in policy or values..... the decisions about why, where and how to make art are inherently political”. With the shift in politics, the state is pushing its narratives and on the other hand, we have witnessed new narratives emerging in the form of cultural resistance. Art in the form of drama, music, theatre or painting is powerful expressions of cultural resistance against the narratives of the State. For the past decade or so, the collection of art that is directly or subtly reflecting on the politics has grown manifold in reaction to powerful tools of State to propagate its narrative. Art in the form of music became a sensation first by Roshan Ilahi’s rap song “I Protests” with its powerful lyrics finding resonance among the youth in Kashmir. National and international media and his live performance in various places across the globe made it a strong symbolic protest. The core content of lyrics are portraying the protest against human rights violations, oppression and an expression of freedom as conveyed by the lyrics “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”. Thus through music, youth are telling their stories and exposing realities that remain largely hidden.

Malik Sajad, a Srinagar based cartoonist’s graphic novel “Munnu: A boy from Kashmir” is another form of art that gives a narrative of the Kashmir’s “conflict

generation” by showing the inescapable elements of political landscape and ordinary daily exercise of people with “curfews, crackdowns, disappearances, mass graves and concertina wire” (Recchia: 14, Nov 2015). Giving language to internalized violence and oppression, this novel was not published in India, as Recchia writes that “the Indian central government scans newspapers, books, and other media for seditious or anti-national content. Navigating these complexities is the challenge that Malik Sajad has chosen to embrace in *Munnu*. He wants to bear witness, produces a testimony, unleashes frustration, unsilence memories, question unspoken loyalties, and, to use Munnu’s words, ‘take revenge.’”

Photograph 3: Cover of Malik Sajad’s Graphic Novel “Munnu: A boy from Kashmir”



Source: Sajad, M. (2015). *Munnu: A boy from Kashmir*. Great Britain: Fourth Estate.

Even such nonviolent expression of the dissent can land the artists or dissidents in trouble as Sajad is quoted saying that “the Indian army raided the office a couple of times because I’d depicted them in my cartoons. Once they came to ‘take me.’ When they found out I was 16, they couldn’t arrest me,” (Shahdad: 2015). Book caught attention for its detailed, spectacular and vivid account of what living in Kashmir actually means by ‘representation of the Kashmiri people as endangered Hangul (a species of deer) - a “reminiscent of Maus, Art Spiegelman’s graphic novel about his father’s experiences as a Polish Holocaust survivor, in which he depicts the Jews as mice, the Germans as cats, and non-Jewish Poles as pigs” (Shahdad: 2015).

Use of graffiti on roads, walls, and towers has also become a common way of expressing the dissent. As Amin and Mujid (2018:61) have demonstrated that ‘the young generation see State’s exertion of control on the street spaces as intrusions into private domains of their community life and several civil uprising in previous decade have demonstrated how the state and civilian particularly youth use different means and methods to control and contest the spaces.’ In this context, the author argues that “graffiti entails contestation by stealth confrontation” and “creative depiction of the situation in Kashmir”, an activity “which is mostly nocturnal and one directional”. As Majid Maqbool (2016) found that the young men meticulously plan, organize and then execute the graffiti painting on primary locations that are visible to outside tourist. As the author has quoted a 23-year-old graffiti artist that they feel airport roads are perfect places for them to paint and let the people coming from outside know the reality. The graffiti art spread across the valley and was not limited to the observation of the outside tourists only. In the distant corners of Kashmir, road, building and other infrastructure that could perhaps come in the gaze of security forces were inscribed by words like freedom, go India go back, etc. As Adil, 24 spoke

to the author ‘we write these words carefully for the security forces and for them it is the worst they can see. Through these messages, we tell them we will not surrender, and Kashmir belongs to us’. Such graffiti is now getting a counter from the state also. By adding some words to existing graffiti, the whole meaning of the graffiti changes for example in some place “we want freedom” was changed to “we want freedom from stone-pelters” or “election boycott” into “no election boycott” (Naqash: Sep, 19, 2016). Such nonviolent contestation could be a progressive development on the confrontational front if sustained but such dissidents who write ‘seditious’ words always fear for their security and thus plan everything meticulously.

Photograph 4: Music and Drama event *Haqeeqate Kashmir* organized against the Zubin Mehta’s *Ehsaase Kashmir* Music Concert 2013



Source: Jammu and Kashmir Coalition of Civil Societies Dated: 07-09-2013

On the other hand, vibrant civil society has not limited itself to raising of human rights issues but vehemently tried to oppose and deconstruct the statist narratives of

purported normalcy. Against the state-sponsored programmes that push the imagery and glamorous picture of Kashmir through various media like Drama, Music, and theatre, civil society has appropriately, in past, created parallel events to undo the influence of the oriental approach adopted by the state. At the core of civil society, reactions are the core principle of non-acceptance of narrative in a nonviolent way that they felt had no relevance to the ground situation. Among one of such events is music concert “*Ehasaas-e-Kashmir*” (the feeling of Kashmir) by Zubin Mehta that was held in Srinagar in 2013. Amid huge outcry and opposition, the government went ahead with the event which was organized by the German embassy, the home affairs ministry and a host of NGOs to show to the world that everything was at peace in Kashmir.

The government also allowed a parallel concert “*Haqeeqat-e-Kashmir*” (Reality of Kashmir) organized by various civil society groups. The purpose of the opposite concert was to resist the “state narrative that seeks to dilute the reality of Jammu and Kashmir and people’s aspirations....and downplaying the pain, suffering, courage and bravery by people under the eponyms of peace and normalcy” as one of the organisers Parvez was quoted (Handoo: Sep 15, 2013). Zubin Mehta’s concert was carried under high-security arrangement allowing minimal participation by locals, turning down the request of the many participants from Kashmir. The popularity of parallel event with local rappers, folklore artist and dancers, musicians, poets, and Kashmir tradition *Bande Paether* made Zubin Mehta’s concert look like an elite exercise which has no relevance for people. As the people perceived that “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,” said organizer (Hassan, DNA:2013). The

contestation between, 'Ehsaas' and 'Haqeeqat' in the realm of art shows how the resistance extends to the virtual spheres where rather than physical fights, subtle acts of artists express the reality and reject the dominance of superimposed narratives and discourses.

4.11. FINDINGS AND CONCLUSION

This section is about the perception of the youth towards the Kashmir Conflict and specifically about the dynamics of the resistance movement in Kashmir. The focus was especially drawn towards youth perspective on resistance activities, strategies and their preference for the employing one kind of repertoire over the other in Kashmir Conflict. The study was conducted during 2017 and part of it was conducted in early 2018. The data collection was done primarily through a questionnaire (200) and also 100 youth were interviewed. The samples were duly stratified i.e. 65 questionnaires were collected from South Kashmir, 70 were collected from Central Kashmir primarily Srinagar and 65 from the North Kashmir. The researcher was primarily based in town areas however balance was made between urban and rural areas for having a composite and comprehensive perspective.

These studies were conducted during the charged atmosphere in Kashmir. Right from the partition of British India and subsequent division of Kashmir between India and Pakistan, Kashmir society has faced multiple challenges due to the unresolved conflict and sideways the internal politics has remained under various influences. With the change in nature of the conflict to armed means in 1989, an additional burden of escalated tensions befell on the people of Kashmir, thus hardening the youth attitudes and perspectives. The study presented here examines how the civilian population in Kashmir valley particularly youth perceive some of the important dynamics of

Kashmir resistance movement which can have an impact on the tactical engagement of different parties, and which can minimize the violence unleashed in the conflict. First, this study deals with the nature of the conflict, its impact, the role of different stakeholders, youth mobilization. Second, the study focuses on the perception of youth towards employing nonviolence in Kashmir conflict in the field of contestation. Finally, the focus is drawn towards the use of tactics; it's correlation with state structures that are particularly employed for controlling or silencing the dissent in any form. In addition to this, the respondents were asked whether they had participated in any form of activism and whether they had any political affiliation.

Key finding: As a part of this research, the respondents were asked what influences their disposition on various events in Kashmir conflict. 46% of respondents reported that it is their individual exposure to the context of conflict followed by 25% who responded to the “collective imagination shaped by the various discourses on the conflict”. Influence of Mainstream Media, Separatist leadership and political activism by other people were less significant. Only 7% of the respondents reported their political affiliation with any mainstream or separatist organization. 78% of respondents reported that they had participated in political activism. 71% had resorted to nonviolent means while 29% said that they had participated in violent protests. Significant among the activism in which respondents had participated are election boycott, online petitions, sit-in, rallies, candle march, social media, and graffiti. A small section of respondents had occasionally participated in stone-pelting. Among the respondents, 84% said that strike calls given by ‘Separatists Leadership’ were not the single most important factor for youth mobilization and participation in protests. A majority (47%) believed that state repression was the primary cause that mobilized the youth followed by 33% respondents who believed it was the sense of separate

history and identity. 58% of the respondents believed that the better economic condition/job opportunities for youth will have less/no impact on the youth participation in resistance activities. A significant number (42%) believed that there can be a positive change.

Respondents (60%) also perceived that rising education and awareness has made them more assertive about their political rights or their fundamental rights and this has also influenced the youth to contest the state claims non-violently. 31% of the respondents also believed that educated youth assert themselves violently and only 9% believed that education was bringing the youth to mainstream institutions. 39% of the respondents believed that popular participation in protests was because of the connected emotions/ sentiments and 31% believed that it was because certain acts of state are totally unacceptable which instigate the protests. The social appeal, political affiliation, and political motivation were less significant. In continuation of this, 78% of respondents believed that protests are specific responses to the stimuli impelled by the institutional injustices and perpetration of certain acts of violence by the state under impunity. 22% number believed that separatists were instigating the protests directly.

An overwhelming majority (63%) believed that protests should be completely nonviolent. On the other hand, 15% of the respondents believed that both nonviolence and armed struggle complementary to each and were important in waging the conflict. 22% of the respondents opted for that there should be no protests at all. All the respondents believed that the use of particular tactics by youth in resistance was primarily determined by the conduct of state and how it treated the youth.

Respondents (72%) believed that the ill-treatment of youth by state agencies and unabated misuse of draconian laws like AFSPA and PSA and use of disproportionate force against civilians were the primary cause for youth joining armed groups or engaging in violent protests. This claim needs an in-depth research for establishing a conclusive argument which is beyond the scope of this study. Respondents (87%) reported that militants with the religious bent of mind posed threat to peace dynamics of Kashmir. It also emerged from the respondents (54%) that perception for the evolution of the repertoire of contention was influenced by local as well international developments like 2008 Amarnath Shrine Land Transfer, Arab Spring and other armed rebellions elsewhere. Respondents (72%) also believed that political space for dissent was important and curbing of such institutional space under laws like AFSPA, PSA promoted violent activism. Respondents also believed that the use of such laws in Kashmir heavily impacted the youth participation in resistance activities. A large number of respondents (84%) believed that the removal of such exceptional laws and the proper functioning of state institutions would change the thinking perspectives of the youth. Respondents (81%) believed that the overwhelming presence of security forces temporarily restricted popular political mobilization but in the long term generated a rationale of it.

The first take away from the finding is in line with Tarrow (2011:7) argument that “collective action becomes contentious when it is used by the people who lack regular access to representative institutions, who act in the name of new or unacceptable claims, and who behave in ways that fundamentally challenge others or authorities”. First, while a large number of respondents believed that employing violent means against government or state was against the rationale of civil resistance, but meting out disproportionate force to nonviolent protestors significantly leads them to believe

that violent contention was necessary to engage with the state. This seems a shortfall of the state that has failed to recognize the strategic shift in political mobilizations from guerrilla warfare to civil resistance and has singularly relied on the use of force against civil resisters.

On the part of the state, the rampant “the arbitrary and indiscriminate use of the Public Safety Act, 1978 to stifle political dissent in the Kashmir Valley shows a blatant disregard for the Constitution and the right to personal liberty enshrined therein” (Bhawnani:2018). By examining 100 cases of Kashmiri youth detained under this “lawless law” (a nomenclature given by Supreme Court of India and later used by Amnesty International), Bhawnani finds that between July and October 2016, 500 PSA orders were issued against the “political leaders, human rights activists, protestors and even common criminals”. Out of the 100, 79 were allegedly protesting and pelting stones, 15 orders alleged that detainees had connections with or were part of separatist or militant groups, 5 were accused of being local leaders involved in organizing mobs or instigating the youth to protests. It is executed by ‘open FIRs’ where the police have scope to arrest anyone in any incident without naming him in FIR. Bhawnani further finds that 80 out 100 arrests were on vague charges, in 53 cases there was a delay in issuing the PSA orders ranging from 7 to 69 days. In 25 cases detainees were in prior custody of police and 65 were in illegal custody where the commission of act was impossible. In some cases, PSA is repeated slapped on detainees and the modus operandi for such detentions is that when PSA detainee is released after completing the term or the court quashes the PSA, the police make arrests and issues new PSA orders for detention. One leader, Masrat Alam, has continuously been under PSA detention since his arrest in 2010 uprising and in 2017,

he was slapped 36th PSA soon after the court had quashed his PSA detention (Special Correspondent, the Hindu: 2017, Nov, 7).

In many instances, the repeated arbitrary use of such laws seems to be the reason that those involved in peaceful means of resistance are compelled by unbearable torture and use of force by the state to choose the armed path. As Malik (2018) writes in detail about one such case:

“Mufti Hilal from Palhalan, an Islamic scholar, and jurist who had completed his degree from Gujarat and was not in favor of armed struggle joined peaceful resistance under the banner of Hurriyat Conference. In 2010, he was seen active on the political front in his area. This boy was delivering speeches, asking people to adhere to peaceful movement. Soon Indian democracy came into action. His house started getting raided. One day SOG raided his residence, and almost vandalized and broke all his household. He was arrested and tortured by police to the extent that his mother, father, and uncle could not hug him at a local court because whole his body was bruised and bone broken. After his arrest, this peace-loving person was dragged for kilometers and his beard was pulled by policemen. He was tied to a tree and for hours, police threw stones at him. Slapped with PSA he was sent to Kathua, released on court orders after two years but again arrested and slapped with another PSA. Now, what way was left for this boy except to hold a gun and sacrifice his life which he did”.

Malik also refers to many individual cases, for example, Zubair Turray, Altaf Baba, Sameer Tiger and Shakir Showkat who have undergone a similar kind of treatment from the state and resorted to armed struggle. There are numerous such stories where youth have faced repression by the state and given up the belief in the political process or nonviolence and embraced the violent means. The average lifespan for a militant in Kashmir varies from few months to few years. It raises an important question what compels youth to take high-risk activism? The Indian government in her oft-repeated narrative blames it solely on religious indoctrination and Pakistan sponsorship and exonerates itself of the instrumental role that it plays.

Protests are not handiwork of the people politically association with the 'separatist organizations' but the number of people that come on the streets are genuinely motivated by the issues at hand, for example, human rights violations is one of the biggest sensitive issues in Kashmir and it evokes sharp popular responses and many times spontaneous popular mobilizations. The state responds with indiscriminate force in reprisal to the protests and popular mobilizations. Uncertainty and the large-scale participation of people bewilder the state to override standard operational protocol in such civil uprisings. Deploying riot control weapons and firearms to targeting a few individuals is a part of a strategy to send a message that the state doesn't want any kind of political activism outside its own political channels. The closure of the conventional political channels was one of the reasons that armed insurgency had started in 1989. There is a strong connection between the use of force against protesters or civilians especially youth, their personal victimization and the path to armed militancy.

The government of Jammu and Kashmir rewards the police personnel with money and citation for promotion to a higher position for killing militants. In the year 2015, the reward money was increased "from Rs 10 lakh to 12.5 lakh for "A-plus", the highest category of a wanted militant. Similarly, there is a hike in the categories of militants of "A-plus", "A", "B" and "C" (Ashiq: 2016). Ashiq quotes Khurram Parvez, human rights activist, and civil society coordinator saying that "this is an attempt to incentivize extrajudicial killings. When there is reward money of Rs.12.5 lakh, why would they arrest a militant?" In the Past, there have been instances where civilians were turned into fugitives and killed in fake encounters and labeled as Pakistani terrorists. In the year 2007, police officers of the rank of SSP and DySP were arrested for killing three local carpenters in a fake encounter and dubbing them as Pakistani

terrorists. In 2013, another police officer was arrested for “encouraging men to join rebel groups before turning them in or killing them to receive rewards” (The Guardian: 2015).

Second, the use of disproportionate force against civil resisters can be contrary to the objective of state and may further damage the confidence of the people in the state institutions and the government. This may instead increase the participation of people in the collective pursuit and increase contention with the state. For example, comparable political normalcy in Kashmir from 2003-2008 may be attributed to softened state posture towards civilian population but since 2008, three major uprisings have taken place. All the three are believed to have been instigated by the state and then prolonged by the sequent events of human rights violations. A consistent muscular policy and monolithic security approach push civil resistance or even bystanders to armed groups. While the Indian state has many times proclaimed to grind the militancy to zero level but the low-intensity armed conflict has not waned and withered away. Recent trend shows an increase in the ranks of militants compared to the previous decade.

In the previous few years, there is proportionality between the number of militants killed and those who join the ranks. New recruits are usually the youth identify themselves with young militants who are often friends, acquaintances, classmates or from the same area and connect with their narrative. Second, state oppression and indiscriminate use of force in which often civilian rights violations are reported, club them together to fathom their consciousness and the resolve. Third, it is the cult, reverence with local ethos particular to the context and culturally cultivated “sacred nature” of the youth who are killed in an encounter with the state.

Sameer Yasir (2018) writes from the ground zero:-

“As the body of the militant, draped in green, is finally laid to rest, women sing songs of blood and valour. The body is placed on a makeshift platform so mourners can get a good view. People raise their hands in reverence to touch the body. Young men push through the jostling crowd to kiss the militant's forehead. Then they touch his feet and rub their hands on their body as if performing a religious ritual. The crowd swells with every passing minute. Slogans of defiance rent the air. A group of teenagers grab the microphone, exhorting mourners to continue their "struggle" by singing songs of defiance. The "celebrations" continue till the body is buried in the "martyrs graveyard".”

At other place, Yasir (2018) writes that “the younger generation of Kashmiris, brought under the shadow of the gun, are joining the militant insurgency in numbers not seen in more than a decade. These young men now risk their lives in front of live bullets to save their "role models" - militants fighting against Indian rule”.

Findings of “A Citizen’s Report” in 2017 are further confirmation of the argument of this study. The report says:-

“The impunity of the Indian state and its armed forces has cornered Kashmiris in terms of their forms of resistance. Several people across the districts said that those who picked up arms to struggle for independence did not do so willingly. They had been forced to do so due to circumstances created by the Indian state, where even peaceful resistances were responded with bullets, pellets and PAVA shells. Peaceful protests like those of the APDP have fallen on deaf ears. As a student poignantly put it, “From the womb of my mother I heard the gunshot... state terrorism is from our birth itself”. From the discussions, it also appeared that while in the 90s people were cautious about being seen and identified, the present younger generation knows almost no fear. On the matter of the armed struggle, one person responded that “for us, war makes little difference since anyway we are killed daily, war or no war”. Another person said, “rather than sitting in our house and dying like sitting ducks, we’d rather fight back and die” (A Citizen’s Report: 2017:50).

The report further corroborates that the everyday humiliation of Kashmiri civilians seem to be the central strategy of Indian armed forces and this incenses the youth and

toughens their determination. “While socioeconomic conditions rarely trigger violent conflict on their own, violations of personal integrity or security rights including indiscriminate killings, systematic torture, disappearances, or wide-scale imprisonment- do produce a clear link to escalation (Thoms & Ron: 2007: 694-5). Jeff Goodwin as cited in Thoms and Ron (2007) writes that “revolutionary movements were more consistently a response to severely constricted or even contracting political opportunities, including chronic and even increasing state repression. Ordinary people joined or supported revolutionary movements when no other means of political expression were available to them, or when they or their families were the targets of violent repression that was perpetrated or tolerated by relatively weak states”. This strengthens the claim that conflict escalation is largely caused by the violation of civil and political rights and the political space constricted by the state.

State repression extended through various state structures in Kashmir is one of the major factors that transform the latent grievances of youth into political activism. The segment of youth whose personal integrity and security rights are violated and are politically and legally persecuted more likely express through violent means. “Although individuals and groups may grudgingly tolerate economic inequality and discrimination for years, they are more likely to respond with violence when physically threatened or attacked. This response is especially likely when repression is indiscriminate since quiescence offers little protection” (Thoms & Ron: 2007). Importantly, state institutions in Kashmir have normalized the level of repression and having a decade-long high-intensity armed conflict in the beginning; the new dynamics show that the state has been able to grind the armed insurgency to lower levels, but has not been able to eliminate it. On the other side, the armed groups

sustained their operations in highly asymmetrical conflict and disproportionate power differences, especially in a context that shows least opportunities structures for armed rebellion. Additionally, the recruitment to rebel groups has recently increased with the social appeal and heroism with which the dead bodies of killed militants are welcomed and buried. This conflict has taken the life of its own, like a perpetual machine, where political activism outside the conventional political channels invites state repression. State repression incites more nonviolent as well as violent activism which in turn breeds more repression thus forming a vicious cycle.

5.1. INTRODUCTION

The multidimensional nature of Kashmir conflict, based on variegated interrelationships between local, national and international players with the involvement of non-state actors, has made it more complex for any coherent peacebuilding approach. The heterogeneous demography, diversity in political opinions, changing nature of assertions for self-determination, statist positions of India and Pakistan and the international dynamics related to Kashmir have founded new challenges to policymakers for a sustainable peacebuilding approach. The multilevel political conflict over Kashmir originated from the partition of the subcontinent itself and subsequent division of British India and princely kingdoms between the new dominions of India and Pakistan.

Pertinently, Kashmir remains a potential volcano and security threat to South Asia and world peace. Since 1947, the international relations have undergone significant changes. For India, as a new dominion, responsibility as the great power of Asia to maintain the cause of justice, equity, and opposition to the tyranny she had suffered under colonialism, it was necessary to maintain neutrality towards dominant power blocks during the cold war. This neutrality is not to be confused with isolationism as “Prime Minister Jawaharlal Nehru had made it clear that India's position is not isolationist and that she will always uphold the cause of justice and freedom and oppose tyranny” (Taraknath Das:1950). India’s position was later reflected by leading the non-alignment movement, by actively representing the world beyond the power blocks instead bandwagoning with either of them. As a representative of third world countries, it was the responsibility of India to ensure of the cause of justice and equity with regard to its own conflicts and under the Nehru Kashmir was seen as a dispute that needed a resolution for the peace and stability in the region.

Conflict over Kashmir started in the wake of decolonization of India subcontinent. Inside Kashmir, the struggle against Dogra autocratic rule was near its apex and the political movement for the democracy within the princely state was in consolidating phase. The events of India's and Pakistani freedom from British rule coincided with the developments within the evolving political system of Kashmir and within a span of less than two months; both the states started coveting over Kashmir escalating into war. The war continued throughout 1948, India and Pakistan approached the United Nations Organisation for resolving the dispute. United Nations organization thus became the first to have a direct role in Peacekeeping and Peacemaking operations in Kashmir. Kashmir dispute was also the first to be registered with UN and now perhaps the longest dispute that has remained unresolved so far.

With time, Kashmir conflict became enmeshed into various complexities and interrelationships and over the time it has become multifaceted and multidimensional in nature. Within the international system, India-Pakistan have collided over Kashmir, with multiple engagements in international forums, bilateral agreements and wars. From the time, in 1948, when India and Pakistan tried to resolve the dispute by moving to the newly formed United Nations Organisation to later engage in bilateral agreements to new violent and nonviolent assertions in Kashmir, a whole array of disputes resolution have been tried at different levels. The time lag and changing political atmosphere in both countries has not only led to a lack of consensus for a coherent, inclusive and all-encompassing Peacebuilding approach but also the political will has diminished.

There is nothing static in politics and international relations. India and Pakistan have engaged in UN, wars, diplomacy, third-party mediation, and the local political and

peacebuilding measures to resolve the conflict. After decolonization, nation-building in itself was a challenge for both the states. On one hand, the burden of crafting new policies, resuscitating and strengthening the state institutions and working on human development priorities and at the same time engaging in conflict over Kashmir was an admixture of challenges in the post-colonial period. Coveting over Kashmir was a reflection of the expansionist and irredentist quest made by both the countries in order to consolidate more territories.

In order to understand the Peacebuilding that has been carried out with respect to Kashmir, I have divided the current chapter into three sections. Section one looks at the role of international community in peacebuilding with respect to Kashmir conflict especially the role of United Nations and other global powers. Section two looks at the bilateral engagement of India and Pakistan to resolve the Kashmir dispute. Section three looks at India's own approach to Peacebuilding in Kashmir through security intensive mechanism, army's goodwill program and grassroots political participation. It is argued that over the period, the Peacebuilding approach has changed from India and Pakistan's involvement in multilateral forums to India's own approach which can be categorized as a nation-building process.

5.2. INTERNATIONAL ENGAGEMENT AND INFLUENCES ON KASHMIR

On 1 Jan 1948, India appealed to United Nations that the war and Pakistan hostilities in Kashmir endangers the international peace and security and thus requested for intervention based on article 35 of UN charter for the pacific settlement of the dispute. On the Indian side, "the complaint contained a review of the situation in Kashmir from September 1947 onwards, including Kashmir's appeal to India for assistance and

accession and Pakistan role in providing logistic, training, and arms to raiders. The Pakistan government filed counter-charges against India on January 15, 1948, which included ‘breach of international agreements, incitement of revolution, numerous attacks on Pakistan territory, and an extensive campaign of genocide which Pakistan suspected was intended for the destruction of State of Pakistan’ (K Das: 270). The dispute was referred to Security Council under Chapter VII and in January 1948, the UNSC established the UNCIP under resolution 39 to investigate the allegations and mediate in the dispute.

5.2.1 THE MANDATE OF THE UNCIP

As soon as the UN took note of the Kashmir dispute, the plebiscite, which was already used in case of disputant princely states during partition, gained prominence and centrality in the debates. With the continuous debates of the plebiscite, as it evolved, the UNCIP adopted various important resolutions on Kashmir. “Resolution 47 of the Security Council—adopted on April 21, 1948—made the initial call for such a solution, noting the desire of both sides for the issue of accession to be “decided through the democratic method of a free and impartial plebiscite” (Shankar:2016:5). The resolution made it mandatory for Pakistan to withdraw its troops, tribesmen, and nationals from disputed region followed by India, who was allowed to have a minimum number of its armed forces required for maintenance of law and order. Further resolutions passed in line with this resolution, made demilitarization of the region mandatory for conducting the plebiscite, to be overseen by Plebiscite administrator appointed by UN General Secretary. However, no such agreement could be reached between India and Pakistan for the lack of consensus on procedural requirements as both the countries suspected each other’s intentions. “The Security

Council nominated Belgium and Columbia to the Kashmir Commission; India nominated Czechoslovakia and Pakistan Argentina. India and Pakistan could not agree over the fifth member and so the Security Council President nominated the U S. The Commission arrived in Karachi on July 8, 1948, and within five weeks presented its report to the Security Council. It called for a cease-fire in Kashmir” (EPW: 1965: 1506).

UNCIP under resolution 47 (1948) recommended for enlarging its membership and on its mandate, India and Pakistan signed a ceasefire agreement also known as Karachi Agreement in 1949. Under this agreement, the ceasefire line was demarcated and established dividing the territory of Jammu and Kashmir for temporary administration till the plebiscite was conducted. The ceasefire line was monitored by the United Nations Military Observer Group in India and Pakistan (UNMOGIP). India and Pakistan announced a truce agreement on 12 March 1949 along the ceasefire line under the auspices of the Kashmir Commission. Chester Nimitz, of United States upon the agreement of both states was chosen as Plebiscite Administrator, however; no agreement on the number of troops that would remain stationed in Kashmir was concluded. The commission after failing to bring the parties to the agreement on the number of troops suggested that one person should be sent mediate to make the process efficient. “On 17 December 1949, the Security Council appointed its current Chairman, General McNaughton of Canada, to hold talks with India and Pakistan. However, it took less than two months for General McNaughton to report back to the Security Council that his efforts had failed” (EPW: 1965)

“On 30 March 1951, following the termination of UNCIP, the Security Council, by its resolution 91 (1951) decided that UNMOGIP should continue to supervise the

ceasefire in Kashmir. UNMOGIP's functions were to observe and report, investigate complaints of ceasefire violations and submit its finding to each party and to the Secretary-General" (UNMOGIP: 1965)¹³. The military observer's group still maintains its presence in Kashmir. "These resolutions followed by the UN mediatory efforts and stationing of UN observers in Kashmir formed the major part of UN's involvement in the Kashmir issue during the Cold War era. However, the vagaries of the Cold War era accentuated by the alignments sought by both Pakistan and India in a bipolar world often produced such stalemates over the issue which appeared beyond UN mechanism" (Shakoor: 1998:53).

5.2.2. UN'S MEDIATION EFFORTS

In the backdrop of UNCIP's failure to secure the confidence of India and Pakistan to adopt the conditions set forth for holding a 'free and fair plebiscite', UNSC brought forth its mediation efforts and three representatives of UN were sent. Sir Owen Dixon, Frank. P. Graham and Gunnar as UN representatives who played a pivotal role.

Sir Owen's efforts were praised to the extent that Eggleston (1951:3) suggested that report on Kashmir dispute "be regarded as a *locus classicus* on the settlement of international affairs by plebiscite and /or conciliation". Sir Dixon Owen as a first mediator on Kashmir believed that no plebiscite was possible without demilitarisation of entire Jammu and Kashmir as was mandated by the UNSC resolutions. So he left the other modalities to the agreement of parties. As far as the UNSC was concerned, it demanded that the two parties demilitarise their respective areas for the plebiscite. But the process and extent of the demilitarisation were left to the parties to decide.

¹³ <https://peacekeeping.un.org/mission/past/unipombackgr.html>

At the backdrop, UN Commission failure to bring any breakthrough, Dixon Owen role as a mediator was to speed up the process and get the parties to the agreement. “The mediator was directed to see that the plebiscite was held, but it envisaged other methods of the settlement if that were not feasible. He proceeded to explore the possibilities of holding the plebiscite and he considered it necessary to secure agreement as to the conditions necessary to enable a satisfactory vote to be held, one which would satisfy the world and be creditable to United Nations. The mediator proceeded on the assumption that no plebiscite of the kind, or indeed any other plebiscite, could be held unless the territory for which the vote was to be taken was demilitarised” (Eggleston: 1951:6). Sir Owen Dixon in this regard proposed that Pakistan should evacuate its troops which were unpalatable for Pakistan initially but acquiesced to it. This was to be followed by withdrawal of Indian troops. As this failed to mature, his next suggestion was that “territories on either side of the line should be administered by local authorities under the supervision of UN officials”. Having failed to generate any consensus, he devised a new plan proposing that “first a coalition Government composed of Indian and Pakistani Ministers in equal numbers, or if that were not acceptable, a non-party government formed by trusted persons of each area out of politics, or thirdly a United Nations Commission”. Then the mediator turned to other methods of settlement, for example, split plebiscite, a plebiscite for some districts and partition for others or a general agreement for partition without plebiscite (Eggleston:1951). Nothing could be arrived at as on Indian side the issue of sovereignty had already taken a high place in the debates.

“In response to the suggestion, he had found that India would agree to a plebiscite in the Valley of Kashmir, to the part of Jammu lying east of the cease-fire line going to India, and to the Gilgit area and the part of Jammu to the west of the cease-fire line

going to Pakistan. Pakistan, on the other hand, was prepared to accept partition only if the Valley of Kashmir went to her. This India rejected” (EPW: 1965)

On 30 April 1951, the process was later vested to Dr. Frank Graham of United States by the Security Council. The Graham mission tried again to forge an agreement between India and Pakistan on the issue of demilitarisation of Kashmir but the deadlock couldn't be broken. His other proposition that a proportional reduction of troops is done, was also rejected (Hilal: 1997). Dr. Graham presented four reports to UNSC. His first report highlighted the difference between India and Pakistan on the extent of demilitarisation where wanted armed forces to be reduced to 4000 men, India while agreeing wanted 16000 of its forces in Kashmir against 4000 Pakistani forces. On Dec 18, 1951, Dr. Graham submitted his second report stating that agreement was secured on various points but differences remained on size, scope and time of demilitarisation. The third report in April 1952, maintained that there was no agreement on the number of troops and efforts continued. The last report once again reflected the lack of any agreement (EPW:1965). Graham's further engagement with India-Pakistan at the behest of UNSC finally led him to the belief that Indian and Pakistan should engage in bilateral negotiation away from the UN platform.

5.3 DYNAMICS

There was tremendous scope for a settlement of Kashmir issue in early days. Had there been a breakthrough on Kashmir, this would have sent out a good precedent for the role of diplomacy and pacific settlement of disputes in newly established international organizational set up that emerged in post-world war II. Nothing substantial was achieved except for a ceasefire line. Over the course of time, the differences between the two states widened and they retrograded suspecting each

other's conduct. After Dr. Graham's suggestion, Pandit Nehru and Mohammad Ali Bogra, Prime Ministers of India and Pakistan held discussions and made some progress. In 1953, having agreed on plebiscite, plebiscite administrator, General Nimitz, was not acceptable to India as India wanted an administrator from a smaller country (EPW: 1965). This was perhaps the time when India and Pakistan had come nearest to a solution of the Kashmir conflict.

The US military aid to Pakistan widened the differences between the two countries that reflected in the PM level talks on the issue of demilitarisation.

“India now maintained that it was imperative for her to maintain sufficient forces in Kashmir to guard against attack by Pakistan emboldened and strengthened by US military aid. Subsequent contacts between the two countries inevitably led to a deadlock and Pakistan's Prime Minister declared that the issue would have to be referred back to the Security Council. However, simultaneously with the possibility of a direct settlement between the two countries receding, the U N's ability to solve the Kashmir problem had also been seriously undermined and for the same reason; Pakistan's involvement in Western military pacts and her decision to accept US military aid and permit U S bases on her territory. The Soviet Union was naturally concerned at these developments and from now on she took anti-Pakistan and pro-India positions in discussions of the Kashmir question in the Security Council”(EPW:1965:1508)

The corresponding developments that could have played out in India-Pakistan relations as newly formed states can be their memories of the partition that had resulted in huge violence and antagonistic relations between Hindus and Muslims. In a bid to consolidate and strengthen their positions, both, politicians in India and Pakistan, had to take into account the public opinion of their respective political constituencies. For the fear of being dislodged from the political power by the people, approving any settlement against the public sentiment on Kashmir became difficult for the leadership of both the countries.

While the plebiscite offered a suitable method for resolving the dispute and the commitments on either side appeared to be genuine in the early years, the complexity of the India-Pakistan relations increased on many fronts. A fact that is reflected from the commitments made by Nehru in public, in bilateral or UN and same can be said for Pakistan, who acquiesced to most of the efforts by UN and bilateral engagements.

UN role in Kashmir was first negated when India and Pakistan bypassed it by availing mediation effort offered by USSR after the war in 1965 which culminated in Tashkent agreement of 1966. This agreement normalized the India-Pak relations. This was for the first time that India and Pakistan had engaged in negotiation other than UN which to some extent diluted the UN's role in their relations. The 1971 war and the separation of East Pakistan emboldened India and her to "almost reject the UN's role in the Kashmir conflict. India argued that the conclusion of the Simla Agreement between India and Pakistan in July 1972 excluded any possible UN's role in the conflict" (Shakoor: 1998). This reduced the international influence on Kashmir conflict to the extent "that at times it appeared to be non-existent".

First, the condition related to demilitarisation and then the gradual expansion of foreign policy relations became a hurdle. On the top of these, the strategic concerns further made Kashmir inseparable for both the Parties. The issues of territorial dispute ultimately turned into the issue of national prestige and ego, and part of respective nationalisms. For Pakistan, Muslims majority character of Kashmir gave it *defacto* rationale based on two national theory and for India, Kashmir's consolidation showcased the secularism thus making Kashmir an important project in both nationalisms.

“As multi-ethnic states, both India and Pakistan have had to confront the difficulty of how to construct an inclusive over-arching national identity that transcends their ethno-cultural, linguistic and religious divisions by rendering local identities subordinate to a single national identity. However, whereas India has responded to this challenge with a doctrine of secularism and political pluralism, Pakistan has appealed to Islam and attempted to unite its population under the banner of religion. Much has been written about the importance of Kashmir—the only Muslim-majority state in India—as a necessary demonstration of India’s commitment to its founding secularist ideology. Similarly, for Pakistan—which was founded as a homeland for the Muslims of South Asia—possession of Kashmir is viewed as an essential corollary of the ‘Two Nation Theory’ developed by Mohammed Ali Jinnah to justify the Muslim League’s homeland demand (Webb:107).

Hence, Kashmir was not only holding the significance of a territory or strategic importance for India and Pakistan but had seeped down into the ideological precincts. Kashmir’s symbolic representation in political rhetoric and its use as a tool for political consolidation in both political constituencies gradually attained eminence.

5.4 THIRD-PARTY INFLUENCES

Kashmir conflict has not remained immune from the global politics and international players. Indian and Pakistani alliances or bandwagons in international system have changed over the time and it has impacted the issue in the UNSC as well as in the other spheres of the international system. In 1962, USSR now Russia vetoed against Irish Resolution on Kashmir which was supported by other permanent members of the council. The Irish draft resolution had urged “the Governments of India and Pakistan to enter into negotiations on the question at the earliest convenient time with the view to its ultimate settlement in accordance with Article 33 and other relevant provisions of the Charter of the United Nations”(UNSC res. s/5134). The other permanent members i.e. China, France, UK, and the US along with some non-permanent members supported the resolution. Ironically it was caught in the cold war maneuvers

between the two power blocks as the two sides kept interrupting each other (Simha:2016).

China's "formal declared policy toward the Kashmir issue has shifted from an agnostic position in the 1950s to a distinctly pro-Pakistan position in the 1960s and 1970s, to an increasingly neutral position since Deng Xiaoping took over the direction of China's foreign relations in 1978" (Garver:2004:1). Since then, China has demonstrated support to enhance the military capabilities of Pakistan even during the times of heightened India-Pakistan tensions. Garver (2004:21-22) analyses that

"Beijing's mix of Kashmir policies involves an attempt to balance China's interests with both Pakistan and India. It entails an attempt to balance China between those two countries, enabling China to further its ties and interests with both. China's objective is to foster cooperative relations with all South Asian countries, including both India and Pakistan, and the particular menu of Chinese Kashmir policies that has evolved is a reflection of this objective. Beijing has given India a considerable amount in terms of China's formal, declared policy toward Kashmir. It does not blame India for the conflict in Kashmir. It does not endorse internationalization of the issue or reference of the conflict to the United Nations. Chinese representatives do not publicly mention plebiscites or the will of the Kashmiri people, and only very rarely mention the United Nations. Beijing calls instead for bilateral talks, consultations, or negotiations between India and Pakistan as methods of resolution. And recently Beijing has come out against cross-border terrorism on the Kashmir issue and urged Pakistan to suppress such activity".

China positioned itself in a subtle way, where its policies are driven by economic interests while at the same time maintaining its political posture. On various occasions, China has also used Kashmir as a tool to gain diplomatic leverage with India or other countries. In 2017, when the Dokhlam issue escalated the tensions between India and China, China's twist to leverage Kashmir issue or Pakistan-India relations was remarkably visible. An analyst of Chinese think tank said that "A "third country's" Army could enter Kashmir at Pakistan's request, using the "same logic" the

Indian Army used to stop the Chinese military from constructing a road in the Doklam area in the Sikkim sector on behalf of Bhutan”(Economic Times: July 07 2017).

There are other irritants in India-China relation, for example, China’s the Belt and Road initiative that aims to connect Asia with Europe has gained support from many countries that can potentially benefit from it. But India has kept aloof from the project precisely for reason that it connects with China Pakistan Economic Corridor (CPEC). In 2017, India boycotted the Belt and Road Forum organized by China on the basis of its principle objection that CPEC passes through PAK which is disputed territory as claimed by India and as such violates the sovereignty and territorial integrity of India (Jha: 2018). On the dimension of security of CPEC, China has vowed to protect it from any attacks. Which means a possible confrontation between India and Pakistan on CPEC can bring China into the picture and escalate the tensions further.

Great Britain’s role in Kashmir has been immense primarily due to its history as a colonizer of the Indian subcontinent and by virtue of which its real-time knowledge and experience of the field. British maintained its considerable presence “with definite perceptions about the potential impact of the Kashmir conflict on British interests and sought to retain informal influence even as it had relinquished formal control in India. Moreover, the external dependence of India and Pakistan for military supplies, economic assistance, and diplomatic support made the British High Commissioners in India and Pakistan important participants in policy-making in both the British dominions” (Ankit:2013:25-26). Ankit (2013) writes that “once the Kashmir question reached the UNSC in January 1948, Britain presented it as a critical corner besieged by the unreliable Afghans, unstable Pathans, and the unprincipled Communists. The British aim in New York was first “how to stop the fighting and bring about

conditions under which a fair plebiscite can be held rather than arbitration between India and Pakistan” (Ankit: 2013). As the issue got vexed, there have been a lot of highs and lows, the politics in Britain on Kashmir issue have taken. For example, the growth of Kashmiri Diaspora in Britain has influenced a change in Britain’s Political party regarding the Kashmir issue.

With the belief that Britain has moral obligation to resolve the dispute, Kashmiri Diaspora has been successful in forming an All Party Kashmir Parliamentary Group in British Parliament and mainly by the support of MP’s of the labor party in mid-90s. Other three groups include the Human rights Group, the Pakistani Group, and the Indian Group. “Of these, the Kashmir Group is the last to have been formed and can be seen to reflect the pressure to separate the issue of Kashmir from being accepted as either predominantly the province of India or of Pakistan” (Ellis and Khan: 1998:479). These groups raise questions related to Kashmir issue and pressure the government to influence their respective causes. No country can override its own interests and selflessly sacrifice for the resolution of international disputes, Britain’s case is no different. As Ankit (2013) writes that Britain has “sought to safeguard its political and strategic interests in both India and Pakistan, either through the Commonwealth or through bilateral relations.

While India was a more valuable and influential player because of its size and resources, Pakistan emerged as the more promising and reliable strategic, military and ideological ally with her willingness to join defense arrangements, crucial geopolitical location, and proximity to the strategically vital Middle East. As a result, although Britain had more extensive, complex, and long-term politico-economic interests in India, it was Pakistan which in the context of the developing Cold War, best served its

immediate defense, strategic, and energy concerns". Off late, Britain has maintained neutrality and in 2016, British Foreign Secretary suggested that the issue of Jammu and Kashmir should not be a precondition for the resumption of India-Pakistan dialogue process while impressing that the dialogue was essential for economic development and peace in the region (Iqbal:2016). Such stand of Britain is seen as status quoist and by nature doesn't cater to sentiments of Kashmir as separatist leadership rejected the statement by saying that Britain has played a crucial role in the creation of Kashmir Issue.

The role of United States of America has not been uniform with regard to Kashmir issue and by virtue of that its relations with India and Pakistan. US foreign policy during the cold war and afterward remained more or less unilateral in nature because of its position in the global power structure. Being a hegemonic power, its supremacy has mostly influenced the international treaties or at times flouted the treaties. Its bilateral relations with India and Pakistan have often resulted from the temporal, strategic and geopolitical requirements. While the US provided space for political activism on Kashmir issue within its territory but it maintained a dubious position by shifting its support to India or Pakistan without conviction to any international principles. For example, the US continued its support to Pakistan in previous decades and also gave economic packages because of a strategic partnership in the war against terror and its geopolitical interests. On the issue of nuclear proliferation, the US has maintained subtleness towards India and Pakistan so that the nuclear deterrence remained localized, regional and de-escalated (Karnad: 2002). Karnad (2002) further writes that "the American interest in Kashmir is obvious. As long as the Kashmir dispute remains unresolved, USA can use it to generate alarm worldwide of an Indo-Pakistani nuclear exchange". Historically the US has seen the Kashmir issue as a

serious international dispute that has potential to disturb the world peace and it has not seen any conflict of interest that is of such a magnitude to affect its national interest. US' first intervention in Kashmir dispute from the Indian perspective is attributed to Pakistan's alliance with the US in 1954, against the spread of communism. In 1962, Sino-India war, US provided military assistance to India and promised long-term arms assistance contingent on settling the Kashmir issue as the US feared that Pakistan, a strategic player might move closer to China (Mudiam: 2003:266). In 1965 India-Pakistan war, US pressured them to stop fighting and also accepted the Kosygin's offer of good offices and mediation efforts in Tashkent, even though it would have meant losing influence in South Asia. In 1971 war, US stressed to prevent the territorial integrity of Pakistan as "US president Nixon was favorably disposed to Pakistan, not so friendly to India, and made a conscious and persistent effort to ensure an American tilt in favor of Pakistan, the latter failed to preserve its territorial integrity" (Mudiam:2003:267). On other occasions, the US has maintained a subtle position by issuing statements as per the convenience of the time. From the recent trends, it seems the US has realized that the Kashmir issue has become complex and solving it has become difficult if not impossible. Thus US's, main focus remains on preventing a direct confrontation between India and Pakistan. For example in 1999 Kargil episode, US pressured both countries and invited them to New York for negotiation on cessation of hostilities.

5.5 INDO-PAK BILATERAL ENGAGEMENT

India and Pakistan have engaged in peacemaking agreements multiple times, especially in crisis situations. Among these, Tashkent agreement signed after the 1965 war, and Simla agreement signed after the 1971 war. The war in 1965 began when a

villager in Poonch area in inside the border premises saw the unusual activity of some armed fighters in the August of that year near Ceasefire Line (CFL) and informed the Indian army. It was operation Gibraltar in progress as codenamed by Pakistan. It was the politics in the valley of Kashmir that was seeing a stir from 1963. First the incident of theft of Holy Relic (a strand of hair from the beard of the Prophet) that mobilized the people on to the streets, release of Abdullah and wide celebrations on streets, Nehru's willingness to resolve Kashmir and sending Abdullah to Pakistan and his death, president's order in 1964 to govern Jammu and Kashmir directly and its resentment in Kashmir, dissolution of NC and introducing INC (Schofield: 2000:104-7) were some of the instances that might have given the impression to Pakistan that ground was ready for a rebellion in IAK. As Chaudhuri (2018:59) writes that "from the outset, the idea was simple and had been in the making since December 1964. Aziz Ahmed, the Pakistani Foreign Secretary, and Zulfikar Ali Bhutto, then Foreign Minister, were convinced that instability and despair among the local population in J&K presented Pakistan with an opportunity to incite rebellion against Indian security forces. For two years, between 1963 and the end of 1964, the Indian government and the local Kashmiri administration contended with popular uprisings and street protests". The particular perspective on Kashmir depicted the situation ripe for the revolt. As the Operation Gibraltar, under the command of Major General Akhtar Hussain Malik was launched across LoC Kashmir valley and Grand Slam in Poonch sector expecting the popular resentment in Kashmir will automatically turn into support for them.

Schofield mentions that no prior contact was made with the leadership in Kashmir and its indigenous support plan failed. Pakistan could not make an impact and Indian army by the decisive counteroffensive repelled the attack. In the wake of Grand Slam, the

India army crossed over the border and attacked prime position inside Pakistan. At this point, the US and Britain stopped its arms supplies to both the countries and once again were forced to settle their difference under UN auspices. In UN General Assembly and Security Council India changed its position saying that Kashmir was an integral part and no negotiation was possible on it while Pakistan threatened to leave the UN if the process for settlement was not started. Finally, the ceasefire was restored and PM level talks started in Tashkent. It was in 1966, that Pakistan and Indian delegation met in Tashkent and were moderated by the PM of USSR. PM's of both countries committed to resolve their disputes peacefully and return to pre-war territorial positions on borders. "While Tashkent declaration noted the existence of Kashmir dispute, it effectively put the issue into cold storage" (Schofield:2000:112). Even though Pakistan strategy could not get the expected response but Kashmir's groups like Plebiscite Front became more popular.

The Ganga hijacking in 1971, in which two Kashmiri young boys hijacked a plane with 26 passengers that was to fly from Srinagar to New Delhi and was taken to Lahore, started another series of events. As a consequence of this India banned its airspace for flights between East and West Pakistan. In the same year, the elections were held in both parts of the country and Awami League under the leadership of Sheikh Mujib-ur Rehman was victorious in overall seats and in West Pakistan Muslim League attained majority. But the negotiation for power-sharing and formation of government failed and Mujib started campaigning for an independent state for Bengalis. Finally, in the same year, war broke between India and Pakistan in which Bangladesh emerged as a separate country with the help of active military support from India.

In 1972, the Pakistani President Zulfikar Ali Bhutto visited India and met PM Indira Gandhi and signed the Simla Agreement. The Simla agreement brought all the issues between India and Pakistan to the bilateral platform, annulling any scope of international players like the UN. In case of Jammu and Kashmir, as Schofield quotes the clause of Simla Agreement that “In Jammu and Kashmir, the line of control resulting from the ceasefire of December 17, 1971, shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretation. Both sides further undertake to refrain from the threat or the use of force in violation of this line” (Schofield: 1997). Plebiscite was not mentioned anywhere because of the weaker position of Pakistan after the war. This agreement was protested by many parties in Kashmir doubting that LoC mentioned in the agreement will be gradually changed to the international border and the two countries will take de facto positions on the divided territory of Kashmir.

5.6 COMPOSITE DIALOGUE PROCESS AND CONFIDENCE BUILDING MEASURES

At the peak of armed conflict in Kashmir and its heightened destructive nature for all the parties, India and Pakistan showed gestures of reconsideration of their statist positions and reconciliation by agreeing to hold a dialogue. This development came to fore when Indian Prime Minister Inder Kumar Gujral and Pakistan’s PM Nawaz Sharief met in the Maldives ahead of 9th South Asian Association for Regional Cooperation (SAARC) in 1997 and agreed to hold a dialogue process to resolve all the outstanding issues including Kashmir (Staff Study: 1997). Such an initiative was duly lauded as ice-breaking, pragmatic and practical for normalizing the India-

Pakistan relations in both the countries and at the world stage. “Based on a compromise approach, the peace process enabled the two countries to discuss all issues including Jammu and Kashmir, simultaneously. It was a compromise in the sense that while India agreed to include Kashmir in the agenda for talks, Pakistan relented to include terrorism, the two major irritants in bilateral relations” (Padder:2012:2).

While this effort can't only be categorized in peacemaking efforts but theoretically this was an approach aimed at conflict resolution. On one hand, this could have resolved the Kashmir conflict (having involvement of all the stakeholders) and on the other hand, India and Pakistan relations might have become friendlier as other contending issues between them seem to be of minor significance compared to this larger problem.

In 1998, India and Pakistan included eight subjects in the dialogue and relocated them appropriately to relevant ministries. Siachen was given to the defence secretary, Sir Creek - to surveyor general or additional secretary defence, Tulbul navigation project - to secretary water resources, Terrorism and drug trafficking - to home secretary, Economic and commercial cooperation - to commerce secretary, Promotion of friendly exchanges - to secretary culture, Peace and security including CBMs - to foreign secretary and Jammu and Kashmir - to the foreign secretary. “Though there had been sporadic agreements and treaties signed between India and Pakistan such as the Indus Water Treaty of 1960, the Tashkent Agreement of 1966, and the Shimla Agreement of 1972, a systematic peace-process between the two adversarial neighbors had never taken off till the idea of a ‘composite dialogue process’ was articulated” (Dasgupta:2015: 1).

In Feb 1999, Indian PM was invited to Pakistan and Lahore declaration was signed wherein both the leaders agreed that peace, stability and mutual trust in bilateral relations was a priority especially as both the countries had tested their nuclear arsenal a year earlier. The leaders agreed to work on CBM's for normalizing the relations and also securing confidence against unprovoked nuclear use, safety of nuclear weapons from falling to non-state actors. "Vajpayee secured a Pakistani concession in the form of reiteration by the Sharif that dispute should be resolved bilaterally. Whilst this had always been the formal position ever since the 1972 Simla Accord between the two countries, Pakistan had repeatedly called for third-party mediation. The Lahore Declaration reaffirmed that it was a bilateral matter" (Jones: 2007).

The untimely event of Kargil episode became again a hurdle that soured the India-Pakistan relations and stalled the dialogue process. Nevertheless, India and Pakistan moved ahead with the Agra summit in 2001. But the Kargil war played out for the spectacular failure of the summit (Ward & Hackett: 2004). Also, the leadership in India was reluctant to strike any deal with a military ruler (Gul: 2008:11). The terrorist attack on India parliament in the following months and mobilization of the army by India under operation Parakram brought the two states to loggerheads, bringing in possibilities of war. Sept 9/11 gave further impetus to deteriorating relations between the two states. It was in late 2003 that circumstance started changing. 'Pakistan declared a unilateral ceasefire along the line of control and extended it to the Siachen glacier. This led to the cessation of Cross-border shelling and a breather for two states.

This was followed by the "Musharraf's bold mid- December 2003 public statement to the effect that he was prepared to put aside Islamabad's traditional insistence on a UN

plebiscite in Kashmir, which was an irritant to New Delhi, also had a significant impact. With Vajpayee's strong personal desire for a peaceful relationship with Pakistan, along with subtle US pressure on this issue" (Ward & Hackett: 2004), both governments kick-started the process. Vajpayee led BJP government in India sent a proposal containing 12 CBM's which were accepted by Pakistan after amending three and adding two more to list (Gul:2008). In Feb 2004, having received assurance from Musharraf that he will not allow his soil to be used for any terrorist activity, Vajpayee agreed to the point that Kashmir dispute needed to be resolved in a manner that is agreeable to all. In the same year, the dialogue was launched at full pace, Indian National Congress (United Progressive Alliance) formed the government at national level. Inside Jammu and Kashmir, they were already in alliance with JKPDP since 2003. The then-new Prime Minister Manmohan Singh picked the dialogue process and made more progress.

5.6.1. ON CONFLICT RESOLUTION

With the start of the dialogue process in 2004, Pakistani President General Musharraf forwarded various proposals. In one of the preliminary proposal in 2003, before the start of dialogue process in 2004, he had issued a four-step agenda for engaging over Kashmir which included "(i) commencement of official talks; (ii) acknowledgment of the centrality of the Jammu and Kashmir dispute; (iii) rejection of any proposal unacceptable to India, Pakistan or Kashmiris; and (iv) adoption of the best solution acceptable to India, Pakistan and Kashmiris. This was mentioned in the official brief put out by the Pakistan Ministry of Foreign Affairs in 2005" (Padder 2012). Musharraf refined the proposal into a four-point formula to resolve the intractable conflict. They included 1) softening of Line of control (making the line of control

irrelevant) 2) internal autonomy/ self-governance to all the areas of Jammu and Kashmir, PAK etc 3) demilitarisation of region 4) joint control, management and supervision of Kashmir by both India and Pakistan. This proposal was initially taken with enthusiasm in backchannel discussions and there was enthusiasm in war-weary Kashmir. However, it failed to generate enthusiasm in the leadership of Kashmir and India. One of the Kashmir's top separatist leaders Syed Ali Shah Geelani, the head of Hurriyat G also rejected it when Musharraf went to meet him and convince him. The concept was a prototype of a protectorate where both countries will have sovereignty over the external dimension of the state and the local population will have autonomy on the internal politics of the state. In one way, at its face value, the resolution seemed to give a win-win-win scenario to all the parties. The composite dialogue process on whose platform such things were possible itself came under pressure when Samjhauta Express blasts and Mumbai attacks took place inside and role of Pakistan based militant outfits was suspected.

One primary issue with the dialogue process is that inside Kashmir there is a trust deficit among people and the leadership regarding the intentions of the two states. One example of such disillusionment of Kashmiri leadership was evident when Syed Ali Shah Geelani rejected the Musharraf's formula. While referring to Musharraf's four-point proposal, Geelani is quoted saying that "This formula is nothing more than softening of borders, people-to-people contact, and easing of travel formalities...It is a diplomatic trick of converting the 'Ceasefire Line' into permanent border which was rejected by Kashmiri people in one voice" (Firstpost: 07 Jan 2016). Such allegations stem from the official positions of the two countries who maintain their rigid and obscure nature while dealing with the issue. For example, Prime Ministers Special Envoy, Satinder Lambah in a speech in Kashmir University said that Dr. Singh "has

consistently advocated a solution that does not seek to redraw the border or amend the constitution but one that makes the boundary irrelevant, enables commerce, contacts, and development of the Kashmiri people on both sides and that ends the cycle of violence” (Haidar: 2016). Inside Kashmir, people believe that India and Pakistan see Kashmir as a territorial dispute rather than acknowledging the people who have lived there for centuries. Second, the separatist leadership in Kashmir has always wanted a solution to the conflict within UN resolution framework since its inception and doubt any negotiation on Kashmir will be fruitful if it deviates from the UN-mandated mechanism of conducting a plebiscite in Kashmir. Their skepticism seems to be informed by the historical context and the political developments since past many decades.

The Hurriyat leadership for the first time in 2010 made gestures for acceptance of any resolution beyond the UN. The development came after Syed Ali Shah Geelani issued a five conditions agenda to start a dialogue with India. The five conditions agenda included 1) Accept that Kashmir is an international dispute 2) start demilitarisation of the Jammu and Kashmir 3) Revoke the Armed Forces Special Powers Act (AFSPA) and Public Safety Act (PSA) 4) Release all the political prisoners & 5) Prosecute the forces for the human rights violations. The delegation that visited Geelani’s home included CPM’s Sitaram Yechury, Majlis-e-Ittehadul Muslimeen’s Asaduddin Owaisi, DMK’s T R Baalu, Akali Dal’s Ratan Singh Ajnala, and TDP’s Namo Nageshwara Rao. While they acknowledged that the demands were genuine but reiterated that Kashmir was an integral part of India, therefore, the first point that Kashmir was an international dispute was not palatable (Pandit: 2010). It is visible from the five conditions given by Hurriyat G after 2010 uprising that the New Delhi-Kashmir dialogue possibility is ruled out. Rather than engaging in a holistic manner in

which Kashmir's stakeholders are taken onboard, the dialogue process at best can be described as a conflict management technique.

5.6.2. GAINS FROM THE DIALOGUE

Dialogue process has sporadically progressed with temporary and intermittent interruptions. India and Pakistan made progress on many fronts. First, they concluded agreements on bilateral issues excluding Kashmir and second Kashmir related agreements. At bilateral level, they agreed to increase the frequency of airline flights, frequency of trucks across border and permission to cross-border up to some predefined point, increase in Delhi-Lahore bus service, agreements and CMS's related to nuclear arsenals, agreements on sharing information between securities exchanges (SEBI-SECP), and talks on Joint Anti-terrorism mechanism. On the issue of two parts of Kashmir, Muzaffar-Srinagar and Poonch-Rawalkot bus services were initiated, initially for fortnightly travel and then weekly. Intra-Kashmir trade service was also started as CBM's on Kashmir conflict. "While technically 'Jammu and Kashmir' was only one of the eight issues in the security cluster, a closer look at the actual content of the other security issues indicate that in six out of the remaining seven issues, the script of Kashmir runs through in one form or another" (Dasgupta:2015:2). As Dasgupta further writes that "since no separate mechanism was designated to address the Kashmir issue or issues related to it, discussions on Kashmir were circumscribed by the ebbs and flows in the overall Indo-Pakistan relations" (Dasgupta:2015:2)

5.6.3. ASSESSMENT OF COMPOSITE DIALOGUE PROCESS

With the nuclear deterrence and military sophistication of both the countries, no side can contemplate of taking Jammu and Kashmir in its entirety. On the front of local

insurgents, the disproportionate power differential may never have given them an impression to alter the status quo. In a sense, any attempt of a military solution to the conflict from either side can result in possible nuclear confrontation. Thus the dialogue process seems to be the only viable option for managing or resolving the conflict. On the same line, the dialogue is also cherished by the people on all the sides, especially after witnessing the cost of the conflict and its devastating effects on states and their populations. Intractable nature of the Kashmir conflict has set a war fatigue among the people in Kashmir and also India and Pakistan.

Diplomacy or talks between India and Pakistan are not new. As Padder (2015:4) writes “before the Islamabad Summit in January 2004, there have been more than thirty-five occasions, in which the Heads of State in India and Pakistan have met. Besides these meetings at the highest levels, there were at least twelve rounds of talks between 1989 and 1998 before the Lahore and Agra Summits”. The failures can be attributed to random, sporadic and non-focused nature of the talks that were held earlier. But to that effect composite dialogue has been well structured and has progressed well, although, on the results side, nothing substantial has emerged so far.

The only success that is attributed to the composite dialogue process so far is that India and Pakistan agreed and operationalized some confidence-building measures in Kashmir. Cross LoC trade and travel for Kashmir are viewed as a symbolic gesture because they have also not picked the pace as expected. The cross-LoC exchanges that started in 2005 through the bus service ‘Karvan-e-Aman’ and cross-LoC trade were unconventional initiatives that allowed the people to people contact and trade opportunities after the disruption in 1947. It has presented a good opportunity to revive the pre-1947 historical, cultural and economic ties between the two parts. As a

grassroots peacebuilding measure it “has given locals an opportunity to interact and engage with each other for the first time since Partition, leading to reducing distrust, changing perceptions, and forming collaborations. The change, however, is a small step and is limited to a small proportion of the population on both sides, mainly divided families and a few traders” (Bali and Akhtar, 2017:3). Formalization of these initiatives is still far from reaching.

As per the assessment, a report by United States Institute for Peace (USIP) mentions that ‘in last decade, 27907 visits from both sides of LoC, out of which 8379 have moved from IAK and 19538 from PAK. Which is minuscule compared to the population of 12.5mn and 4.4mn respectively’. This especially stems from the cumbersome problem of obtaining travel document and also people fear applying for such travel document may put them on state surveillance and bring unnecessary trouble.

Cross-LoC barter trade which is conducted four days a week through two points across LoC allows 21 items for the trade. Only five or six items from the list find relevance and are actively traded (Hussain & Sinha: 2016). The trade carries a ‘high symbolic and emotive value’ and has grown despite various constraints, for example, there is no ‘organized grievance redressal mechanism’, the value needs to be squared off in barter within three months (Bali and Akhtar:2017). The report assesses that “the grassroots sector on both sides of the Kashmir LoC is largely unorganized politically and has failed to tap its full potential. The only organized joint platform is the Joint Chambers of Commerce and Industry, which was initially formed in 2008 and reorganized in November 2011. It comprises more than ten business entities, including the heads of four chambers and federations of industries from both sides of

the LoC, and has been recognized by the governments, indicating its acceptability at the policy level.” (Bali and Akhtar: 2017).

As the report by USIP assesses that 1) people associated at grassroots believe that trade and travel have either a symbolic impact on Kashmir Conflict or has no impact. 2) It is limited in nature to divided families and has failed to attract a broader participation. 3) The perception further extends that grassroots have less or no effect on the policies which remain largely govt driven. 4) Further some flak for the grassroots peacebuilding through trade is that it is limited, there are tight checks and measures, and it has low or no impact on Kashmir political situation and lack of stakeholders. 5) There are challenges for example ‘top-down approach, strained India-Pakistan relations, lack of capacity of existing grassroots bodies and poor linkages between grassroots and state structures’.

The role of CBM’s can’t be denied in expanding the scope of engagement across the LoC. Its potential lies in cultivating the traditional linkages, grassroots connectivity and local decision making to create the constituencies of peace. The reliance of these constituencies of peace should be based on substantive engagement and exchanges which can sustain in the troubling times. As Bali and Akhtar (2017) write that “the localized cross-border interests and civil society coordination will sensitize the governments and decision-making bodies to make informed decisions and eventually create an environment conducive to a political solution to the Kashmir conflict”.

5.6.4. DISRUPTION OF TALKS

Political atmospherics and other related events in both countries have often become the reasons for the disruptions of the dialogue process. After the 2000 parliament

terrorist attack, the 2008 Mumbai attack disrupted the talks. India claimed that the terrorists came from Pakistan through sea route in Mumbai and killed three top brass officers and many civilians. The attack was understood akin to backstabbing by India. Although the Kashmir specific CBM's were not halted for much time and largely remained unaffected, it made a diplomatic disconnection between the countries. After nearly three years, the foreign secretaries of India and Pakistan met in 2011 and decided to resume the dialogue and stress on the issues of terrorism including the trials of Mumbai attacks (Padder:2012). From 2012 to 2015, 28 meetings took place between India and Pakistan but no progress was recorded (Dubbudu: 2015). This, on the other hand, has given rise to the incidents of cross LoC shelling in recent years. After the 2003 ceasefire agreement, the LoC had largely remained calm and peaceful especially for the inhabitants around it. India's single-handed focus on the issue of terrorism between India and Pakistan has buried the CDP as Deshpande (2015) writes "India has refused to allow Pakistan to amend the sequencing of the Ufa process by the insertion of Kashmir to the agreed menu of discussing terrorism that India sees as the central issue between the two countries".

CBM's have not materialized up to the expectations of Kashmiri people. Part of the problem is that there is no structural change political system to ensure accommodation local needs and aspirations. Some of the main issues at the platter for example release of political prisoners, human rights violations, revocation of AFSPA, DAA and PSA and extent of the militarisation have not been reviewed or addressed. Second, the dialogue process without separatists has not been effective. It is has disillusioned to dissident leaders and people who think that India is reducing Kashmir issue to economic packages and development issue (Chowdhary: 2010: 10-11). The interlocutors report 2012 recommends a review of these exceptional laws, devolution

of powers and additionally redrafting the Centre-state relation by establishing a constitutional committee to “review all the Central Acts and Articles of the Constitution of India extended to the State after the signing of the 1952 Delhi Agreement” (Padgoankar et al: 2012). With a just structure delineating proper political power and autonomy to local stakeholders, the effectiveness of economic, cultural or social CBM’s can work to the expectations. CDP in its own right has provided a structure for negotiations and CBM’s but within the political structure, its reflexivity is seriously limited. For the effective and success of CDP India and Pakistan need to beyond what Sajad Padder (2012) calls “talks for talk” approach.

5.7. GRASSROOTS DEMOCRACY AND POWER DECENTRALIZATION

Current internal peacebuilding in India can be seen within the liberal-institutional paradigm. It focuses on the development of institutions, local involvement in decision making, power-sharing and devolving power or autonomy to groups in conflict areas. As Pogodda & Huber (2014) elaborates that the Indian state over time has developed “a multi-pronged strategy, combining heavy-handed security measures with the promotion of socio-economic development, state building, local participatory governance, and decentralization, as well as support for civil society” as peacebuilding measures to address the conflicts in peripheries. In terms of security policy, the emphasis is drawn on the modernization of security setup and also reintegration of militants. Panchayat Raj Institutions are set up to ensure local political participation, physical and service infrastructure investments are made to ensure socio-economic development and promoting economic security. NGOs are also involved to ensure local involvement in development, health, and education.

Pogodda & Huber (2014) explains that in the “societal sphere, conflict transformation aims to mend broken relationships between competing groups and change violent patterns of interactions into non-violent ones. Local societal sphere represents the primary relational dimension of conflict transformation approaches” and the peace strategies that are devoid of local participation may not necessarily bring the transformation. The insurgency and counterinsurgency operations reshape the identities, power structures and general contextual relationships in a conflict for example huge human rights violations during the 1990s in Kashmir turned the masses against the state emboldening the narratives that forge collective identities to legitimize struggles. Beek (2001) asserts that this identity-based denial draws the actors towards the collective resistance in Jammu and Kashmir

Internal power-sharing arrangement what Lederach (2003) calls structural dimension of conflict transformation is associated with institutional reforms that foster nonviolent response in circumstances of developmental challenges, political alienation and self-determination demands i.e. internal (autonomy and self-rule by NC and PDP). Curtailing these political rights itself gives rise to conflicts as local parties are not empowered to satisfy needs and aspirations at the grassroots level. Devolution of power to grassroots forms an essential paradigm to strengthen the political process and ensure grassroots participation.

As a peacebuilding measure, extending the benefits of development and good governance to the grassroots level and the devolution of power to lower level leadership is understood to be an important parameter of the democratic decentralization. The concept of decentralization of powers and equitable development has been inspired by Mahatma Gandhi and incorporated in Article 40

(organization of village Panchayats) of Indian Constitution which reads as “The State shall take steps to organize village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government”.

The process of conducting Panchayat elections either has not been taken as a serious political process as the assembly and parliamentary elections by State or political atmosphere has not allowed the smooth conduct of such elections and devolution of power. The first Panchayat elections in the state of Jammu and Kashmir were held in 1977-78 and the second were held in 2001 after more than two decades and third elections in 2011, after another decade. By the normal procedure, the Panchayat elections are held after every five years which keeps the vibrancy and devolution of power in continuity.

Role of Panchayat system as a grassroots CBM is dependent on its intrinsic principle of participation of common people in growth, development and good governance on one hand and taking benefits of equitable development and ensuring the benefits of distributive justice, on the other hand. Proper functioning and transparent political process at the grassroots level is believed to be a panacea for strengthening the larger institutional political. Wani (2018: 287) writes that “Panchayats can be a space for the discourse of the rights and justice. It can be a zone of dialogue, something that has been long missing in Kashmir. It is up to the government to utilize the opportunity for the betterment of the state and use these elections as an important confidence-building measure”. As the author further contends that “if the real power was devolved to grassroots units, rural Kashmir could have gone through a virtual renaissance and the newly elected Panchs and Sarpanchs could have enriched the political process within the state (Wani: 2018: 286). But unless state shows its willingness to involve the

grassroots leaders in decision making by substantially allocating appropriate power to Panchs and Sarpanchs, a bottom-up political participation in democracy in the context of Kashmir will remain fragile.

The 2011 Panchayat elections showed a total twist from previous records of popular participation in the political process. Around 80 percent voter turnout was recorded (Nandal: 2011) and huge campaigning and celebrations were held in rural areas for the winning candidates. As some people recollected during the interviews with the author, a sense of competition was set among people, between Mohallas (Panchayat wards), between candidates. There were debates around the candidates, manifestos and obviously promises. As one Sarpanch reported to the author that he was taken on the shoulders by the people out of excitement and marched in the village but he feels that he was unable to serve up to the expectations. Primarily district administration and other relevant authorities are not sharing the power and in most cases, they are not even given the respect in government circles.

Moreover, Panchayat level leaders or contestants have not remained immune from the militant threats and violence. There are many cases where militants have killed Sarpanchs and ex-Sarpanchs and threatened them of dire consequences. First, the militants are against all political processes that are fostered to continue the Indian control in Jammu and Kashmir. Similar to the mainstream politicians, these leaders are seen as collaborators by militants and face a perpetual threat to their life. Second, militants believe that these Panchs and Sarpanchs are used as informers by Indian agencies for spying and forwarding their locations of the militants. This makes them more vulnerable. Whether true or false, the Indian leadership at times issue statements that endorsement such claims. For example, Rahul Gandhi, the national President of

Indian National Congress, in his speech at the University of California in September 2017 claimed that holding Panchayat elections in Kashmir was a crucial tactical decision and their government gave funds and authority to these Sarpanchs in lieu of receiving information about militants at the village level. Such a policy approach in which civilian life is risked for political gains is antithetical to the idea of grassroots peacebuilding.

More than seven years have passed since the previous elections were held. It was evident from the various interviews with the relevant people that representation and association of people with the system at grassroots have gained momentum. Grassroots involvement is helping in the equitable distribution of the benefits extended through various national and state level schemes and people remain well informed about the schemes and other kinds of government tendering system. Two, since the ward member, Panchs and Sarpanches remain well connected in the hierarchy, there are fewer possibilities of interference and partial allocation of benefits and therefore transparency is enforced at the grassroots level horizontally and vertically.

As far as alienation of people is concerned and their return to mainstream political process, Panchayat system is definitely a positive step to earn the confidence of people and build a relationship with mutual respect, trust, and empathy. But it is not necessarily the single most important CBM that can bring a social change. Bringing common people in the governing structures of the state can have a substantial impact on the policy, governance, and functioning of the state. But in absence of a political space and conducive atmosphere for political, economic or social activity, any efforts in word or spirit will not yield the desired results. The problem arises when the

grassroots leaders try to stabilize the situation at the village level, any sensitive issue like the arbitrary killing of civilians or political statements that undermine the Kashmir's distinct identity incite large-scale spontaneous political mobilizations and undoes all the efforts.

Involvement of youth at grassroots could be a dividend for its progress. But a large section of well educated and well to do youth have largely kept aloof from Panchayat elections as "they don't trust the democratic process in the state" (Wani: 2018). Wani believes that it depends on the state, how it invests in the youth will determine the future course of the democratic process. Any further evaluation on the ground will be reflected by participation and voter turnout in the new Panchayat election whenever they are held. So far due to the political disturbance in the state, the elections have been indefinitely postponed.

The popular perception gauged through interactions with various grassroots people reflected a mixture of ideas. A larger section perceives that the Panchayat system has no impact on the political movement and thought it a necessity. Others believed it was a ploy to weaken the people's resolve for political self-determination and dissuade them. This is in line with the argument of Tremblay (2009) that people differentiate and compartmentalize their daily needs and their political aspiration and accordingly participate in the political process. Hurriyat Conference and other pro-freedom organizations have maintained a boycott call on elections for all bodies from local or district level to parliament since 1994 and have regularly campaigned for it. In 2011 Panchayat elections, people defied the boycott call as one of the interviewee said "people thought and made their own evaluations, whether the boycott was any relevant. Then they voted, because at the village level, Panchayat system can bring

betterment in civic amenities and on the other hand, it will have no substantial impact on the political aspiration that people are espousing”(Manzoor: PI:2017). This may infer that large participation of people in Panchayat election in 2011 doesn't automatically translate into reconciliation with the status quo.

6.1. MILITARY STRATEGY AND PEACEBUILDING INITIATIVES UNDER WINNING HEARTS AND MINDS (WHAM)

WHAM acronym means winning hearts and minds, a military strategy blended with the civic component to appeal the civil supporters of opposite side in counterinsurgencies. with civic Militaries around the world are deployed to contain the dissidence especially armed struggles when political leaders fail to deal with the circumstances. Various militaries have been deployed against militias or other non-state actors to safeguard national or international interests in distant geostrategic territories. “The local populations may have sympathy for the troops, or there may be a groundswell of dissent against them. Prolonged deployment, the pressures of operational stress, the reality of being an outsider, the brusque attitude of the local people who may harbor hostility toward the military, and allegations of human rights violations all lead to a sense of alienation and frustrate the zeal of the military” (Cariappa et. al. 2008: 749). In such scenarios, a civilian backlash can turn the wind completely against the army and the state. US's war in Vietnam and intervention in Iraq and Afghanistan is a glaring example of a groundswell of local sentiment against the forces and the intervening state. Indian army has also found itself at the crossroads with the local population by fighting insurgencies in North-eastern region and Jammu and Kashmir.

From the perspective of military institutions, low-intensity conflicts are not won by military interventions and “victory cannot ever be measured in terms of militants neutralized or weapons captured. Rather, the goal is to enhance the legitimacy of the local and national government in the eyes of the people. This legitimacy hinges on three factors, that is, the ability of the government to provide security, to provide essential services (such as healthcare), and to respond to crises” (Cariappa et. al 2008). The large frame that is used by the state to understand the dissidence in Kashmir is the ‘alienation of people’ by which they mean people believe that they are being treated differently and neglected by politicians, generals or civil administration.

The Indian army ever since independence has been involved in counterinsurgency operations in Nagaland, Manipur, Mizoram, Tripura, Assam, Punjab and Jammu, and Kashmir. Over the period of time, the Indian army has learned lessons based on the best practices of other armies, as well as their own experiences and implemented an overall framework and operation strategy to internal security challenges what can be called national approach (Chadha:2016:3). Operation Sadbhavana is one of the culmination of the military strategies which literally means “goodwill”. It was launched by Indian army in 1998 “as a soft approach to counter-insurgency, the operation aimed to win the “hearts and minds” of people by undertaking “development” programmes and engaging with the youth. It signaled an overall change in the attitude of the military towards dealing with the civilian population and represented an adaptation, if not imitation, of the British counter-insurgency model, practiced in Malaya (1948–60). Over the years, the programme, which started as a pilot project, has spread all over the Valley and is concentrated mainly around the countryside of Kashmir” (Nabi and Ye: 2015:58). From the Indian army perspective

“The sparsely populated region in the Himalayas, with its inaccessible mountainous terrain, has been virtually neglected since independence. For the hardy people of this region, a uniformed soldier is the only link with an alien world in the lower reaches. Realizing its potential as an extended arm of the polity and exhibiting a bona fide concern for fellow countrymen along the line of discord, the Indian Army has launched a drive to harmonize the aspirations of the people. Winning the hearts and minds of the underprivileged and poor populace of border villages by meeting their basic aspirations in life plays an important role in molding their opinions and attitudes toward the Indian Army and infuses a nationalistic feeling in such peoples. *Sadbhavana* literally means “goodwill among people,” and Operation *Sadbhavana* was conceived as a military tactic to change the course of the local campaign against terror in Jammu and Kashmir state. It was realized that the battle might be won by militarily neutralizing the terrorists, but the war might be lost if efforts failed to sway the hearts and minds of the people” (Cariappa et. al 2008).

Indian army’s intervention in civilian domains stems from their belief that civil government and administration are unable to reach to local populace especially in remote areas where the access to basic needs and a decent standard of living has been affected by poor communication and infrastructural connectivity with urban centers. It is also added that during the years of violent insurgency, many of the infrastructures like bridges, schools, roads were destroyed which needed to be rebuilt. “This has led the military to organize student “exposure” programmes, initiate mini hydroelectricity projects, build schools, felicitate Hajjies, organize sporting events and so on. However, in Kashmir, these development and goodwill activities are seen as tools to increase the military’s legitimacy, which it does not have due to the excessive force it has been using against the very population it is meant to help. At the same time, the occupation of lands and houses (private and state-owned) by the military has further complicated the situation and raised questions on the motives behind such programmes” (Nabi and Ye: 2015:58). Operation *Sadbhavana* was accompanied with the relative decline in militancy. They have strategically balanced the soft approach by developing public relations, and at the same time, maintaining its presence and iron-fist approach against the low-intensity armed conflict.

Indian army had adopted conventional methods and tactics to combat the insurgency in the initial years of counterinsurgency. The prominent ones included mass arrests, crackdowns to hunt for insurgents, search operations, frisking, and identity card checks, detention without trial, etc. These tactics were further augmented with the “development of road-opening parties, use of a counterinsurgency grid system, covert apprehension technique, use of Ikhwan or captured militants in counterinsurgency and creation of a special counterinsurgency force, Rashtriya Rifles” (Anant: 2011:10-11).

One of the relevant questions is whether the involvement of the military in civilian affairs is really changing the civilian attitudes and whether such relations are sustainable? Chakrabarti (2015) makes some observations. 1) discontent against counter-insurgents is not sudden but part of a wider politics and history of engagement in violent conflict, therefore civil amenities by the army in remote areas can't be a substitute for political rights. 2) consumption of service by people under Sadhbhavana is not reflective of political beliefs. Welfare schemes are utilized in the remote areas where the civil administration is absent and it is pure dependence on the service provided under the Sadbhavana, not a choice over the civil administration. 3) The trauma of the conflict violence is often shared by the community which can't be easily brushed aside. 4) Presence of counterinsurgents who are an outgroup, predominantly non-Kashmiris, and non-Muslims solidifies the ethnic assertion and accentuate the regional identity politics.

Having popular disenchantment with security forces generally and particular disregard for the army, Chakrabarti (2015) writes that the “consumption levels of non-security services generally remain high. Social services under Operation Sadbhavana

(harmony), a hearts and minds programme run by the army in Kashmir, are popular ostensibly because of their superior quality as compared to facilities run by successive state governments. Over 14 years, the army has spent Rs 400 crore in a variety of civic services: two residential schools, 66 Goodwill Schools, institutes for special children, employment schemes, health and veterinary care, access to water in remote villages, even a full-blown Kashmir Premier League cricket competition.” But Chakrabarti contends that civilians in rural areas turn to the army for any complaints contrary to the civil administration with whom they share their ethnic and kinship connections. This seems beyond the point that even if the army is highly organized, efficient and result oriented, its role is limited by the mandate, especially in the functional political system.

The fund allocated for Operation Sadhbhavana to Jammu and Kashmir as per ministry of Information and Broadcasting for the years 2010-11 and 2011-12 have been 42 and 36 Cr respectively¹⁴. Disproportionately meager funding in comparison to the range of services provided under the operation e.g. education, healthcare, infrastructural development, and others sectors shows an imbalance.

The primary task of the operations is to revive the political process, tourism and perception management of the institution which had seen setbacks in the previous decade of high-intensity armed conflict. The youth exchange programs that gave opportunities to Kashmiri youth to visit other states was one of the attempts to widen the perspectives of the youth and acquaint them to wider life conducted at national level.

¹⁴ <http://inbministry.blogspot.com/2013/03/operation-sadbhavana.html> Published 18 March 2013

According to Anant (2011), Operation Sadbhavana also attempted to battle “the negative propaganda” by facilitating youth exchanges between Kashmir and different states of India, which helped to counter Pakistan and separatists’ argument for an independent Kashmir. This and other Operation Sadbhavana programmes such as building schools, support to government-run schools, developing mini-hydroelectric projects, providing financial and material support to orphanages, building bridges, setting up medical camps, and running vocational and training centers are being put forward as positive stories in defense publications. However, the underlying motives behind these programmes do not appear in the literature (Ganguly 2009; Bhonsle 2009; Anant 2011).

The army ran youth exchange programmes and provided opportunities to the lower-middle class rural youth to see the urban cities of India. Nevertheless, these visits did not drive the youth against the basic purpose of the Kashmiri movement and were just seen as interesting excursions. A youth participant from the Lolab Valley, Kupwara District, put it this way: I had never been outside Kashmir. When I was offered the chance to travel outside free of cost, I just grabbed the opportunity. If anyone would have asked me to travel free to Mumbai or Delhi, I would have done it. Going for a trip with the military does not mean I forget that what they have done with us. They have humiliated us and tortured our brothers.

Some of the points Nabi and Ye (2015: 61-62) raise are:- 1) first inherent problem in Operation Sadbhavana-led development programmes is that they are externally-driven interventionist programmes run by a non-development agency. It is difficult to understand why the army has to undertake development programmes when the elected state government is legitimately commissioned to do this job 2) military lacks the

expertise and skills to administer development and humanitarian programmes, as it is authoritative and, at the same time, it undermines the sustainability of these projects, For example, 300 micro-hydropower projects built by the army in Kupwara are defunct; similar is the case with many schools, health units, and vocational training centers. 3) military-led development programmes are not need-based. Moreover, the military involvement in humanitarian and development programmes blurs the line between the military and civilian actors, and the military's involvement in civilian affairs can undermine civilian actors, including the elected government. 4) It puts pressure on the military forces to do extra work. There is no specific unit to run Sadbhavana programmes; existing officers have to perform additional tasks to execute these programmes.

A disciplined counterinsurgency in the context of Kashmir should primarily focus on limiting the damage to civilian life and property and demonstrate people oriented resolve. When counterinsurgency places the entire burden on the civilian population, it doesn't leave choices for people but to ally to the opposite side. For example, one respondent from South Kashmir recalled "we were sitting inside our home when some Mujahids (armed rebels) entered our house. They told us to leave the house for safety and encounter started. The house was blasted and within a couple of hours, we were homeless. Everything was gone. The government doesn't help in militancy-related incidents and we had to solely rely on some meager funds that were generated locally" (PI:2017). Such destruction of property of civilians especially when they have no option to deny shelter to militants or for that matter security forces only revived the memories of disproportionate force used in counterinsurgency and undoes the gains made from op. Sadbhavana. The following paragraph is reflective of COIN on the ground-

“In reality, practitioners mix the two strategies. The practice of giving operational freedom to small-unit Unit commanders to leverage local idiosyncrasies results in the non-uniform application of counterinsurgency principles. Restraint is encouraged, but when insurgents remain elusive and continue to kill soldiers in ones and twos, counter-insurgency reverts to violence, fear and torture to obtain information and “pacify the restive” population even as it continues to provide social welfare concurrently. Cordon and search operations, the bedrock of counter-insurgency in Kashmir, where male members of towns and villages were forced to assemble in community centres while their houses were searched for weapons, were more abusive in the aftermath of troop casualties. Houses used by insurgents to hide were destroyed even when their owners were in no position to decline rebel request for a safe haven. While popular protests elsewhere in India are met with police violence, in Kashmir, such violence continues to be demonstratively more lethal and routinely causes civilian deaths. Trails of enemy-centric counter-insurgency are writ large; collective punishment is no aberration, it is institutionalized to generate compliance. The population is “protected from foreign terrorists” and at the same time, persecuted to extract “obedience” (Chakrabarti: 2015).

If Op. *Sadbhavana* is the military technique of peacemaking with the local population, it should be responsive to the human rights of the civilian population. Civil and political rights are central determinants of popular behavior and violation of such rights escalates the political mobilization and radical activism. When the lines between the political and military domains are not clearly demarcated in their mandates, it creates more problems than solutions. Militaries are trained to fight the combatants, and its expertise to deal with political mobilizations and civil uprisings are limited. The deployment of the army against the civil uprising and political campaigns mars their mandate and the use of force, in which armies have the expertise, gives rise to civil and political rights violations. This escalates the political mobilizations and civil uprisings as well as works against the purpose of winning hearts and minds. Militaries can contain populations in their physical manifestation however, it is difficult for them to win the political allegiance, a science or art they are not trained for. It is for the political class or the leadership to deal with civil or

political problems and passing the political issues to military hands becomes a total mismatch.

The political history of Kashmir reflects a mosaic of changes in last seven decades. The nearest point in vast past of Kashmir resistance movement can be attributed to 1930s when the Sheikh Abdulla and his associates established the “Reading Room” which gradually developed into the Muslim Conference in 1932. Muslim Conference represented the subaltern political consciousness supported by working class like peasantry, artisans’, factory workers etc. The developments within the Muslim Conference led the leaders to change the nomenclature of the organization to National Conference to broaden its base to other religious communities. These political formations were a specific reaction to the autocratic rule of Dogra dynasty. Dogra rule was representative of repression, heavy taxation, and beggar and exclusion of Kashmir inhabitants from state services. In addition to this, Dogra’s hindered the social and religious practices of the majority Muslim population of Kashmir. NC prior to 1947 had launched the “Naya Kashmir” manifesto and “Quit Kashmir movement” which were anti-elite, socialist in nature to bring a change in structures of governance in Kashmir. Concomitant with the partition and other developments in the subcontinent in 1947, the indigenous Poonch Rebellion created a rare situation for the fate of Kashmir.

Kashmir resistance movement which was earlier directed against Maharaja was revived under the under the banner of Plebiscite Front who started demanding for a referendum in Kashmir in accordance with UN resolutions to determine the future of Kashmir. Sheikh Abdullah being its patron strongly believed in Gandhian nonviolence and Plebiscite Front conformed to it. The movement under the Plebiscite Front continued till Indira-Sheikh Accord was signed in 1975. Plebiscite Front’s conciliatory approach and its eventual closure as a political channel for representation

of self-determination movement sprouted many new organizations to mobilize for the self-determination.

These organizations and along with others united under the MUF platform in the 1980s to check the undue meddling of Congress and NC coalition into Kashmir politics. Disenchantment with the institutional political process after the rigged elections of 1987, MUF was dissolved and the armed struggle got pre-eminence as a tactic for movement to resolve the Kashmir issue or at least put it on the limelight in the international arena which the Kashmiris thought was put on the backburner. Within a few years, in 1994 APHC was formed by bringing together of various political and religious groups to spearhead the armed movement politically.

The armed movement which started in 1989 grew in intensity quickly within a few years. The indiscriminate and disproportionate force used in counterinsurgency increased the militancy many folds, with many young people joining the militants' fight against India. Having huge costs, the militant movement could not sustain its high-intensity armed rebellion against the state and dissipated, marking a transition to nonviolence as a primary strategy. There are other factors that could be attributed to the rapid decline of armed movement and making nonviolence as a prominent strategy. First, use of disproportionate and indiscriminate force against the armed movements led to huge human rights violations of civilians in Kashmir. Conventional military superiority, wider networks of state forces, and huge deployments and their operations augmented by much infamous legislation like DAA, AFSPA, and PSA made the armed conflict highly asymmetrical. These legislations were enacted to shield the armed forces from prosecution in case of human rights violations. By the mid of 1990s the number of indigenous militants started declining and the ratio of

foreign militants increased inferring that the local youth were retreating to the repression and harsh counterinsurgency tactics.

Second, the 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. Immense violence has used against civilians during counterinsurgency with the intended to stop them from supporting the militants. The recurring violence by state forces was to some extent successful in suppressing the open support and 'disciplining' civilian populations and acted as a deterrent for the youth to join the militancy. Civilians as kin, supporters or sympathizers of militants received huge casualty in counterinsurgency causing war fatigue. When the costs of militancy became high for the Kashmiri people they started retreating back to the 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 the armed movement made these 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 a negotiated settlement of the Kashmir issue. Growing disenchantment with gun also shifted popular support this platform. The unilateral declaration of ceasefire by JKLF in mid-1990's and suspension of armed struggle also came handy with the nonviolence.

Fourth, the changes in local governance after the 2002-3 election by the new government, by showing resilience towards the civilians compared to previous government also lead to a decisive shift in thinking. From 2003, the purported

normally gave dissidents time to redirect their campaigns and 2008 showed the first organized nonviolent popular uprising after the high-intensity conflict. The integration of STF and renegades into regular police was one of the major steps taken by the government after a steep violence for more than a decade. Also, the initiation of the composite dialogue process between India and Pakistan coupled with the implementation of Kashmir related CBMs largely gave a deal to Kashmiri people and to some extent to the pro-freedom leaders. The opening of the Cross-LoC trade routes and initiation of bus service between Srinagar and Muzaffarabad 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 organizations were put on the terrorist list also. Although the Kashmir's struggle for self-determination is recognized 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 the tight fencing of the LoC among others.

For the Indian state, counterinsurgency in Kashmir was not only to prevent secession but setting off a dangerous precedent for other dissident states. Kashmir presence as an only Muslims majority state in Union that can pursue its aspirations viz-a-viz other states symbolically reflected the Indian secularism. 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 forces were successful in controlling the operational spaces for militant by a heavy deployment of armed forces in every nook and corner of the valley. The heavy presence of the 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 made the militants to succumb and lower their operations. The involvement of the ex-militants as renegades to fight against militant networks made it easy for Indian forces to locate and target militants and reduce their activities to minimal.

The first civil uprising started in 2008 was triggered by Amarnath Land Transfer which mobilized millions on the streets chanting slogans for Azadi. Five of years of a lull and the comparable political space created by PDP-Congress coalition and the suspended assembly and the indecisiveness in the New Delhi to pre-emptively use force to suppress it made some of the rallies very large. Eidgah Chalo was one of the biggest rallies in which more than one million people from across the Kashmir are reported to have assembled in Srinagar's Eidgah. 2009 also saw sustained localized protests in Shopian. In 2010, the Machil fake encounter of civilians triggered another valley wide popular uprising continuing for months throughout the summer. Wider use of ICT seems to have played a bigger role in the mobilization.

The ideological motivations and closed avenues of expressing the dissent have made the Kashmiri resolve stiffer. Many in Kashmir believe that it was better to live a life resisting than a life of indignity. There may be a disagreement over the viability of nonviolence as a strategy for Kashmir movement but there are no apparent clashes between the groups. The political groups like Hurriyat G, M, and JKLF spearheading nonviolent resistance campaigns while giving primacy to nonviolence also acknowledge the role of armed struggle. The feeling that emanates from repression e.g. disappearances, tortures, extrajudicial killings, and other human rights violations are the primary frames through which people of Kashmir see the Indian state. Having

lesser opportunities for militant activities, the youth participation has shifted in public protests and other nonviolent means of resistance.

Protest politics is the major tactic of the present phase of the resistance movement. People come on streets in large numbers to exert the Azadi sentiment which authenticates the pro-freedom leaders and organizations to assert their position against the Indian state. The events of 2008 and 2010 uprising have showcased the agency of youth that got involved and their brand of politics resonating with the pro-freedom leaders. They are connected through the repositories of memories and repertoire of resistance.

The use of new tactics 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 youth in Kashmir are shaping their struggle. The uprising in 2008 and 2010 demonstrated a commitment to nonviolence despite the fact that disproportionate force was used to quell them.

The Indian state dismisses all the assertions of the youth. Youth who are vocal about or are active in nonviolent campaigns are dubbed as mad, irrational troublemakers or externally supported and mislead people who have no rational capacity of their own. This not only makes them ineligible for a dialogue in the state's perspective but are dehumanized to the extent that any kind of repression becomes justified against them. Use of direct violence against the civil protestors and rampant slapping of PSA's for preventive detention of 'seditious' youth absolves the state from the responsibility to engage in dialogue.

Hard and security intensive approach against the popular mobilizations and civil uprisings of 2008 and 2010 has many led young civil resisters and bystanders towards

the armed path. The killing of civilians especially teenagers during the two protest uprisings and violations of personal integrity rights of others have largely motivated these youth to take up arms. Cases of personal excesses done to protestors and their families by the state forces seem one of the important factors to en-route most of them for the armed struggle. The rampant use of violence and institutional apathy can insinuate more youth to change their beliefs on nonviolence and give further impetus to armed struggle.

Peacebuilding approach within the state of Jammu and Kashmir is largely carried out within the institutional mechanism of Indian State. It primarily stems from the limitation of the international system that intervention in politically stable states is restricted and their sovereignty is impregnable unless it causes a humanitarian crisis that threatens a catastrophe or genocide. The successive governments in India have denied permission to international agencies for any kind of intervention and development in Kashmir. After the Simla Agreement India has ruled out any role of international community in Kashmir conflict and insisted that Kashmir was an integral part of India and no external interference is justified.

United Nations and its Security Council had supervised peacekeeping and peacemaking efforts and tried to resolve the conflict by conducting a plebiscite. In its efforts, Sir Dixon Owen and Dr. Graham were appointed by UNSC to mediate between India and Pakistan to fulfill necessary conditions for the plebiscite in the 1950s. The digression of India and Pakistan over the extent of demilitarization in their respective controlled territories never made it happen.

From 1960-90, India and Pakistan fought two wars to find a military solution to Kashmir Conflict. In 1965, it was Pakistan who planned under Operation Gibraltar and Operation Grand Slam to wrest of the Kashmir territory from the yolk of India.

Having not attained any objective through war, the two countries signed the Tashkent Declaration to normalize the relations. In 1971's war, Pakistan got dismembered, due to active support of the Indian army to rebels in East Pakistan leading to the creation of Bangladesh. After the war, weaker Pakistan entered into bilateral peacemaking with India and signed the Simla agreement in 1972. The agreement changed the ceasefire line into a line of control and the leaders accepted to resolve the dispute bilaterally.

The armed revolt in 1990's deteriorated the conditions in Kashmir, making the political and administrative system defunct. Indian state heavily relied on the military approach to suppress it. The lack of political outreach and use of excessive forces against the civilians deteriorated the situation further. The high-intensity armed conflict sustained for a decade when India and Pakistan finally resolved to enter in a structured dialogue (composite dialogue process) to resolve all the outstanding issues including Jammu and Kashmir. Through thick and thin dialogue process continued uninterrupted until 2008. The 2008 Mumbai attacks temporarily disrupted the dialogue process but since then it has continued intermittently with little outcome. Cross-Loc travel and trade are two CBM's that have emerged out of this process and have remained functional till date.

The change in counterinsurgency and deployment the Op. Sadbhavana under the WHAM as the military strategy after 2000 was a good initiative to reach out to the civilian population traumatized in the conflict. Such approaches should be highly sensitive to the human rights of the people. Central priority should be to respect and protect the civil and political rights of the people and the role of the army should be restricted to the fields of their expertise. The development of the civil infrastructure in remote areas that were destroyed during the conflict or is scarce due to political negligence and extension of other scarce civil amenities and various other programs to

engage the youth under Sadbhavana has the potential to yield positive results over the time but if counterinsurgency is inconsiderate about the civil and political rights, it can undo the gains and incense the political mobilizations and radical activism. Using military against civil uprising is against their mandate and expertise and is bound to create the problems of human rights violation and spur more unrest. The relegation of political and civil components of a conflict entirely to militaries can be bad policy. Political outreach from political class can be a better alternative rather than burdening the militaries with additional duties.

After 2000, stress was laid for strengthening the political process and comparably fairer elections were held in 2003 and some changes were brought in the governance of the state. It was for the first time, some non-NC party had come to power, subsiding the anger and grievances against NC. Popular perceptions were NC abetted the counterinsurgency and violence against civilians during the previous decade and were generally thought as collaborators after Indira-Sheikh Accord. PDP's subtle language to raise the issues of human rights and brings some changes in policing gained some popularity. the party was believed to be soft separatist and some accused them of having used the separatist sentiment by raking issues that were usually taken up by separatists and curbing their space. PDP's rule brought a temporary lull what many call a "paradoxical normalcy" in Kashmir compared to the previous violent decade.

For further impetus to institutions and popular participation from grassroots, Panchayat elections were held in 2001. In 2011 first real Panchayat elections were held after the 1977 elections in which the voter participated exceeded the expectations. Though the elected panchs and sarpanches are disillusioned in many cases and are facing clashes with the system in terms of power sharing, it is

generating the momentum. The next elections were due in 2017 but due to political disturbances, the elections were postponed indefinitely. The voter participation and popular enthusiasm in the next election, whenever they are held, will determine the progress and impact it has made at grassroots. However, the people at grassroots do not see participating in the Panchayat elections and separatist sentiment essentially antithetical as is often claimed. Grassroots participation though essentially seems to strengthen the institutional political process but it is largely seen as means of livelihood. If the mainstream political process and electoral process succeeds in harboring a change, grassroots will substantially support it.

Grassroots activity and the role of local actors in cross-border trade and travel have significantly contributed towards the process of peace within their limited spheres. Nevertheless, the challenges to make it an effective, larger and broader peacebuilding process in scope and activity remains to be achieved. Cross-border shelling, insurgent activity, and various political events in Indo-Pak bilateral relations particularly on Kashmir play an important role. Centralized control on policy and implementation by far remains an important hurdle to make it more collaborative and civic in nature. The top-down approach and disconnect between the top and grassroots leadership don't make a way for proper feedback, assessment, evaluation and finally innovation in the process. The grassroots leaders remain marginalized and unable to connect directly to top leadership.

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Sahrai, Ashraf (2018), Deputy Chairman of Tehreek-I Hurriyat, Srinagar, Interview
on 14 May, 2018

VIDEOS

Documentary *Safre-Azadi* (Journey to Freedom), 2007, JKLF, Srinagar

Documentary *Jashne-Azadi* (Celebration of Freedom) 2007, by Sanjay Kak

Appendix

Description: Epitaphs of empty graves Maqbool Bhat and Afzal Guru



Source: Manzoor Ahmad/ Photojournalist 15-May, 2013

Description: Amarnath Yatra Sangarsh Samiti announces civil disobedience in Jammu



Source: Greater Kashmir newspaper published 21-Aug, 2008

Description: ACALT announce plan to march towards Muzaffarabad to evade the economic blockade

Greater Kashmir
 VOL: 21 NO: 216 (Reg. No. JK-6/2008-2010) http://www.greaterkashmir.com PAGES: 12 Rs. 3.00 (for circulation rate, including GST)
Muzaffarabad Chalo on Monday
FRUIT GROWERS TO EXPORT VIA PAKISTAN; RS 2500 CRORE INDUSTRY NEAR COLLAPSE
ARMY CALLED OUT IN JAMMU
Curfew Defied, 10 Wounded | PDP MLA's House Ransacked, In Bishnah Firing | JKYSS Matador Torched
Geelani calls for shutdown on Monday
Highway out of bounds for Kashmiris
Farooq rubbishes AYSS suicide claim

Source: Greater Kashmir newspaper published 02-Aug, 2008

Description: Protests rally against the security forces and blood donation initiative for the injured by the civilians

وادی کے طوں و عرض میں احتجاجی جلسوں، زخمیوں کیلئے جگہ جگہ خون کے عطیے پیش
حالیہ دنوں میں شہید ہونے والوں کے حق میں دعائے مغفرت، بارہمولہ میں کرفیو کا نفاذ، سہو پور میں احتجاجی لوگوں نے کرفیو توڑ دیا

Source: Srinagar times newspaper published 16-Aug, 2008

Description: People marching to UNMOGIP to submit a Memoranda



Source: Greater Kashmir newspaper published 18-Aug, 2008

Description: Eidgah protest rallies in which people from across the valley participated



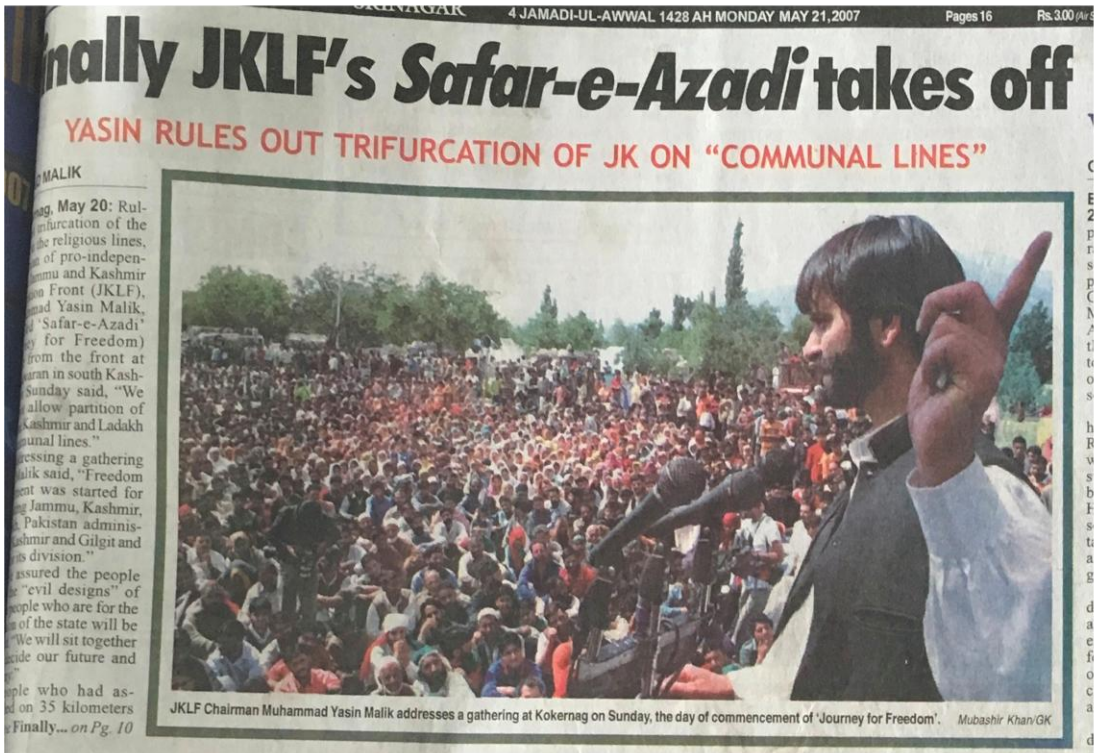
Source: Srinagar Times newspaper published 23-Aug, 2008

Description: protests against killing of 16 persons on the day of Muzaffarabad Chalo



Source: Srinagar Times newspaper published 11-Aug-2018

Description: JKLF chief Yasin Malik takes off Safar-e-Azadi Campaign



Source: Greater Kashmir newspaper published 21-May, 2007

Description: People marching to UNMOGIP to submit a Memoranda



Source: Greater Kashmir newspaper published 18-Aug, 2008