
The Kashmir Conflict: A Kashmiri Perspective

by MEHRAJ HAJNI

Kashmir is the most thorny and intractable issue between India and Pakistan. After the eruption of violence in the early 1990s, the conflict assumed alarming proportions. It worsened Indo-Pak relations and brought the two countries to the brink of a nuclear catastrophe. Precisely for this reason, the international community included Kashmir among the major trouble spots of the world and advised both India and Pakistan to exercise utmost restraint and start negotiations towards its resolution. A short historical analysis is essential, from a Kashmiri perspective, to understand the emergence of the Kashmir problem in its various dimensions.

Origins of the Kashmir Conflict

In 1947, before British India was partitioned, there were around 600 princely states. Lord Mountbatten, the last Viceroy, advised the rulers of these states to accede to either India or Pakistan. Regarding the criteria for deciding which of the two dominions a state should join, Lord Mountbatten said, “Normally geographical situation and communal interests and so forth will be factors to be considered.” These princely states acceded to either of the two dominions on these principles. Although the rulers of Junagarh, Hyderabad, and Jodhpur wished to accede to Pakistan, they were rejected by India on the grounds that they were contravening the partition plan because the majority of the populations in these princely states were Hindus. The problem over Kashmir arose as “India laid claim to every Hindu majority area, on similar grounds Pakistan laid claim over the Muslim majority state of Kashmir, but such claim was always rejected by India.” Thus a dispute over the state of Jammu and Kashmir occurred and both the parties resorted to different methods and even fought wars to acquire this disputed state.

The tribal invasion in 1947, the “accession of Kashmir” to India, and the Indo-Pak war in the same year changed the entire map of Jammu and Kashmir and divided it into two parts—Indian administered Kashmir and Pakistan administered Kashmir. The “accession” of the state to the Union of India signed by the then ruler Maharaja Hari Singh did not mark the end of dispute over Kashmir for two reasons. First, the accession was made subject to the condition of the will of people to be ascertained after the restoration of normalcy in the state. Second, the issue became internationalized, as it was referred to the United Nations by the government of India. Besides, in both the Tashkent and Simla agreements following

the wars of 1965 and 1971 respectively, it was agreed that the Kashmir issue constitutes a dispute that needs to be resolved through bilateral negotiations.

Since then, developments within and outside the state of Jammu and Kashmir had tremendous impacts on the psyche of the Kashmiri Muslims and resulted in their complete alienation from the rest of India. The installation of repressive regimes by the Union Government in New Delhi through unpopular and undemocratic methods, erosion of autonomy granted under article 370 of the Indian constitution, the systematic encouragement of corruption and nepotism, non-development of the state, problems of poverty and unemployment, impact of communal violence both within and outside the state, opportunistic alliances and accords between the National Conference (NC) and Congress Party, and electoral malpractices greatly influenced the young Kashmiri Muslims. Outside India, developments in Afghanistan, the Iranian revolution, the situation in Eastern Europe, and the break up of the Soviet Union also contributed in influencing Kashmiri youths towards looking for an alternative road.

The Roots and Growth of Militancy

Many youths in the late 1980s concluded that salvation lay in secession from India, which could be achieved only through an armed struggle. Meanwhile, Pakistan had been eagerly looking for an opportunity to exercise its influence over Kashmir and was also keenly waiting to avenge the humiliation inflicted upon it by India during the 1971 war. The growing situation in Kashmir Valley suited Pakistan, which started providing arms and ammunition to the angry young Kashmiri Muslims. As a result, an armed movement was established which received massive support in Muslim dominated areas of Jammu and Kashmir. Apart from common Kashmiris, “government employees, the police forces, the academic intelligentsia and even some top bureaucrats supported the separatist slogans raised by the militants.” The situation worsened to the extent that it became a question of re-establishing the Indian state’s writ over Kashmir.

In order to eradicate this armed militancy in the state, the Indian security forces resorted to force. The security forces used draconian measures, including identification parades, house-to-house searches, custodial killings, illegal detention, rape and molestation of Kashmiri women, and related coercive methods. The counter attacks by the militants were equally vicious, and as a result thousands of people were killed and numerous others physically and mentally disabled. Property worth billions of rupees was destroyed, as a large number of houses and even total localities were ravaged during encounters or exchange

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of fire between the Indian security forces and the armed militants.

As a result, for the first time since 1947, the Kashmiri separatist movement took recourse to a violent upsurge with significant mass support. Kashmir had witnessed the politics of protest and separatism earlier, and at times even militant organizations were formed, but they failed to mobilize mass support. In the 1990s, the situation was different; there was a complete disruption of the administrative machinery and the state was brought under Presidential rule for six years from 1990-1996. During this period there was a complete political vacuum as almost all the pro-Indian political parties became dormant or irrelevant. The separatists floated their own organizations. Elections were held in 1996 for the state legislative assembly, resulting in the National Conference (NC) led by Farooq Abdullah forming the government. But the low voter turnout and the unending violence in the state rendered the government completely impotent. Besides, the failure of the government to fulfill its election promises—including the restoration of autonomy to the state, ending human rights violations, relief to the victims of violence, safe return of Kashmiri Hindus to their homes, and an end to the unemployment problems—made it unpopular. Thus in the 1990s, the armed movement gained momentum, while good governance remained a far cry, with human rights issues assuming significance.

The Challenges of Governance in Contemporary Kashmir

Elections were again held in 2002 for the J&K state legislative assembly. These elections are considered to be important for the following reasons: first, despite a boycott call by the separatists, more than 34 percent of eligible voters participated in the elections; second, the strongest regional party of J&K—the National Conference—was voted out of power and a new coalition government led by the Peoples Democratic Party (PDP) and the Congress came to power under the leadership of Mufti Mohammad Sayeed.

During the election campaign Mufti's PDP assured the people that if voted to power, it would work for good governance and release of prisoners, provide relief to the victims of violence, create conditions for the return of Kashmiri migrants to their native homes and rehabilitation of surrendered militants, repeal those laws which give unlimited powers to the Indian security forces, create employment opportunities for the unemployed, work for demilitarization, and finally strive to achieve an honorable solution to the Kashmir problem according to the aspirations of the people of Jammu and Kashmir. After taking the reins of government, Mufti described all such ideas as elements of his "healing touch philosophy." Since the unending violence of

the past several years had brought large-scale trouble and trauma to the people of the state, "healing touch" has been described as a systematic process to heal up their wounds. The significant voter turnout in the 2002 elections was an indication of the fact that the people were expecting that the formation of a new government in J&K would usher in a new era of peace and prosperity.

Unfortunately, an assessment of the performance of the Mufti-led coalition government would reveal that it failed to fulfill the people's expectations. Mufti's promises also proved to be Machiavellian in nature. The corruption and misuse of official positions by the bureaucrats and politicians continued unabatedly. The demolition drive launched against illegal construction on state land ultimately turned into a campaign against poor people and not against the illegal construction of rich drones. The number of unemployed persons in the state crossed over the two hundred thousand mark. The record of human rights violations reached an all time high. Custodial killings increased by three times as compared to the era of Farooq's government. The plight of Kashmiri migrants did not change and they could not return to their respective homes despite the tall claims of the government that normalcy had been restored. The council of ministers was expanded up to 45 percent of the total strength of the state assembly.

However, Mufti's government cannot be ignored in terms of its positive role in supporting the ongoing peace process between India and Pakistan. During Mufti's tenure in office, the peace process gained momentum and the Srinagar-Muzaffarabad bus service was opened for the passengers of Jammu and Kashmir.

After completion of its three years, the PDP handed over the chief minister post to its coalition partner, the Congress Party, in 2005. The immediate challenges of the Congress-led coalition government were to work for the rehabilitation of victims affected by the October 2005 earthquake, and carry forward the common minimum program agreed between the coalition parties. New Chief Minister Ghulam Nabi Azad assured a clean administration to the state, and announced the launching of a crusade against corruption and nepotism, which would thus work towards a *Khushal* (developed) state of Jammu and Kashmir.

Unfortunately, Azad's campaign against corruption also proved to be merely a hoax, as not only the top bureaucrats and police officers but also some ministers of his government have been described as involved in corruption and exploitation of Kashmiri women in a sex scandal. Although during his tenure two Round Table Conferences have been held on Kashmir, nevertheless the peace process between India, Pakistan, and some Kashmiri separatists lost its pace, with Azad apparently pursuing the policy of the Congress Party and thus viewing the Kashmir

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► The 1990s marked the first time that a Kashmiri separatist movement mobilized significant mass support.

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crisis merely as a law and order problem. This is possibly the reason why most of the Kashmiris have lost their interest in the ongoing peace process within the Indian state. Moreover, the worsening of the relations between the two coalition partners has also affected the administrative performance of the Azad government, resulting in its diminishing popularity among Kashmiris.

Meanwhile the violence in Kashmir is continuing unabatedly, causing significant damage to the lives and property of innocent people. This continuous destruction of lives and property is not helping the changed psychological situation in the Valley, where there is a sincere desire amongst the Kashmiri people to end the violence, and an earnest belief that the conflict in Kashmir could be resolved only through a meaningful process of political negotiations. This trend could be seen in terms of the decline in Kashmiri Muslims joining the militant groups. Today, the indigenous character of the militant movement is weakening day by day.

Conclusion: A Vision for Kashmir's Future

Kashmir has always remained a bone of contention between India and Pakistan. In fact, there are three legitimate parties involved in this conflict—India, Pakistan, and the people of Kashmir. Each party has taken its own position on the question of Kashmir. For India, Kashmir is one of its integral parts, and hence this aspect is not open for dispute. For Pakistan, Kashmir represents a problem of partition, which is yet to be resolved. But for the people of J&K, Kashmir is not simply a territorial dispute between India and Pakistan, and cannot be resolved without the involvement of those who are the main party in this dispute. None of the parties involved in the dispute has shown any flexibility at any time in their stated positions on Kashmir, and as a result the dispute continued until it assumed the greatest degree of ferocity and finally became, in recent years, a nuclear flash point. All of the bilateral agreements signed over the years between different parties have proven to be exercises in futility.

The fresh negotiations launched between India and Pakistan and also between India and some Kashmiri separatists have generated positive hope in the region. It is largely believed that if the concerned parties will continue the process of negotiations by talking to one another—with more flexibility and exploring options beyond their stated positions—they will succeed in finding an acceptable solution to the vexed Kashmir problem. The new initiative has also generated a heated debate among many circles about the final solution of Kashmir. In this regard, numerous potential solutions are being proposed and discussed. However, in the given circumstances, the only possible solution is one in which every party will

find itself in a win-win position. This objective can be achieved only after the re-unification of the divided state of Jammu and Kashmir and then giving it a sub-sovereign status.

The areas that are under Pakistan's control, including Gilgit and Baltistan, should be brought together with the areas under India's control (leaving Aksai Chin, which China will never return). Both Indian and Pakistani forces could jointly man the international border of the re-united Jammu and Kashmir. The currency of both countries could be acceptable in the state. Both would also speak in all international and regional fora on behalf of Jammu and Kashmir and thus manage its foreign affairs together. In view of its heterogeneous character, the state of Jammu and Kashmir would adopt a democratic polity based on the federal structure. In this way, the new sub-sovereign or semi-sovereign state of Jammu and Kashmir could act as a virtual bridge between India and Pakistan and would pave the way for peace, progress, and prosperity in the entire region of South Asia, which otherwise seems to be a distant dream. Thus, by working in close collaboration with one another, the three parties can become close friends and after a gap of few years can also think on the lines of granting the semi-sovereign state of Jammu and Kashmir complete sovereign status.

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► India, Pakistan, and the Kashmiris will find themselves in a win-win situation only after the re-unification of the divided state of Jammu and Kashmir and then giving it a sub-sovereign status.