

**SECULAR
CROWN
ON FIRE**
**THE
KASHMIR PROBLEM**

Edited By
Asghar Ali Engineer

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INTRODUCTION

ASGHAR ALI ENGINEER

KASHMIR problem burst out on us as if in early December with the Rubayya abduction incident. Of course, it requires detailed discussion as to why such an unprecedented uprising began from that time on. Why was it so sudden? Did something go wrong right at that point of time or it was simmering for long. All analysts agree that it was a result of accumulated grievances. The people of Kashmir had long nurtured those grievances about which either the authorities at the Centre were not aware of or they neglected them either deliberately or through a sense of complacency. Perhaps it may have been on account of both but what began to happen since early December, 1989, was, no doubt, as a result of the long neglect of those grievances. The people rebelled with such a fury that the people outside valley were aghast. We just couldn't believe it could so happen of all the places in Kashmir. Kashmir, for ordinary people of India, I mean those who not in the charmed circle of power politics, was nothing more than a beautiful tourist spot which they aspire to visit at least once in their life-time. It was paradise on earth.

These people hardly realised that Kashmir was more than a piece of territory worth visiting. This land of exuberant natural beauty also held people who had their own needs, aspirations and dreams. If we dreamt of visiting that land of plush beauty they also dreams of peace, prosperity and progress. That these aspirations were being denied to the people of Kashmir was hardly realised by

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those in authority in the Centre, let alone by the common people. Some realisation of it came only when people of Kashmir rose in revolt with all the fury at their command. Kashmiri people were thought to be very peaceful and they undoubtedly were. However, they also loved freedom and autonomy as much. They loved freedom so much that they never reconciled themselves with the Mughal attack on their valley. Even today they consider Akbar, the Mughal emperor as an aggressor. When they were denied autonomy persistently by the modern democratic rulers of India, they chose rebellion to peace.

It is highly necessary to understand the background of the Kashmiri people before passing judgement about the nature of their rebellion whether it is fundamentalist or pro-Pakistani in nature or an assertion for greater autonomy and an attempt to focus attention on their longstanding grievances, or simply a fight for complete freedom outside the frame-work of the Indian State. No doubt, all these strains are present in the valley today, but we have to not only study and carefully analyse all these trends but we should also assess which is the predominant one.

First of all it should be noted that the nature of Islam in Kashmir is very different from some other parts of India. It is certainly not fundamentalist. Historically speaking Islam is rooted in native soil of Kashmir. Firstly, Islam did not spread in Kashmir through the might of the rulers. The sufi saints who are known in native Kashmiri language as *rishis* were responsible for its spread. Secondly, since it spread through the sufi saints, it used native cultural concept and idioms. The sufis, it should be noted, used native cultural idioms and practices to preach Islam. They were anything but purists and were very unlike mullahs and theologians. It was no different in Kashmir. Perhaps there the native cultural idioms and concepts were used much more extensively than else where in the country.

The Kashmiri Hindus followed the Shaivite cult which was much nearer the Islamic monotheism. The Kashmiri Islam could not escape the Shaivite influences. In fact Kashmir is supposed to be the birth place of the Shaivite philosophy. Laleshvri, the lady saint of Kashmir was herself a Shaivite and her compositions greatly influenced the subsequent sufi saints of Kashmir. The Kashmiri Islam has to be understood in this background. As the Bangla Deshi Islam is highly rooted in native culture so is the Kashmiri Islam and both in Bangla Desh as well as Kashmir it is difficult to

develop fundamentalist strain. Until recently the Islamic fundamentalism could have had hardly any impact on the Kashmiri Muslims though it inspired many Muslims in other parts of India. It was only very recently that some fundamentalist outfits grew in Kashmir who tried to enforce veil on Kashmiri women and began to burn cinema theatres and liquor shops. This strain also developed in response to fast developing situation in Kashmir towards the end of the year 1989. Also, this fundamentalist trend remained peripheral, though vocal.

There is great temptation for some people to ascribe the uprising in Kashmir to Islam. It would be oversimplification, if not totally wrong. Many historians try to see even our past history solely in terms of religion. However, history cannot be explained only in the light of religion. It is in very few cases that a great historical actor responsible for shaping historical events is solely motivated by religion, even if he uses religious slogans or religious idiom. Historical events are much more complex and can hardly be understood with reference only to religion. There are always mixed motives and often secular motives predominate. Thus we should not commit the mistake of explaining the events in Kashmir with reference only to religion. It is sad that a section of Indian intelligentsia is ascribing the developments in Kashmir to Islam and Islamic fundamentalism.

We should not, however, totally deny the existence of fundamentalist strain in the present Kashmiri movement as pointed out above. The judgment might vary as to the degree of its influence but it nevertheless does exist. But more fundamental question is not whether fundamentalist religion is a factor or not; more fundamental question is whether it is religion which inspires them to fight or the situation so develops that they feel inclined to take resort to religion as an instrument to easily mobilise which had motivated the extremists one will have to explain why do they appear on the scene so late, in fact only towards the end of last year. Islam was always there in the Kashmir and it could have inspired them anytime during all these years. It would thus be seen that it was the situation in Kashmir which made some extremists to resort to Islamic fundamentalism, not vice-versa. Fundamentalism itself develops in response to certain situation.

Secularism and Kashmiri Muslims

That Kashmiri Muslims are secular was proved in 1947 also when the Pakistanis attacked Kashmir and tried to grab it. If the

Kashmiris had been fanatic Muslims and had cared more for their Islamic identity and less for the Kashmiri identity, they would have thrown their lot with the invaders and thus could have opted for Pakistan. But we know they did'nt. They showed more concern with *Kashmiriyat* i.e. their Kashmiri identity than with their Muslim identity and decided to throw their lot with secular and democratic India rather than with theocratic and authoritarian Pakistan. They stood as one people with Sheikh Abdullah in requesting India to defend Kashmir from Pakistani invaders. In fact one Maqbool Sherwani refused to say a word against India when demanded by the Pakistani invaders and was, as a result shot dead.

It should also be noted that the Kashmiris at that time had not merely half-heartedly supported India but they were emotionally with it as they felt Pakistan, with its invasion, wanted to forcibly annex Kashmir with Pakistan and that outraged their sense of Kashmiri identity. It should be born in mind that regional identity asserts itself when co-religionists from other regions invade under the garb of oneness of religion. The Bangla Deshi Muslims also fought fiercely against what was known at that time as West Pakistan and asserted their regional identity in 1971 and preferred to separate from Pakistan rather than surrender to it as a mark of religious solidarity.

The Kashmiri regionalism also asserted itself in 1947 when Pakistan tried to annex it forcibly. They, like the Bangla Deshi Muslims later, refused to show their solidarity with Muslim brothers. Those who often accuse Muslims of religious fanaticism in a sweeping way must seriously deliberate on the Kashmiri Muslims' behaviour in 1947 and the Bangla Deshi Muslims' behaviour in 1971 and draw proper conclusion. But it should also be noted that the same people are likely to assert their religious solidarity if they perceive threats to their regional identity from the other religious community. But this assertion of religious identity should not be ascribed to religion itself but to the threat perceptions from the other dominant religious community. The Kashmiri Muslims feared yesterday the domination by Punjabi Muslims of Pakistan and fear today the domination from the Hindu from outside the valley.

It was to remove their fear of domination by the people from outside the valley that the Constitution makers agreed to include article 370 in it. There is fierce controversy about this article today. Some people specially those belonging to the BJP, RSS, Vishwa

Hindu Parishad etc. strongly advocate removal of this article from the Constitution as it was supposedly a temporary measure and also it hinders complete integration of Kashmir with India. They feel that the present secessionist movement would not have gained ground if this Constitutional provision had been done away with. Let us briefly examine what the article 370 provides for in order to understand its implications.

This article restricts the power of Parliament to make laws for the State of J & K. This power of Parliament to make laws shall be limited to:

- i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for the State; and
- ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

Also, the President has been empowered by this article to "notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify: provided that the recommendations of the Constituent Assembly of the State referred to in class (2) shall be necessary before the President issues such a notification."

Thus it will be seen that article 370 is neither rigid nor permanent and can be altered from time to time provided the Constituent Assembly of the State approves of it. The President of India cannot act unilaterally. The permission or the approval of the State Assembly is very necessary. Now let us examine the arguments for and against the article 370. First let us examine the argument of those who oppose its retention. Its retention is being opposed, as pointed out above, mainly by the BJP, RSS. etc. The RSS feels that the Article 370 of the Constitution has been the biggest psychological justification and provocation for separatist activities in Jammu and Kashmir. Addressing the Akhil Bhartiya Pratinidhi Sabha at its annual meeting in Nagpur on 16th March, 1990 H.V. Sheshadri, the general secretary of RSS demanded that the Union Government take stern measures against secessionist forces and went on to fix blame for such activities on article 370.

Similarly the BJP has also hardened its stand on abrogation of the article 370. Identifying this provision as the "principal cause of the present problem in that state, Kedarnath Sahani, general secretary of the BJP and one who is in charge of Kashmir affair, said on 6 April that he has placed his recommendation (for abrogation of article 370) before the Party. According to him the feeling of being special or separate has been created by two flags and two constitutions which has kept the people of Jammu and Kashmir away from the mainstream. He also felt that the Muslims in the Valley must learn to live in this country.

Thus we see that the main reason given for abrogation of article 370 is that it gives a sense of being special to the people of Jammu and Kashmir and this fuels the sense of separatism. They, therefore, argue that the article 370 is main culprit in this respect and hence must be removed. It is, at best simplifying the matter. The sense of being special was already there and hence the need was felt to introduce the article 370. Had the people of Jammu and Kashmir not had this distinct sense of identity why should they have insisted on introduction of such an article in the Constitution. Thus we see that it was having a sense of distinct identity which led to genesis of article 370 and not that article 370 gave a sense of distinct identity to the people of Jammu and Kashmir. This article needs to be retained as long as the need is felt by those people for whom it is meant.

That the article 370 was not meant to keep integration of Kashmir with India incomplete becomes obvious when we study Sheikh Abdullah's ideas about Pakistan and India. Sheikh Abdullah had said right in the beginning that there was a general misunderstanding that the partition of India was full and complete. He said it was only partial to the extent of 60 per cent because out of 10 crores of Muslims in the country only six crores got separated along with the chunk of three crores of Hindus to form Pakistan. He, therefore, asserted that had it been a partition on the communal basis of the two nations theory, not a single Muslim would have been left in the truncated India and not a single Hindu would have remained in Pakistan.

The Sheikh also felt that it was a separation of some parts of India on a short-lived and short-sighted emotional basis and in this ultimate analysis it was negation of two-nations theory. The Sheikh said that as many as four crores of Muslims were not carried away by the transient emotional wave caused by the theory and preferred

to remain in India. Sheikh Abdullah said that some other factors which prompted the National Conference to take the decision on joining the Indian Union, were historical. The leadership in India was by and large more enlightened and progressive than that on the other side of the border.

Thus we see that Sheikh Abdullah considered the two-nation theory as transient and emotional and partition as incomplete and non-viable. His decision to join India was based on progressive ideals and enlightened approach. The integration of Jammu and Kashmir with India was thus final and complete as it was based on certain ideals. Article 370 was insisted upon both by Maharaja Hari Singh and the National Conference to retain distinct identity of their people, not to make their accession with India as provisional. The removal of article 370 would aggravate rather than help the cause of integration of Jammu and Kashmir with India. Article 370 rather ensures autonomy to the people of Kashmir and according to Mr. Inder Mohan, a member of Independent Initiative and human rights activist, "a solution to the Kashmir problem can be obtained if regional autonomy is given to the state as soon as possible. Elaborating on this he said that the concept of regional autonomy was not there because of the faulted policy at the Centre. The people of Jammu and Kashmir had to be convinced that regional autonomy was being given — only that could help bring about a solution.

Mr. Madhu Limaye, a senior socialist leader also opposes abrogation of article 370. He said that scrapping the constitutional provision would not solve the problem, but a long term planning was needed to tackle the problem in Jammu and Kashmir and Punjab. If scrapping of Article 370 was a solution, then what was the solution for the Punjab problem, which witnessed sudden spurt in terrorists' activities—like Kashmir, Mr. Limaye said. What Mr. Limaye points out is highly relevant. If Article 370 was the main culprit in Jammu and Kashmir what about Punjab. There is no such article provided for it in the Constitution and yet Punjab is bedogged with similar problem.

In fact the National Conference M.P. Prof. Saifuddin Soz and others feel that it is the dilution of Article 370 which has led to trouble in Kashmir. Prof. Soz says in his article in the Times of India "The government should examine the question of the erosion of Article 370 of the Constitution. This is the most crucial political factor in the alienation of the Kashmiris." He further continues,

"The autonomy that was envisaged under this article for the people of Kashmir was over the years eroded by the government through the application of acts of Parliament and Central laws to Jammu and Kashmir. The erosion of Article 370 had also diluted the provisions for the protection of "state subject" and there have been complaints that in numerous cases "state subject" certificates were granted to non-state-subjects. This led in part (complaints about manipulation of census figures being the other part) to the suspicion that there was a plan to cover-up the Muslim majority in the state."

Greater autonomy for the states is a democratic demand and deepening of the processes of democratization has deepened the consciousness of people and they resent usurpation by the Centre of their rights guaranteed under the Constitution, whatever the excuse. This feeling gets further aggravated if regional differentiation is compounded by differentiation of religion. Both in Punjab and Kashmir this factor has undoubtedly aggravated the situation. It is then not only the question of erosion of regional autonomy but also lurking suspicion of religious hegmonism of the majority community.

Also, we have to remember that Kashmir threw its lot with India in 1947 after invasion from Pakistan because India was secular and democratic. Over the years there are clear signs of erosion of both democracy and secularism. Centre could never give up its ambition of having absolute sway over all the states and democratic federal spirit came under cloud. Even the recommendations of Sarkaria Commission are not being accepted with clear and open mind. There are many hitches and hesitations. It is after all federal spirit which will save unity and integrity of India. Thus in this sense democratic spirit has been eroded over the years rather than getting enriched as expected. This is developing strains in relations between strongly regional conscious states like Jammu and Kashmir, Assam, Punjab etc. and the Centre. It is sense of long neglect and frustration borne out of it that the youth of these regions take to armed rebellion. Centre, with all its might then cannot crush them. It requires politically enlightened and liberal approach to solve the problem.

The second most important factor in this connection is secularism. With deepening of democratic consciousness the religious minorities assert themselves for their rights. This is seen as threats to its domination by the majority community and reacts

against this assertion with much greater vehemence and this brings about confrontation between minorities and the majority community thus aggravating communalism. Partly as a result of this process and partly because of opportunism of political parties in appealing to voters on the basis of caste and religion that communalism has been greatly strengthened and secularism has come under severe strain. Since early eighties communal riots have not only become much more frequent but also have increased in devastation and destruction of life and properties. The Meerut riot in 1987 and again Bhagalpur riot in late 1989 with many other riots in between really shook the confidence of Muslims in India in secularism and much more so in the case of Muslims of the Kashmir Valley. It was on the basis of their faith in secularism that they had joined India and if that faith is shaken in view of these cataclysmic events the sentiments of separatism are bound to become strong.

Another important factor which shook their faith in democracy and in Centre's intentions was lack of genuine freedom to elect their own government. The only fair election held was in 1977 during the Janata Government in the Centre. What happened in the last state election proved to be the proverbial straw which broke the camel's back. It completely shook Kashmiri people's faith in Indian democracy. The Muslim front had hoped to win sizeable number of seats but the rigging frustrated their hopes. The Kashmiri youth was emotionally involved in the Muslim Front as they saw in it the only forum through which they could challenge the power of the corrupt state and central politicians. However, that was not to be and rigging was resorted to slamming the doors of democratic protest on the Kashmiri youth. In fact the foundation of extremism among the Kashmiri youth was laid right at that time.

I had visited the Valley in 1987 and 88 and had sensed the deep resentment against the then state and Central governments. The emotions were running very deep and their frustration also seemed irretrievable. One could clearly sense the coming storm and the storm did burst out within six months. Also, there was great anger among the people of the Kashmir against rampant corruption among politicians as well as in the administration. Their aspirations were not realised due to such corruption. The development plans did not seem to produce any worthwhile results for the state. The people of Kashmir also felt that what was invested by the Centre in their state was inadequate and that too was eaten away by the corrupt politicians and administrations.

Prof. Saifuddin Soz points out that "The national investment in public sector enterprises during the past 40 years has been of the order of 86,000 crores and Jammu and Kashmir's share has remained as low as 0.03 per cent. The ratio of grant and loan from the Central government to Jammu and Kashmir has all along been unfavourable even though the state has sought justice. Where as Himachal Pradesh with its much better agricultural infrastructure and industrial base when compared to Jammu and Kashmir has been receiving Central funding at the ratio of 90 per cent as grant and 10 per cent as loan, Jammu and Kashmir has been getting 70 per cent as loan and 30 per cent as grant. This ratio never left more than a wage-bill in the hands of the state government. Owing to this discrimination no real development has taken place."

Another important factor has been increasing unemployment among the educated youth who ultimately take to guns. It is pointed out that in 1987-88, about 100,000 educated youth were unemployed and a majority of them belonged to the Kashmir Valley. Prof. Soz explains this by saying that "this is but a natural outcome of the fact that Kashmir has neither any public sector industry nor any private sector industry worth the name. Therefore it is left to the state government to provide jobs which it is unable due to the paucity of funds. It should also be remembered that in Kashmir education upto college level is free which has swollen the ranks of the unemployed who then get frustrated and fall into the hands of the extremists.

It is also pointed out that the Muslims who constitute 65% of the population (the Muslims of the Valley contest even this figure worked out by the census) they do not get more than 13% share in the Central government departments including the menial jobs in the Class IV category. Their share in the gazetted services is less than six per cent. Their share in the nationalised banks is abysmally low - 1.5 per cent. Mr. O.N. Trisal, who is convenor of the Save Kashmiri Pandits Committee points out on the other hand that Kashmiri Pandits have been discriminated against in recruitment to jobs. He says, the Kashmiri Pandit community has been protesting, against being ignored economically, a fact which has forced many of them to leave the Valley (long before the insurgency began)." Though the Kashmir Pandits may have felt aggrieved it does not reduce the frustration of Muslim youth anyway on being unemployed and they did take to guns.

Here one more important question has to be taken up. What has been the role of Islamic fundamentalism in the genesis of trouble in the Kashmir Valley. Some people maintain that it is fundamentalism which has fueled the fires of rebellion there. And Pakistan from across the borders helps ignite this fire. Though there is no doubt that Pakistan has been helping the extremists in Kashmir and training them and providing them with weapons but it should also be noted that it is more like fishing in the troubled water. As we know both in 1947 and in 1965 the Pakistani infiltrators from across the border could not win over the hearts of the Kashmiris and on both occasions the people of Kashmir stood solidly with the Indian forces. How then Pakistan can win over so many people in Kashmir without even sending infiltrators or indulging in formal invasion? Does it not show something has drastically gone wrong on our side?

It will not be blaming Islamic fundamentalism for the trouble in Kashmir. It should be understood that fundamentalism itself is product of modern competitive economy and competitive politics. Islamic fundamentalism in any Muslim country cannot be explained without reference to the economic and political conditions of the society. It is being used either for attaining or retaining political power or by those sections of the society who feel deprived of the benefits of development. Islamic fundamentalism of the few extremist groups in Kashmir should also be seen in the light. It is not Islamic fundamentalism which has brought about the present situation in Kashmir but rather it was highly unsatisfactory economic and political situation in the Valley which has driven the youth to the fold of fundamentalism. If we do not understand the social roots of fundamentalism we will not be able to remedy the situation. Thus it is no use blaming Islamic fundamentalism for troubles in Kashmir. It is just putting cart before the horse. In other words fundamentalism would be weakened in the Valley if grievances of the people of Kashmir both economic and political are solved.

After the trouble broke out in Kashmir there was an attempt on the part of the Central Government to treat it as merely a law and order problem and sought to crush it through heavy repression. No one could deny the fact that Jagmohan, who was sent as governor of the state, committed heavy repression. The two teams which visited Kashmir during that time i.e. the PUCL team and the team sent by the Committee for Initiative on Kashmir have thoroughly

investigated and established it beyond any doubt that there was extensive abuse of human rights and heavy repression was used by Jagmohan. We read in the report by the Committee for Initiative on Kashmir that, "The daily lot of ordinary citizens of the Valley — the raids and searches, the threat to their lives when they come out even when curfew is lifted - has hardened their attitude towards the Indian government in general and the para-military forces and the army jawans in particular. They regard the latter as an occupation force. We could understand their mood when we heard a pathetic story about a woman with a sick child on her way to hospital, who was stopped by the para-military forces and asked to go back. They were reported to have shouted at her: let the child die. There will be one militant less."

Jagmohan ignored all protests and went on with his programme of massive repression until he was removed in May after firing on the unarmed funeral processionists accompanying the dead body of Maulvi Farooq who was shot by unknown assailants, most probably by some terrorists. Mr. Saxena who succeeded Jagmohan promised that there would be no excesses but the ground situation has not changed drastically. When a four member team of women visited Kashmir in July they found numerous cases of sexual assault of Kashmiri women by army jawans and para-military forces. One of the members of the team Suhasini Mulay, a film maker, said in the degenerating situation in the Valley, they found that women had become primary targets of security forces. All the women that we met reported that they had been sexually abused and some of them raped, she said. The report prepared by the all-women team narrates many incidents of rape and sexual abuse.

Number of other stories have also appeared in the press which show that the army and para-military forces are still on the course of killing and torturing innocent people. Raymond Whitaker of the *Independent*, London, filed a story in early June in which he described the torture of Kashmiri villagers by the troops. More such reports have trickled in. This will more and more alienate the people of Kashmir from India and strengthen the hands of militants in the Valley. One must mention here the unpardonable excesses committed by the militants in the Valley. They are responsible for shooting down number of innocent people chief among them the Vice Chancellor of Kashmir University and manager of a bank. One must condemn such killings unreservedly.

Though people of Kashmir have been alienated from India for reasons cited above it is doubtful if they are whole-heartedly with the extremists. They may have sympathy for their objectives but hardly for the methods used by them. Mindless violence has never solved any problem. These extremists both in Punjab and Kashmir are making cult of violence and thus it has acquired an autonomy of its own. When violence acquires its own autonomy there cannot be greater danger to humanity. The objectives are forgotten and violence is used to maintain ones superiority. The people of Valley are as much being terrorised by the extremists as by the paramilitary forces. Violence often appears to begin as liberative but soon degenerates as oppressive. We have seen this in Punjab in India and in Sri Lanka and several other places in the world. Those who are for the autonomy of the people of Kashmir and their rights should understand this and they should better evolve democratic methods of protest.

The grievances of the people of Kashmir are very genuine. The Central Government cannot solve the Kashmir problem merely through repression. A sincere attempt to solve these grievances is highly necessary. Farooq Abdullah, the former chief minister of Jammu and Kashmir has suggested, according to a report in the Independent, Bombay, dated 1.9.90, that in order to solve the Kashmir problem, its pre-1955 autonomy should be restored. The Home Minister Mufti Sayeed has also talked of initiating economic development schemes which would provide better economic avenues for the people of Kashmir. In March he had also formulated a 7 point programme to strengthen secular forces and political processes. It is right approach provided, of course, these good sounding plans are properly implemented of which, as yet, there is no sign.

More and more regional conflicts are bound to emerge in the country of India's size and diversity. Even smaller countries and of lesser diversities like Sri Lanka and Pakistan are facing this problem and for them too it has emerged as a serious challenge. Such problems could be tackled only if federal spirit is adopted and regional autonomies are not compromised and balanced economic growth ensuring distributive justice to all the regions in the country is done. Also, those fighting for regional autonomy should remember that their struggle should remain democratic in spirit and should not endanger integrity of the country. This idealistic recepe

is easier to formulate but very difficult to practice. But then is there any other way out to stop needless violence and bloodshed?

THE CHALLENGE OF KASHMIR

BALRAJ PURI

The Indian state is perhaps powerful enough to meet the challenge of Kashmiri secessionists and also to strike a crushing blow to Pakistan if that country embarks on another armed intervention in their support. But would the moral and political health of the nation remain intact if a part of it remains alienated, humiliated and subjugated?

THE agenda of the National Front government, as announced by prime minister V P Singh in his first policy statement, accorded high priority to the Kashmir problem. No doubt it had inherited the problem. But the situation in the sensitive border state has sharply deteriorated under the new regime, mainly due to two factors.

Firstly, the incident of kidnapping of the union home minister's daughter and her release on the terms dictated by the terrorists raised the terrorists' morale to a new height and legitimised kidnapping as a political weapon, which had earlier been disapproved of by the Muslim world and had tended to isolate the terrorists from the people of Kashmir. Secondly, the resignation of chief minister Farooq Abdullah in protest against the appointment of Jagmohan as governor of the state, and the imposition of governor's rule removed a buffer and a middle ground, however, small, between the Kashmir rebels and the centre. The sudden crack-down by the para-military forces late in the night on massive search operations in Srinagar soon after the imposition of

the new rule provoked desperate reactions from the people and brought them on the streets in defiance of curfew, resulting in a heavy toll of human life.

Farooq's administration was certainly not able to administer the state properly. But subsequent events have belied the presumption that his maladministration was the sole cause of the alienation of the people of Kashmir and that his removal would end it.

Terrorism in Kashmir, and for that matter anywhere else, is due to neither administrative excesses and lapses nor poverty and unemployment as such. As a political phenomenon, it is unrelated to individual grievances. It is able to articulate the discontent of a community—religious or ethnic—when it suffers from a sense of discrimination and deprivation—more in terms of political power than economic benefits—due to which it comes to believe that its dignity and identity are threatened.

Community discontent, again, is a necessary but not a sufficient condition for the rise of terrorism. It draws sustenance from and shelter in a community that is alienated from the system on account of its failure to provide non-terrorist channels of protest. In the case of Kashmir, a secure source of supply of arms and training facilities across the border has made the task of the terrorists easier.

It is beyond the capacity of any particular government in the state to provide all these ingredients of terrorism. So the genesis of terrorism must be traced to the wounded psyche of the people and the system in which they are placed.

To say that Muslims are after all Muslims and could not provide an adequate clue to the present phenomenon. For these very Muslims behaved differently in 1947 when they overwhelmingly and of their own accord opted for India. They had then perceived a threat to their Kashmiri identity from their co-religionist Pakistan which refused to concede their right to decide their own fate. At first it recognised the right of the ruler to do so, later assumed it for itself and tried to enforce it through a tribal raid. A self-respecting community like the Kashmiris could not reconcile itself to that position and, therefore, sought the armed help of India to defend its right of self-determination which India had already committed to support.

Thus the threat from Pakistan to Kashmiri self-respect and identity on the one hand and Gandhi's high idealism and Nehru's appreciation of Kashmiri aspirations on the other provided the

moral, emotional and ideological basis of Kashmir's association with the rest of India.

There were, however, divergent perceptions in Srinagar and Delhi of the fateful decision of the Kashmiris to accede to the Indian Union. The rest of the nation regarded it just as another instance of the process of integration of the princely states. But for the Kashmiri Muslims it was an enabling provision to seek the help of a powerful neighbour to protect their identity from an aggressor. The eulogistic references to what was called Indo- Kashmir *friendship* by the Kashmiri leadership in that period underlined the separateness of the Kashmiri identity. The Kashmiri leadership, therefore, exercised its legal right, under the Independence Act and the Instrument of Accession, to retain its autonomy within the Indian Union which other princely states, under their own compulsions had agreed to surrender to the centre.

Kashmiri leaders grudgingly conceded, under the persuasion of the central leaders, to cede more subjects to the centre but resisted further pressures to conform to the uniform pattern of centre- state relations in the country. Article 370 of the Indian Constitution and the Delhi Agreement between prime minister Jawaharlal Nehru and Kashmiri leader Sheikh Abdullah in July 1952 eventually formalised the state's constitutional relations with the centre.

On a representation made by the present writer, prime minister Nehru agreed to extend the logic of Article 370 to state region relations within the state to allay the apprehensions of Jammu as also of Ladakh. In a joint statement on July 24, 1952 Nehru and Abdullah declared that the constitution of the state would provide for regional autonomy. This arrangement might have provided a stable basis for reconciling regional urges within the state and the state's status within the country. But this agreement was not acceptable to the Bhartiya Jana Sangh which along with the Jammu Praja Parishad launched an agitation for abrogation of Article 370, which, more than anything else, shook the faith of Kashmiri Muslims about the security of their identity within India. A number of other factors also contributed to the first emotional rupture between Kashmiri nationalism and Indian nationalism marked by Sheikh Abdullah's dismissal from power and indefinite detention in August 1953.

The unitary constitution that the constituent assembly of the state adopted in 1956 had a built in provision for dealing with

inter-regional tensions. For nothing threatens the unity of a heterogeneous people more than a unitary constitution.

Taking note of my campaign for constitutional, institutional and political measures for inter-regional harmony, *The Times*, London, observed: "Puri argues with justice that until Jammu and Kashmir draw closer, settle their differences, and agree to operate as equal partners, there will never be a stable basis upon which relations with (the rest of) India can be satisfactorily settled."

The mediatory role that I played between Abdullah and national leaders like Nehru, Jayaprakash Narayan and Indira Gandhi from 1953 to 1975 was based on my formula of autonomy of the state within the India and autonomy of regions within the state. What facilitated this role was the common ideological framework of Abdullah and the national leadership. Abdullah was returned to power in 1975 following an accord between him and Indira Gandhi under which the latter committed the government of India to permanent continuation of Article 370, though Abdullah remained unreconciled to erosion of the autonomy of the state during his period in the wilderness since 1953.

However, Abdullah did not honour his part of the agreement regarding regional autonomy. In this he was encouraged by the Congress and the Jana Sangh. The state thus continued to be governed by a unitary constitution which continued to generate regional tensions and, by implication, centre-state tensions.

Apart from the Indira-Abdullah accord, the first ever fair elections to the state assembly of 1977 had a great integrating influence on the Kashmiri mind. It demonstrated the vitality of Indian democracy and made Kashmiri Muslims realise the full potentialities of Indian citizenship. That the Janata Party, which ruled at the centre, could be defeated thrilled them and brought home to them the fact for the first time that loyalty to the government of India was not a necessary condition for loyalty to India.

The Kashmir policy of India has been based—implicitly and explicitly—on the theory that all secular and what are called pro-India forces should unite under one party to fight communal and anti-India forces. The policy has been supported by the national press and by political commentators. Empirical evidence, on the other hand, conclusively proves that whenever there was a secular opposition party in the state, it provided a nationalist outlet to popular discontent, in the absence of which such discontent was forced to seek secessionist outlet. The present writer had taken the

initiative to form the first opposition party in Kashmir by setting up a branch of the PSP there but, along with Asoka Mehta and other national leaders, was beaten up in the streets of Srinagar by the goondas of the ruling party and the normal functioning of the party was made impossible. Other attempts at formation of a secular opposition party in the valley met with a similar fate.

Before the Rajiv-Farooq Accord of 1986, the Congress was the principal channel of discontent against the state government, while the National Conference channelised discontent against the centre. As the two parties formed a coalition government, hailed by political commentators as consolidation of secular forces, both types of discontent were diverted to communal and secessionist outlets. The lack of a democratic tradition, civil liberties and free elections, further forced the popular discontent to seek outlets outside the Indian system.

Farooq Abdullah whose party was duly elected to power in 1983 was dismissed a year later mainly for hobnobbing with the national opposition parties. As he was forced to share power with the Congress which, as the ruling party at centre, had dismissed him, his role as an instrument of Kashmiri protest and a symbol of Kashmiri identity was shattered. In a similar way the Akali Dal's role as an instrument of Sikh protest had been shattered following the Rajiv-Longowal accord.

While the NC-Congress coalition blocked secular and nationalist outlets of discontent, the assembly elections of 1987 which were widely perceived to be unfair blocked the democratic outlets also. The alienation of Kashmiri Muslims is, thus, the result of cumulative process. Kashmir was the only state of India which had the option to accede to Pakistan but preferred India. It was constitutionally and politically entitled to retain its autonomy within India but was forced to integrate—mainly under pressure from Jammu which was denied its rightful status within the state—against the wishes of its majority.

Again, Jammu & Kashmir is almost the only part of India where regional identities have not been recognised. Its unitary constitution forces people to align on communal lines. It is also the only state of India where the Central Government (with the exception of the Janata government in 1977-79) has always imposed a government of its choice—however, unpopular, repressive, corrupt and inefficient it may be—where one party government has been the normal norm, where loyalty to the government had been made

synonymous with loyalty to the country, where demands for democratic and human rights and protest against corruption and administrative injustices were branded as treason.

If a deliberate experiment had been launched, under controlled and most favourable conditions, with Kashmir as a laboratory, to implement a textbook model of terrorism, it could hardly have improved upon the present situation.

Kashmir poses the gravest challenge not only to the stability of V P Singh's government but also in a much wider sense to the whole country—its integrity, stability, polity, secular democracy, federalism and moral values. Similarly, terrorism threatens more ruthlessly than any authoritarian regime could ever do the Kashmiri tradition of free thinking and tolerance without which no civilised society can grow. It would brutalise one of the most humane and cultured communities of the sub-continent and jeopardise its rich heritage.

The Kashmiris might have to learn better ways of articulation of their urges and better techniques of protest, but they deserve not condemnation but empathy and understanding from the rest of the nation. The Indian state is no doubt powerful enough to meet the challenge of Kashmiri secessionists and also to strike a crushing blow to Pakistan if it embarks upon another armed intervention in their support. But would the moral and political health of the nation remain intact if a part of it remains alienated, humiliated and subjugated? Is it beyond the ideological and intellectual resources of the country to accommodate the legitimate aspirations of the Kashmiri people? Why is the grand coalition of Kashmiri nationalism, Muslim fundamentalism, urge for self-government and good government, anger against injustices, inequalities and discrimination being encouraged to consolidate itself and forced to seek the secessionist outlet alone? What is being done to contain the Hindu and Buddhist backlash in Jammu and Ladakh respectively and to stop the Muslim communities of the regions from being pushed into the Kashmiri Muslim uprising? Are the administrative and political forces of the state strong enough to prevent a possible vicious communal chain reaction?

The challenge of Kashmir raises a few broader issues also. Would a chauvinistic brand of nationalism be able to ensure national unity and a free society? Can the might of the Indian State be maintained without moral and ideological strength, emotional cohesiveness, wisdom, vision and compassion?

CRISIS IN KASHMIR NEITHER REPRESSION NOR APPEASEMENT

DILEEP PADGAONKAR

TO recognise error, to cut losses to alter course is the most repugnant option in government. The American historian, Barbara W. Tuchman's exquisite summing up of folly practised by governments from Troy to Vietnam may come in handy at the all party meeting on Kashmir. While politicians may be tempted to engage in a protracted bout of mutual recrimination on past gaffes and present prevarications, what is urgently required is a modicum of vision to rise above partisan interest.

No one can possibly minimise the gravity of the situation in the Valley. From all accounts the secessionists appear to have seized the initiative on every front. They have brought the administration to a virtual standstill and managed to impose rigid Islamic norms on a population known for its traditions of tolerance. Even more striking is the success they have achieved in getting thousands of people out on the streets at will to demonstrate against the Indian state.

It would be futile to pretend that this success stems only from fear of violent retribution from terrorists. The mass mobilisation is also a measure of the population's alienation from India. Not since Jammu and Kashmir's accession to the Union have passions against India been so intense and so thoroughly pervasive. The cumulative effect of all this has been to create an unprecedented sense of insecurity among the non-Muslim minorities.

Pakistan's Complicity

The all-party meeting should also have no difficulty in agreeing on the scope and nature of Pakistan's complicity in keeping the crisis alive and indeed in exacerbating it. Its encouragement, in the form of cash, arms and training to terrorists, is no longer a matter of conjecture. But this is no surprise at all. Since partition the Pakistanis have left the world in no doubt that the very *raison d'être* of their nation and of the ideology that sustains it is incomplete and somehow lacking in legitimacy so long as Jammu and Kashmir continues to be part of the Indian union. It is this state alone that has frustrated the two-nation theory on which Pakistan is based, a deviation that Islamabad feels it must undo. Success is doing so would, moreover, give Pakistan the satisfaction of undermining the secular foundations of India.

Three factors explain the edge of urgency in Pakistan's present actions with regard to Kashmir. Ms Benazir Butto's beleaguered government is compelled to demonstrate that she is not soft on India. Thanks to a provision in the constitution introduced by Zia-ul-Haq, President Ishaq Khan has upto March 20 to threaten the very survival of her government. The next fortnight is, therefore, particularly crucial for it will reveal whether Ms Bhutto, the opposition parties and the powerful armed forces can resist the temptation to embark on an adventurist spree.

In the second place, the Pakistanis appear to have convinced themselves that the Islamic revolution in Iran, the collapse of Communism in Eastern Europe and secessionist stirrings in several parts of the Soviet Union (including, especially, in the Central Asian republics) have thoroughly permeated the consciousness of the Kashmiris. They know that the aspirations for seceding from India are no longer restricted to fringe, militant groups. Religious zeal and nationalistic fervour have provided a heady mix to the population at large and incited them to attempt to snap the state's links with the Indian union.

Islamabad also appears to have convinced itself that the minority National Front government is too vulnerable to the pressures of BJP to deal adequately with the new developments in the Valley. The appointment of Mr. Jagmohan, widely perceived to be a BJP-backed candidate, as governor of the state seems to have reinforced that conviction. Furthermore, the freeing of five secessionists from jail in the wake of the release of the home minister, Mufti Mohammed Sayyed's daughter also appears to have

strengthened the impression in Pakistan that the NF government is easily panicked. Egged on by domestic compulsions and encouraged by these perceptions about the situation in Srinagar and Delhi, Pakistan has been emboldened to try and internationalise the conflict in violation of the letter and spirit of Simla Agreement.

But Pakistan's mischief is by no means the only or even the sole explanation for the dramatic developments in the Valley. For more than four decades governments in New Delhi have acted or reacted to developments in Kashmir without taking into full account the special status of the state. They did not realise the impact on the population of relations between successive chief ministers and the Centre, especially when these were cosy. They chose to look the other way as corruption attained massive proportions.

Cruel Charade

They gave little thought to the fact that for much the greater part of these 40 years administration was, in fact, a cruel charade. And they failed to grasp the adverse effects on the state's population of communal clashes and tensions in the rest of the country. Kashmiri politicians, at the Centre more perhaps than in the state itself, played their power-seeking games oblivious of the anger and resentment building up, especially among the educated unemployed.

Today, therefore, various factors, both new and old, have converged to turn the Valley into a cauldron of hate and fear. The situation has come to such a pass that New Delhi is constantly buffeted between two policy options: appeasement or repression. Appease in deference to democratic instinct or out of lassitude or to buy time. And repress to put up a macho show of strength strong enough to ensure that the secessionists are on the run and the population turns meekly submissive.

But these are not options at all. Efforts of an altogether more complex sort are required at several levels before officialdom in Srinagar and Delhi can pronounce the word "normalcy". To send Mr. Jagmohan to Kashmir was clearly inadvisable. In the eyes of many Kashmiris, he is today not the able administrator of integrity he proved to be during his previous term as governor but one who champions Hindu causes. But to recall Mr. Jagmohan now would be to send a most disturbing signal to the secessionists. As it is they were emboldened when five of their colleagues were freed from jails in exchange for the kidnapped daughter of the Union home

minister. Mr. Jagmohan's removal today would embolden them further.

The governor also took a mistaken step - in fairly dubious circumstances - when he dissolved the state assembly ostensibly on the ground that it was a product of rigged election. This, too, cannot be undone. But for that very reason Centre's first priority should be to initiate a dialogue with all political forces willing to conduct it and not to indulge in witch-hunts. The antes would doubtless be raised. There will be talk off reviving the Plebiscite Front, of returning to the pre-1953 situation. But none of this matters provided it helps to restore at least a semblance of a political process.

Use of Force

The prime effort now is to isolate the extremists. Though easier said than done, the mere fact that Kashmiri leaders, however discredited or marginalised, are seen talking to New Delhi would go some way to change the present climate. Also, the administration would be well advised to use force with the greatest circumspection. Mass demonstrations, if peaceful must be allowed to be held. And journalists, whether Indian or foreign must be given the impression that they are unwelcome.

The National Front government, together with the parties supporting it or opposing it, are also called upon to make sure that the talk of eroding Article 370 and speeches and actions that are likely to raise the communal fever are kept in abeyance. The BJP's decision to keep silent on its stand on Article 370 is encouraging in this regard. Similarly, it is a tribute to India's Muslims that they have not reacted overly to the harsh measures that Mr. Jagmohan has been constrained to take.

Meanwhile, the population of the Valley, too, must be gradually made to realise that accession to Pakistan, or even independence, is simply not a viable proposition. It would spell misfortune for the people of Kashmir (witness the 'colonisation' of Sind) and trigger off fissiparous trends throughout the sub-continent. The emergence of such trends, it need hardly be stressed, could dismantle the awkward edifice left behind by the British in 1947.

KASHMIR - A SYMBOL OF SECULAR NATIONHOOD?

ASGHAR ALI ENGINEER

THE crisis in Kashmir is very severe indeed. It is an unprecedented challenge to the concept of secular nationalism. The challenge should not go unresponded. If it goes unresponded, it would not only enhance the probability of separation of Kashmir from India but would mean beginning of the end of the concept of secular nationalism. Whatever the concept of secularism, in our pluralist context, it is the only guarantee of holding of our nation together. There is every conceivable divergency, religious, cultural, linguistic etc. in our country. It is not easy task to create unity in diversity when democratic policy is widening its base and deepening our consciousness. Unity comes under severest constraint under such diversity in a fast developing situation.

Why the crisis in Kashmir is so severe? Is it only because of undue Pakistani interference? Have we not committed any sins? Can transference of guilt can help resolve the situation? These are the question we should sincerely ponder upon before we begin to resolve the problem. There is even the talk of inflicting crushing defeat on Pakistan to end its interference in Kashmir which it is quite possible for us to do. But the more crucial question is: would such infliction of defeat on Pakistan enable us to win the hearts of Kashmiris? And this is very crucial question. The problem in Kashmir cannot be solved without winning the hearts of Kashmiris.

Before we come to the South Asian dimension of the problem, it would be necessary to have a word about secularism. As I said a while before, secularism is a *sine qua non* for unity in diversity. However, for number of years beginning with early eighties secularism has come under severe strain in our country. Casteism and communalism have become easy means of capturing power for our politicians, including many secular politicians. They are such tempting means of capturing power that at times it becomes difficult to distinguish between 'communal' and 'secular' politicians. Be it the Punjab problem or the Kashmir problem, it is long term consequence of this easy to grab votes game.

Also, it is no use blaming politicians of one community alone. Be they Hindu, Sikh or Muslim leaders; none resisted this temptation of seizing power or grabbing votes by inciting raw communal passions at times subtly, at times crudely, at times deftly, at times through crude manipulations. It gave rise to what we can call competitive communalism. Communalism is as such bad enough but competitive communalism is worse. Nevertheless leaders of all the communities played this dangerous game wherever and whenever they got opportunity. With the result that secularism came under severest strain throughout the eighties. Towards the end of the eighties the concept of Hindutva came to be unabashedly preached. It was most aggressively promoted by the VHP and the Shiv Sena through the BJP was too, not far behind.

It must also be said that rise and strengthening of the VHP was due, among others things, to launching of the Shah Bano agitation by Muslim leaders. This writer had warned many Muslim leaders at that time of the dangerous consequences of such aggressive campaigning against the Supreme Court judgement in the case of divorced wife's maintenance. It was followed by the Ramjanambhoomi-Babri Masjid controversy and this controversy gave rise to most aggressive form of the Hindutva so much so that the November 1989 Lok Sabha elections were fought mainly on this controversy. This controversy led to unprecedented bloodshed in the name of religion in Meerut, Bhagalpur and several other places.

Could it have gone unregistered with the people of Kashmir. Let us remember that the Kashmiris opted for India in October 1947 because of its secular democratic polity. They could have as well opted for theocratic Pakistan but they didn't. They felt their distinctive Kashmiri identity would be safer in secular democratic India rather than authoritarian theocratic Pakistan. We do not

want to go into these details here. It is history now. I am emphasizing this here to make a point that every blow to secularism in our country is a blow to Kashmir's integration with India. Kashmir would remain integral part of India as secularism is integral part of our polity. Nothing less, nothing more.

Secularism and democracy are two wheels of our political cart. It is wrong to believe that we can sustain the balance of our cart without one or the other wheel. It is true that upper caste Hinduism is facing increasing challenges from dalits, backward castes as well as other religious minorities, particularly Muslim and Sikhs. With increasing democratic consciousness it is bound to happen. It should not react to these challenges by aggressively asserting its Hindutva; it should rather adjust itself and renegotiate its status within democratic secular framework, thus not only undoing injustices of the past but laying strong foundations for modern secular India.

The religious minorities also cannot absolve themselves of responsibility in this regard. If they assert their religious fundamentalism, secularism will become only a distant dream as Hindu fundamentalism could become much more aggressive and this is precisely what is happening. Secularism has to be cooperative venture between all religious communities, in minority or majority. Otherwise we will never come out of vicious circle - minority communalism strengthening majority communalism and majority communalism strengthening minority communalism. It would be a sure prescription for political disintegration of India. If there is Hindu rashtra, Islamic state and Khalistan cannot be far away.

Kashmir is a proud symbol of Indian secularism. It voluntarily chose to be secular India rather than theocratic Pakistan. We should do everything possible to strengthen our secular democratic ties with Kashmir. Its fundamentalism is nothing but a passing phase. It does not constitute the warp and woof of Kashmiri culture. Some misguided extremists are using fundamentalism as an easy means of angry protest. What is needed on our part is not merely to condemn it but to sympathetically understand its contextual emergence. Fundamentalism and fanaticism are more of a contextual than a religious phenomenon. Islam or Hinduism or Sikhs would tend to be fanatical or liberal depending on the context of the situation i.e. perceptions of threats or otherwise.

The Pakistani factor also plays an important role in the whole situation. Our mutual enmity, dictated more by political exegen-

cies in both the countries rather than by ideological or cultural differences, makes the Kashmir problem more intractable. The two countries have divided Kashmir into parts thus trampling upon their regional identity and aspirations. They have a deep urge to unite. The near certainty of unification of Germany has further intensified their inspiration for unity. However, this unity is not possible without India and Pakistan coming together in a supranational commonwealth both together guaranteeing unity and security of Kashmir. This is the most opportune time to do it. The Kashmir problem cannot be solved by flexing of muscles by India and Pakistan but by emphasising South Asian identity which is based on cultural heritage.

Even if we fight a war and win, it would leave bitterness between the two nations further endangering peace in the region. Let us therefore not thinking of winning a war and loosing our souls. Nothing can be finally settled by fighting a war. This is, therefore, a unique opportunity to strive for some kind of agreed confederative or any other suitable arrangement between India and Pakistan. We were, after all, blood-brothers till yesterday. Pakistan also cannot remain viable only on the basis of religion in view of the emerging ethnic tensions which have already led to lot of blood-letting. Pakistan also needs more viable basis to survive. Religion can become basis of unity only in certain external context. India, which opted for secular polity has been much more viable than Pakistan which broke in 1971.

However, weakening of secularism has created dangerous cessationist trends in Punjab and Kashmir. It is, therefore, for both the countries to search for more viable secular basis and in this context South Asian identity can certainly strengthen our mutual ties. Also, it would help Pakistan become more democratic, secular and progressive in outlook and that in turn would help consolidating forces of peace in the region. And peace would lead to much greater development.

The Kashmir problem thus should be seen more as an opportunity for renewal of our mutual ties rather than a crisis of confidence between the two countries. Kashmir is symbol of secularism and it is secular democracy alone which could make South Asian region viable and peaceful.

THE CYCLE OF BLUNDERS

PRAN CHOPRA

A policy is only as good as its implementation. By that criterion, India's policy in Kashmir is deeply flawed. And the flaws are at such high levels that they can be cured only by the Cabinet or the Prime Minister, only these two levels are higher than the flaws. But at the moment the problem is more visible than efforts to remedy it.

The contents of the policy are sound. As explained at the highest level in the government, they are :

First, dissuade Pakistan from risking its own security by meddling in India's beyond tolerable limits.

Second, convince the militants, whether of the native or the imported variety, that they are not going to be allowed to snatch Kashmir from India by endlessly stoking up people's resentments in Kashmir, justified though the resentments might be to a large extent.

Third, as far as the given circumstances permit, avoid all actions in fighting the militants which further inflame the public mood in Kashmir.

Fourth, generate a political dialogue with and among the people of Kashmir, so that peace may be restored and the way cleared for finding long term answers to the problems.

In the best of circumstances, it would not be easy to pursue all these approaches simultaneously. In the given circumstances in

Kashmir it is painfully difficult. A cycle has been set up in the valley which is as inexorable as it is vicious. The cycle is being fuelled by the legacy of so many mistakes in the past that it is wonder the future still looks as retrievable as it does.

Cynical Dismissal

A thoroughly communal election campaign run by Indira Gandhi in the State in 1983 was followed in 1984 by a cynical dismissal of the State Government, one of the worst examples of its kind anywhere in India. Rulers in New Delhi have often dismissed popularly elected Governments in States for the sake of their own narrow interests. But nowhere have they done so in such utter disregard of crucial national interest as in this case in 1984.

After Farooq Abdullah had won the election despite the ferocity of Indira Gandhi's campaign and won it on a thoroughly nationalistic platform, she dismissed the very first government to be formed by him and instead imposed upon the people that most despised government, with the narrowest base that they had ever had.

Three years later Farooq Abdullah himself blotted his book with the wholly unnecessary rigging of the Assembly elections in 1987, which he would have won with a good enough margin even without this trick. This made him even more unpopular than he would have become in any case, either on account of his increasing incompetence both as leader of the party and of the government, or on account of misapplication and manipulation of his accord with Mr. Rajiv Gandhi by a powerful coterie in New Delhi.

This trail of blunders has alienated the valley from New Delhi and has given encouragement to both kinds of militants, those introduced from outside in the belief that the situation is ripe for a sudden snatch; and the home grown ones, who have dreamed it up that "Azadi" is only an hour away. But mistakes continue to be made even today. Exasperated by a rebellion by "our own people" and angered by outside interventions, the Indian state has contributed its own kind of terrorism. This has further fuelled the unrest; that in turn has tempted external intervention and domestic ambition; and so the cycle has gone on, round after round. In fact there is growing danger of another cycle taking off as Indian Muslims failed to counter those who are inciting the militants in the name of Islam.

In these circumstances, carrying all these approaches simultaneously calls for a rare mix of political sensitivity and flexibility, administrative judiciousness and a law enforcement agency which is thoroughly disciplined, able to apply the law with vigour and firmness without letting anger make it vindictively brutal, or wanton in fact or appearance.

Benign Strategy

The mix has to be finetuned from day to day. Otherwise one day the political approach is blocked by either kind of terrorism, and the next day a political move gives to the terrorist the wrong signal that he is free to strike without fear of hard retribution. In other words, it calls for another kind of cycle, a benign one, in which successful curbs upon both kinds of terrorism open the way for political moves and these in turn isolate the terrorist and further expose him to counteraction.

It calls for statesmanship at the directing level wherever that might be, and at the implementing level a clear conviction that all four approaches and the skills required for each, are needed simultaneously. At the present moment the conviction does not exist, action is mainly concentrated on a single track, the statesmanship is fitful, and hence the benign cycle has yet to begin.

The two main channels of the government's actions are the Governor, Mr. Jagmohan and the Minister in charge of Kashmir Affairs, Mr. George Fernandes. Each has some achievement to his credit in his chosen field. The Governor's law enforcement agencies are certainly taking a heavier toll of the terrorists than they did before especially along the Indo-Pakistan border and there is some revival of the general administration.

Mr. George Fernandes has certainly succeeded in making some contacts with the militants under ground; a more conventional Minister might not even have tried as such.

But there is no gainsaying it that the Governor is ploughing his own furrow, the Minister his own. The former appears to have unbounded faith in the suppressive processes of law and order, the latter in his political zeal and very vigorous inventiveness. Neither appreciates that the other's role is as necessary and could complement his own if it is played as it should be. Not only is there no coordination between the two; there is hardly any consultation. They are not agreed on what the approaches should be or on the

sequence between them. Each believes that the other is more hindrance than help.

Not only believes, but is. The task of Mr. Fernandes is supposed to be to create or to discover and then widen all openings for a resumption of political activities in the State so that they may then be combined into a political process and the basis laid for choosing a new Assembly in convincingly free and honest elections. There would then be a legitimate and constitutional body with which a longer term solution of the problem can be negotiated.

Genuine Confusion

But if the law and order approach is carried to such lengths that it alienates more and more people, closes more and more political doors to the political approach, then the former will pre-empt and foreclose the latter approach before political activities can get anywhere. Conversely, the crack of the whip by Mr. Jagmohan will carry little conviction with the militants if the impression grows among them that New Delhi has shifted to another tack and it is better to negotiate with Mr. Fernandes than to obey the fiats of the Governor. This is not the kind of calculated confusion which is sometimes used for flying kites and observing the responses. The confusion is genuine.

This state of affairs is not only public knowledge now; it is a cause of public anxiety and on more than one count. There is anxiety because the country's most urgent single problem gets further complicated as a consequence; and because the situation indicates that either at the Cabinet's or the Prime Minister's level, or both, there is an absence of effective will or ability to keep the Kashmir policy moving forward on all intended tracks.

This problem would not arise if there were a single executive authority in charge of implementing the policy, whether from New Delhi or Srinagar, which had a full grasp of each of the four approaches and a conviction such as the Prime Minister has, that all four are needed simultaneously. But since that is not so, it falls to the Cabinet's or the Prime Minister's lot (or would have fallen to the Home Minister's if things were better than they are) to keep the Governor and Minister in charge in a single and well integrated harness.

New Realisation

Such coordination is essential at all times and with regard to many problems. But it is particularly important now and with

regard to Kashmir, and that is because of a factor which is heroic for all that it is tragic as well. By enduring so much for so long, the people of Kashmir have made the people of the rest of India realise as they have never realised before that in their traditional stand on the Kashmir issue there are weaknesses which must be overcome; that they must seriously rethink the issue in basic ways before they reject as unacceptable any new basis all terms for the relations between the State and the rest of India. And I think many more people would share this new realisation if there were no so much evidence or so much conviction (at times the conviction exceeds the evidence) that Pakistan has a lot to do with the present turbulence in the State.

Correspondingly there is also a new level of realisation in Pakistan that its own future would be in jeopardy if either two things came to pass, if either it bites off more than it can chew (or more than India will tolerate), or if India, in sheer exasperation over the cost of putting down Kashmiri rebellion, suddenly decides to quit the valley and to let the Kashmiris have the independence they are demanding. In the former event, Pakistan would be decimated by the strains of the war before it is finished off by an inevitable defeat. In the latter event, it will be struck down by the contagion of "independence", which spreading out of the Kashmir valley, will certainly cross "Azad Kashmir" and reach such turbulent regions as the Pushtoon areas, Baluchistan and Sind.

Bilateral Settlement

What kind of a settlement would be tolerable for India, acceptable to Pakistan, and satisfactory enough for the aspirations, of the Kashmiris is a subject better avoided at present; it would take one into the related but different subject of relations between India and Pakistan. But a bilateral settlement between Kashmir and the rest of India would be far cheaper for both than a prolonged conflict between the rebellion and repression.

If this conflict is ended soon and peacefully, India would be prepared, despite the BJP, to consider many alternatives which have never been discussed between New Delhi and Srinagar. It might consider them for the good reason that what the Kashmiris want, in the calm after that conflict, might turn out to be not very different from what most other Indians want as well more room for self governance, more power for States, more honest elections, fairer dealings by the Centre, development illuminated by justice and a responsive administration.

FRUSTRATED MIDDLE CLASS ROOTS OF KASHMIR'S ALIENATION

PREM SHANKAR JHA

INDIANS hold two distinct perceptions of the causes of insurgency in Kashmir Valley. The first is that the bulk of the Kashmiris, narrowly defined as the residents of the valley, are Muslims and cannot therefore be loyal to India. The second is that Kashmiris are fed up with being denied their democratic rights by a succession of corrupt puppet regimes foisted on them by New Delhi, and want to run their own affairs now. Both views contain enough truth to be plausible but neither comes anywhere near touching the root causes of militancy in the valley.

The assumption that Kashmiri Muslims are all communal, and therefore, want to be with Pakistan is a reflection of the communal cement in which partition, and the holocaust that followed it, froze the minds of Hindus (and Muslims) in the rest of the sub-continent. But the Hindu-Muslim strife that preceded and led to the partition of India, stopped at the Pir Panjal. Beyond it lay another culture, insulated by nature for four months of every year, with its own language, its own food, its own dress and customs, and its own music, myths and folklore.

Hindu Mahasabha

Communalism was injected into the valley only after Independence, first by the Hindu Mahasabha and then more insidiously and systematically by the Jamaat-i-Islami, Jamaat-e-Tulba, and other associated organisations. Arab money helped them to open

madaras in large numbers and these have now produced a generation of young men and women who are overtly communal. These are the people who are engineering the exodus of Hindus from the valley. But the vast majority of Kashmiri militants owe allegiance to the JKLF, and are both disturbed and angered by the exodus.

Kashmiris have undoubtedly been denied their democratic rights. Their first Prime Minister, Sheikh Abdullah was thrown into prison for 14 years, despite the fact that he brought Kashmir voluntarily into the Indian Union. Thirty years later, Dr. Abdullah was bundled out of power in a blatant subversion of democracy by Mrs. Gandhi. When Dr. Abdullah bought peace with the Congress and agreed to fight the 1987 election in tandem with it, the state administration rigged the elections in the valley to make sure that he won. Kashmiris cannot be therefore be blamed for believing that they are doomed to remaining second class citizens in India. But this is not sufficient to explain the depth of anger being displayed in the valley. There must be some, even among militants who realise that they have been able to preserve their identity at least partly because of the extraordinary lengths to which Indian Constitution goes to safeguard Kashmir's autonomy. Nor can they be unaware that Pakistan did not offer any comparable guarantees in 1946 and still offers none.

Above all, the denial of democratic rights does not explain why only the Muslim and not the Hindu youth is alienated. Nor does it explain, for that matter, why it is the youth and not their fathers who are up in arms, for arguably, the latter have suffered this deprivation for much longer.

In Kashmir militancy is not born out of poverty or economic deprivation, but of the despair of a small, select group of young people who form a new but disinherited middle class. This is not the large petit bourgeoisie that has grown rich in post-independence times of tourism, handicrafts and horticulture, but a class trained in the schools and colleges set up after Independence to become salary-earners in government, large industry and trade. In other words this is a class that was trained to wield power, but denied the opportunity to do so. The denial of political rights is only a small part of their dispossession.

Like other isolated valleys in the Himalayas, Kashmir was poor in the pre-independence days. But tourism, a flourishing handicraft industry and horticulture, have transformed the economy of the state. Tourism alone is estimated to bring in

Rs. 500 crores, more than nine-tenths of which is spent in Kashmir valley (nine-tenths of the tourists are Indians). The export of handicrafts and fruits to the rest of India fetches another Rs.800 crores. Thus the per capita income of the people of the valley is not any less than that of Punjab.

Galling Fact

But all of this income is generated in small, owner-run establishments. Every one cannot become an entrepreneur, much less a successful one. Thus there has also come into being a growing class of job seekers that is looking specifically for salaried employment. For them the opportunities that Kashmir provided have been exhausted. Not only is the remote valley not well suited to industrialisation, but a disproportionate number of the salaried jobs that have been created have gone to the Kashmiri Pandits. This is not so much because of nepotism as the head start that they, like Brahmins all over India, have had in education.

Particularly galling to the young educated Muslims is the fact that the offices of the banks and the private sector companies in Kashmir are also staffed overwhelmingly with people from outside Kashmir, and Kashmiri pandits. Kashmiri Muslims have obtained jobs, but these are concentrated at the lower end of the scale. Accusations of Indian colonialism are rooted squarely in this employment pattern.

The alternative to finding jobs in Kashmir is to fan out into the rest of India, as the youth from other parts of India have done. But this is where the Kashmiri young man finds himself at a crippling disadvantage. When a young man from Bihar or Tamil Nadu comes to Delhi in search of a job, he usually has a relative or a friend to stay with, and a network for associates to help him to look for a job. The young Kashmiri Hindu has such a ready-made support structure, but the young Kashmiri Muslim does not.

India, moreover, looks a forbidding place to him. He is intimidated not only by the heat, crowds and dirt, but by the fact that the moment he crosses the Pir Panjal, he comes out of what is still a non-communal society into a thoroughly communalised one in which, to make matters worse, his co-religionists perceive themselves as a disadvantaged minority. So all but the most courageous never leave the valley where they face a hopeless future. In some of them, the hopelessness gives way to the anger.

Special Status

Unlike India, Pakistan did not try to maintain a special status for 'Azad' Kashmir. Kashmiris have, therefore, spread out throughout Pakistan, and have also migrated in large numbers. Thus the support structure that they miss in India exists for their 'Azad' Kashmiri counterparts. To ice the cake, in Pakistan they do not feel they are disadvantaged minority as in India.

Constitutional protection has thus conspired unwittingly with geographical and cultural isolation to turn Kashmiri Muslims into an unprotected depressed class of Indian society. The solution to this problem does not lie in repealing Article 370 of the Constitution, but in creating, the support structure that the Kashmiri Muslims lack in the rest of India.

This is a task in which the whole of the Indian public and private sectors can take part. To make a start, all those with offices in the Kashmir valley, can ensure that by the end of, say one year, 60 per cent of their professional cadre in Kashmir are drawn from Kashmiri Muslims. Secondly, they can after two or three more years, start posting these young men to offices in the rest of India. This process should be continued on an urgent basis till half a per cent of all the wage earning and salaried jobs in their companies is held by Kashmiri Muslims.

In a few years this policy will create the support structure that Kashmiri Muslims lack, and dispel the fear and hopelessness with which they view their future. Passions are running too high in the valley at this moment for such a policy to be implemented. But the government cannot lose by letting the militants and the people of Kashmir know that it understands their problems and is only waiting for the return of peace to start setting things right.

Courtesy: Times of India 29-5-90

AN OSTRICH-LIKE ATTITUDE TOWARDS KASHMIR WON'T DO

SAIFUDDIN SOZ

The factor most responsible for the alienation of the Kashmiris is the treatment meted out to them by New Delhi. The Kashmiris feel that Delhi's behaviour has been atrocious in that it has chosen to ignore them completely.

THE time has come for the Government of India to face realities on the ground and examine carefully the causes for the sense of alienation that the Kashmiris feel. Having done this, it must formulate a bold and positive response. In order to do this effectively, it would do well to disregard the advice of people who have long been available to Delhi as political brokers. Their intention is solely to gain clout in Delhi using the Kashmir situation without any real commitment to the people of the trouble-torn state.

The Government would be well advised to go into the history of Kashmir issue in order to understand and appreciate how and when things went wrong and how the present impasse came about. The Government should realise that the genesis of the Kashmir issue goes back to the time when the Government of India placed the problem before the United Nations.

Though the Simla Agreement marks a watershed in Indo-Pakistan relations and the agreement altered the position in respect of Kashmir in a manner favourable to India, the fact remains that India committed itself to the existence of a dispute on

Kashmir and to the resolution of the same through bilateral and peaceful negotiations.

It is a strange coincidence that while the Indian Government refers to the Simla Agreement at every available opportunity, it does not appreciate any comment or reference to this historic event from the Kashmiris themselves. This approach is not only wrong but also illogical.

The government should examine the question of the erosion of Article 370 of the Constitution. This is the most crucial political factors in the alienation of the Kashmiris.

The autonomy that was envisaged under this Article for the people of Kashmir was over the years eroded by the government through the application of acts of Parliament and Central laws to Jammu and Kashmir. The erosion of Article 370 has also diluted the provisions for the protection of "state subjects" and there have been complaints that in numerous cases "state subject" certificates were granted to non-state-subjects. This led in part (complaints about manipulation of census figures being the part) to the suspicion that there was a plan to cover-up the Muslim majority in the state.

The economic factor in this alienation of Kashmiris has also constantly been overlooked by the government. And this in spite of the fact that the government was aware of the Kashmiris' economic plight. The national investment in public sector enterprises during the past 40 years has been of the order of Rs.86,000 crores and Jammu and Kashmir's share has remained as low as 0.03 per cent. The ratio of grant and loan from the Central Government to Jammu and Kashmir has all along been unfavourable even though the state has sought justice. Whereas Himachal Pradesh with its much better agricultural infrastructure and industrial base when compared to Jammu and Kashmir, has been receiving Central funding at the ratio of 90 per cent as grant and 10 per cent as loan. Jammu and Kashmir has been getting 70 per cent as loan and 30 per cent as grant. The ratio never left more than a wage-bill in the hands of the state government. Owing to this discrimination, no real development has taken place.

Unemployment of educated youth has been steadily increasing. In 1987-88, about 1,00,000 educated youth were unemployed and a majority of them belonged to the Kashmir valley. This is but a natural outcome of the fact that Kashmir has neither any public sector industry nor any private sector industry worth the name.

Therefore, it is left to the state government to provide jobs which it is unable due to the paucity of funds.

The absence of any industry on the one hand and availability of free education in school and college on the other hand naturally raised the level of unemployment. Needless to add, unemployment has been the most important factor responsible for the alienation of the Kashmiris.

What has made this a dangerous social irritant is the fact that the majority community, i.e., Muslims who constitute 65 per cent of the population (although these census figures have not been accepted as authentic by the people in the valley) in the state have not received any proper job-openings in government departments.

The state's Muslims do not have more than 13 per cent share in Central Government departments including minial jobs in the Class IV category. Their share in the gazetted services is less than six per cent. They also have a grouse against the nationalised banking sector where their share is abysmally low - 1.5 per cent.

The factor most responsible for the alienation of the Kashmiris is the treatment meted out to them by New Delhi. The Kashmiris feel that Delhi's behaviour has been atrocious in that it has chosen to ignore them completely. They feel that left to Delhi, the people would neither be allowed to rise above subsistence level nor be permitted to enjoy democracy. It is presumed that Delhi refused to appreciate reality and acted solely on its own perceptions in 1953, 1977, 1984 and again recently in 1990. It is felt that Delhi enjoys governing the state through a governor whose word has become the law.

The alienation of Kashmiris is, therefore, complete and if they have risen in revolt, they have ample justification. Delhi will have to decide whether it will continue to treat the situation as merely a law and order problem or accept it a sticky political imbroglio. Delhi will also have to decide whether it will keep on treating Kashmir as a military-occupied area or gather the courage to respect the genuine aspirations of the people.

At this critical juncture, an effective dialogue with the people of Kashmir, its political leaders and the militants would be a step in the right direction. The JKLF and other prominent militant organisations are certain to have spokesmen and a dialogue will have to include them too.

The mood in Kashmir is such that no amount of repression can make Kashmiris give up their struggle. There is some possibility that the situation can be retrieved through an honest political dialogue.

Courtesy : Times of India 9-3-90

THE CENTRE HAS BEEN MORE THAN FAIR TO KASHMIR

S.N. WAKHALOO

A state like Himachal Pradesh which has come up recently definitely needs a greater allocation of funds than a state like Jammu & Kashmir which had reached an advanced stage of development much before independence.

A PROPOS the article "An ostrich-like attitude towards Kashmir won't do" by Mr. Saifuddin Soz, it is somewhat lopsided and futile to launch a diatribe against the government. Mr. Soz has failed to see the causes of alienation of the Kashmiri people in the right perspective.

The integration of Jammu and Kashmir with India was confirmed through the Constitution of the state framed by the representatives of its own people as far back as 1955 when it passed in the local assembly. The initiative for this historic event came from the Kashmiris themselves. This negates the need for even raising the question of a plebiscite.

The Simla Agreement which was framed in 1972 was not so much for the ratification of the state's Constitution adopted by its assembly as to put on record the existence of a dispute arising solely from the illegal occupation of the area referred to as Azad Kashmir by Pakistan. This is why India has shown its willingness to resolve this dispute through bilateral and peaceful means. There is nothing wrong with this approach if one takes into consideration the futility of the three bitter wars which were fought.

While it can be argued that Article 370 of the Constitution which, in the midst of other provisions, protects the people of the state from the usurpation of their land by non-state subjects, may be eroded, it is very much there notwithstanding the fact that some important factions have been opposing its retention.

The 'autonomy' of the state had to be adjusted for making provision for the input of funds from the Centre for the execution of the various economic projects. These include the generation of hydroelectric power at Salal, Lower Jhelum, Upper Sind, Lower Sind and Dulhasti which is the biggest one currently in the offing. A highway was constructed to Kishtwar through the Sinthan pass at 2,743m above sea level, which is rated as an engineering marvel. The construction of a railway line to Jammu from Pathankot and its subsequent extension up to Udhampore is under execution. Public sector undertakings like HMT watch factory and telephone industries have been set up in Kashmir. An airport has been constructed in Srinagar which affords full amenities to tourists. A network of canals for the irrigation of land in the arid zones of Jammu and Kashmir divisions has been laid.

The unemployment problem facing the youth is a universal one. In this connection it may be pertinent to note that had article 370 not been there, industrialists from other states would have set up more industries there. A few years ago, a state subject was floated a joint venture for the manufacture of jewels for watches but had to wind up, mainly for want of labour. The Cadbury's project for the manufacture of apple juice concentrate at Sopore for which they had set up an upgraded plant was also ultimately sold to the state government in 1987.

The recruitment of persons to the administrative services and other allied cadres is solely on merit through examinations conducted by UPSC. There is also no ban on Kashmiris qualifying for the various other Central services including the ones of nationalised banks of which mention has been made.

As for the recruitment to the various services of the state, this falls within the jurisdiction of the state's own selection board and the appointments made by it are, however, restricted to state subjects.

Regarding the allocation of grants by the Centre to the various states, Mr. Soz's arguments reflect gross misconceptions and ignorance. A state like Himachal Pradesh which has come up recently definitely needs a greater allocation than a state like Jammu and Kashmir which had reached an advanced state of development

much before independence. The hydroelectric power station at Mohra in Kashmir and at Jammu is the first of its kind in India barring the one in Mysore. The manufacture of silk yarn in Jammu and Kashmir, the installation of colossal drudges for desalting the waterway of the Jhelum in the lower reaches, the establishment of two degree colleges in the first decade of the present century and the institution of the waterworks at Jammu are unique features.

Mr. Soz has made an intriguing statement that New Delhi has chosen to ignore the Kashmiris completely. It needs to be emphasised here that judging from the fact that there has been no adequate reimbursement to the Central exchequer by way of income tax and excise duty, the Constitutional approach in allotting grants to the state has all along been exceptional.

Nobody has ever questioned the heritage of the Kashmiris and the present governor is viewed by people in the state as the harbinger of development. We should not be impervious to facts and allow ourselves to be influenced by the dubious and conjectural reasoning put forth by Mr. Soz and his ilk.

Courtesy : Times of India 11-4-90

KASHMIR : WHAT MUST BE DONE

HARKISHAN SINGH SURJEET

EVERY patriotic minded Indian is deeply concerned with the recent developments in the Kashmir Valley. In spite of the anxiety on the part of the new Government to take up the problems in right earnest, the situation continues to be the same. The people in the entire valley readily respond to the call given by the separatist and extremist elements and it will not be wrong to say that their writ runs. Whatever the claims the Government might make, the recent demonstrations before the UN Mission where thousands participated, go to show that instead of the situation easing, it is getting aggravated.

The recent decision of the Governor to dissolve the Kashmir Assembly will only worsen the situation. The Governor's claim is that this decision will remove the irritant, that the present Assembly is constituted on the basis of rigged elections. The issue under debate is not elections today. The extremists movement advocates separatism whether in the form of an independent Kashmir or for joining Pakistan. Elections might have contributed earlier but it is not the relevant issue today.

If anybody has any political imagination he has to understand that the challenge from the separatists can be met only by rallying the forces which stand for national unity and against separatism. But, unfortunately, the Governor feels that this is a moment when one has to first smash the organisation of the National Conference which, in spite of its bungling, still has an appeal to the Kashmiri

people because of its long history and traditions. To carry on the political fight, its cooperation is needed. This perhaps is the same policy the Congress-I had earlier pursued.

Learning Lessons

The present Government, drawing lessons from the experiences of the past, assured the people that it will not make use of national issues for partisan ends. On the other hand, they would try to arrive at a consensus so that all the patriotic minded people of the country rally together to face the threat to national unity. When the Left parties protested the appointment of Mr. Jagmohan as Governor, which led to the resignation of the Farooq Abdullah Government and demanded the holding of an all-party meeting, the Prime Minister immediately responded. But the meeting has not yet been held. It seems Prime Minister VP Singh was not aware that the Governor was going to dissolve the Assembly. If the Governor has done this of his own initiative, under the J&K constitution, then it sets a dangerous precedent.

It is strange that the BJP which vehemently opposed Article 370 of the Indian Constitution was the only party which, immediately came out in support of the dissolution. So far as the Left is concerned, it has made its position abundantly clear. In tackling the Kashmir problem, on the one hand, care has to be taken to protect the identity of the Kashmiri people and on the other a solution has to be found within the framework of Indian unity. It is in this respect that Article 370 of the Indian Constitution has acquired great significance. This Article is not a concession to the people of Kashmir under the leadership of the National Conference linked their fate with secular India when they fought with arms in their hands against Pakistani invaders. Those who advocate abrogation of Article 370 today are directly playing into the hands of the separatists. They must understand that the people of Kashmir would never yield to this.

Wrong Policies

In dealing with the Kashmir situation we have to draw proper lessons from the wrong policies pursued by the Congress-I Government. The Sheikh Abdullah-Indira Accord of 1975 had again raised hopes for full integration of the people of Kashmir with India. It had a big impact in the valley. The separatist elements got completely isolated. But unfortunately, the Congress-I Government again pressurized the National Conference Govern-

ment to share power with it. When it did not succeed, it proceeded in 1984 with the shameless act of organising defections inside the National Conference and installed a government of 14 defectors headed by G M Shah and supported by Congress-I. This was again a turning point for the complete reversal from the policy of Accord with Sheikh Abdullah. The situation was made full use by the forces of separatism and fundamentalism. It is in this period that Muslim United Front (MUF), under the leadership of Jamaat-e-Islami, became a political force. Today, there are two forces which are fighting for separatism. One is that of the Muslim fundamentalists headed by the Jamaat-e-Islami which advocates joining Pakistan on the basis of religious affinity. The other force is the JKLF which understands that the people of Kashmir have got a different cultural heritage and will not be easily carried away by the slogan of religious affinity. Based on this understanding, the JKLF is raising the slogan of independence. It is also opposed to the burning of schools etc.

Faced with immense internal problems, the rulers of Pakistan are bent upon instigating trouble in Kashmir. They have tried their best to internationalise the issue by involving the United Nations and talking about the UN Resolution passed 40 years back.

The Pak Factor

But the Pakistani rulers have miscalculated. One important factor is that they cannot get the type of support from outside which Pakistan got in 1965 and 1970-71. Today the international situation has completely changed. The policy of confrontation is being replaced with the policy of dialogue. Even an aggressive imperialist country like the United States cannot openly support Pakistan in its gamble to instigate trouble in India. That is why in spite of its best efforts Pakistan was not able to get support to raise the issue in the Security Council. Even the Organisation of Islamic States cannot be rallied today on this issue. Except Saudi Arabia and Iran, nobody has openly come out in support of Pakistan's claim of raising the question of plebiscite in Kashmir.

In this background, there is no possibility of war between India and Pakistan and it is not in the interests of the people of Pakistan and India. But the rulers of Pakistan continue their nefarious games of intervention to keep India on tenterhooks. How to meet this challenge ? It has to be met on four fronts. Diplomatic, political, economic and administrative.

On the diplomatic front we have so far achieved good results. But there is no room for complacency. These efforts are to be pursued further to convince the world public opinion about the intentions of the Government of India to restore peace in the region and to normalise relations with its neighbours. We have also to constantly appeal to the people of Pakistan about our desire to live as peaceful neighbours.

Politically, all the political forces in the country particularly in Jammu and Kashmir must be rallied against separatism and terrorism. Their political propaganda is to be countered. This can be done by assuring the people of Kashmir that their cultural heritage will be fully protected. In this respect the National Conference, with all its shortcomings and mistakes and maladministration has a big role to play because it is the traditional organisation which fought against the Dogra regime of oppression and its British imperialist masters. It was able to link the struggle of the Kashmiri people with our country's freedom struggle. There are still people living who cherished the memory of the struggle. They are silent spectators today. Their patriotism has to be aroused. And effort at this stage to score point between the different political forces who stand for national unity can prove harmful. The demarcation line has to be drawn between those who stand for national unity and those who oppose it. Efforts have to be made even to rally those religious forces who are opposed to separatism.

On the economic front, urgent measures are to be taken to tackle the problem of the educated unemployed. Kashmir has been neglected in developing industries and the people continue to live only on tourism as they used to do under the Dogra regime. But the difference is that with the growth of education, a large intelligentsia has developed. It is a pity that even engineers and doctors find no avenue of employment. One fails to understand why the people of Kashmir are not integrated into all India services on the basis of population.

Urgent Measures

It is not the time to go into the causes for the collapse of the administration and how far the Centre and State Government have been responsible for this. But immediate measures have to be taken to restore confidence in the minds of the people that there is an administration in J&K to firmly handle the separatists and extremists. These elements must be isolated and should not get away with the excesses which may enable them to widen their base.

They must be told that the people of Kashmir have linked their fate with the people of India that the accession is irreversible. All the problems can be discussed and a solution found. But no quarter can be given to those who advocate separatism.

It is necessary to give a clear direction to our Kashmir policy. It should be considered not as a party policy but as a national policy, because any steps taken affects the future of the whole country. That is why we have advocated from the beginning arriving at a national consensus. For that the immediate convening of an all-party meeting should be placed on the agenda. Arbitrary decisions, either by the Governor or by the Government can prove disastrous.

Courtesy : The Hindustan Times 2-3-90

THE KASHMIR PROBLEM SOME PREMISES ARE NOT TENABLE

ACHIN VANAİK

THE USSR and India are both ostensibly multi-national societies. If the USSR has its Lithuania, doesn't India have its Kashmir? In fact the difference between the societies are, however, more striking than their apparent similarities. The USSR is a vast multi-national society where the nationalities question exploded when prolonged economic crisis (widespread stagnation in living standards) combined for the first time with the new democratic openings and the onset of pluralist freedoms. Suddenly the USSR is close to breaking up.

But this heady mixture of mass economic discontent and pluralist democracy has been a near continuous feature of independent India's history. Yet its integrative tendencies have proved sufficiently strong so that there is nothing remotely approximating the centrifugal pressures of Soviet society. Where Lithuanian separatism does have a powerful demonstration effect in the USSR, this is not quite the case in respect of Kashmir and the rest of the Indian union. India is a country of a few nationalities (of which the Kashmiri nationality is an emerging one), of many potential nationalities (potentials which may or may not be realised), of a diversity of regional pulls and pressures. But separatist tendencies in India have been confined to its geographical periphery - the North-East, Punjab and Kashmir.

Definitional Problems

Part of the confusion is because of definitional problems. If any political movement which seeks a reform of state structure, i.e., more autonomy and power for itself, is considered to be a "nationalism" or the expression of will of a "nationality", there is no way of distinguishing qualitatively between those numerous ethnic, linguistic, tribal etc., movements and struggles which howsoever much autonomy they may demand have no tendency towards political independency and those "national" movements and "nationalities" which do. Also, what is true of the USSR and was true of the "old" nationalisms of Europe - the close affinity between linguistic identity and national identity - is not necessarily true of the "newer" nationalisms of the Third World. In the USSR there is a close correspondence between multi-linguism and multi-nationalism, in India there is not.

In fact, - and this has posed a special problem - in India it has been religious groups that have been among the strongest candidates for nationhood. Two conclusions follow. First of all, separatism in the periphery can have significant knock-on effects elsewhere in the periphery, e.g., Kashmiri separatist successes can embolden Khalistanis and Naga nationalists. But the difficulty in managing Kashmir and Punjab does not, for example, make other regional tensions outside the periphery less manageable. Such struggles as for Jharkhand, Gorkhaland etc., do not challenge national unity but they do challenge the existing modalities of Indian federalism. Thus, while there may be other stronger arguments why Kashmir should be retained within the union, fear of a "domino effect" leading to the balkanisation of India is not one off them.

The second point is that the religion-based incipient nationalisms that have emerged in Punjab and Kashmir pose a grave problem for the preservation and strengthening of secularism. Kashmir unlike Punjab has had a strong secular dimension to its distinctiveness best embodied in the political career of the mature Sheikh Mohammed Abdullah, one leader who enjoyed wide support in the Valley, in Jammu, Ladakh and Pakistan-occupied Kashmir (POK). A strongly secular Kashmiri identity can express itself in one of two ways, either in accepting incorporation within a secular India or in independence on a non-communal basis, i.e., an independent territory that would include the POK. But a secular

Kashmiri identity can never be expressed through union with Pakistan or in independence on theocratic or confessional lines.

Strategic Mistake

The Kashmir tragedy has been largely of India's making. A region which has been among the most communally harmonious for nearly four decades is now torn by unprecedented strife. The decisive strategic mistake was that of the Congress-ruled Centre and can be traced back to as recently as the early eighties. Mrs. Gandhi sought to institutionalise Congress support in Jammu along communal lines pushing the National Conference to do the same in the Valley. She would go as far as dismissing the Farooq Abdullah administration in 1984. Though her son Rajiv restored the electoral process in 1987, he was as foolishly partisan in working against Dr. Farooq Abdullah's attempt to project himself as a prominent leader within the all-India non-Congress opposition. But the emergence of Dr. Abdullah as a more than regional figure, even if anti-Congress, would have automatically implied deeper political integration of Kashmir with the rest of the union.

Instead, Congress sought to dominate Kashmir and command the National Conference's allegiance. What was good for the Congress in the short term in Kashmir would be disastrous in the medium term for the country as a whole. Pushed into its ghetto, the National Conference compounded the problem through political deceit and mismanagement. The consequences of such political blindness are now clear. The Janata Dal government has no easy way out of the morass, but is determined to hold Kashmir within the union at all costs.

One set of arguments for such a policy focus on the larger geopolitical factors which presumably make Kashmir strategically vital. After all, does it not lie at the heart of Indo-Pak relations and by extension to the whole complex of relations between the US., the USSR, China, India and Pakistan. But precisely because these linkages are themselves in flux, the Kashmir question in a time span of ten to 15 years is bound to assume a different level of urgency from what it currently enjoys.

For a start, there are sound reasons for believing that while Pakistan can delight in using Kashmir to harass India, it has to be extremely wary about absorbing the whole of Kashmir. Kashmiri nationalist aspirations, however infected by Islam currently, will not be contained within an enlarged Pakistan. As it is, Pakistan faces, particularly in Sind, nationalist pressures which jeopardise

its prospect as a unified state. It should not be forgotten that the only example so far of a completely successful secessionist movement in a post-colonial independent state is Bangladesh. Though Eritrea may soon join Bangladesh, Pakistan's peculiar fragility has already been historically underlined. A quasi-democratic Pakistan unwilling to concede genuine federal devolution of power is storing up such serious trouble that it will not be able to pursue a coherent foreign policy over time.

Newer Rationale

Furthermore, the transformation in US-Soviet relations calls for re-evaluation of the significance of US ties with Pakistan and China and reinforce American tendencies towards accommodation with India. With the USSR less and less a strategic adversary in South and West Asia, Pakistan's strategic importance for the global US perspectives diminishes and one indication of such re-evaluation was surely the recent public stance by Washington on Kashmir. Similarly, Sino-US entente is likely to develop a newer rationale which has more to do with preventing a future Sino-Japanese tie-up than with containment of a USSR beset with enormous internal problems. The importance of the US-China-Pakistan axis fades correspondingly.

China too will undergo an increasing involution in its preoccupations. Tiananmen only postponed the time when the authoritarian regime will disintegrate. For this and other reasons, traditional "great power politics" is not the wave of the future. In the specifically South Asian context, neither Indo-Pakistani nor Sino-Indian enmity is likely to be as enduring in the future as it has been in the past. These developments will necessarily alter India's strategic perceptions concerning Kashmir and the Himalayan crest countries.

But Indo-Pakistani relations will get worse before they get better with war clouds already on the horizon. Faced with burgeoning secessionism in Kashmir, New Delhi is hardly likely to find much solace in the fact that neither Pakistan nor Kashmir will eventually matter as much in a South Asian scenario reshaping itself anew. But the touch of sobriety and balance provided by the "longer view" may not be entirely amiss.

**EYELESS IN THE VALLEY
WE MUST NOW LET THE KASHMIRIS DECIDE THEIR
OWN FUTURE**

ASHOK MITRA

OUR President reportedly referred to the nation's hour of agony in Kashmir while addressing, on behalf of the union government, the annual jamboree of state governors held recently. One feels like asking, with deepest humility, whether that hour is not already dangerously late.

The obfuscations may be cut out. One is not talking of Ladakh. Nor of Jammu. At stake is the valley of Kashmir, and its people. Our envoys rush here and there. Meanings are read in cautious *non-sequiturs* uttered by this West Asian chieftain or that American Congressman. Stories are planted with the complaisant press about supposed swings in international opinion; we, don't you see, stand vindicated; in country after country, key politicians and diplomats have agreed in private conversation with our point of view: Kashmir is a bilateral problem, to be resolved by mutual discussion between India and Pakistan *a la* the format laid down in the Simla Agreement.

Our government is not exclusively inhabited by simpletons. The reason for this clutching at straws must be realisation of the extreme flabbiness of our position. Kashmir is not a matter of bilateral dispute to be sorted out, through either *tete-a-tetes* or open warfare, by the authorities of India and Pakistan alone. The

third and the most important party, the Kashmiris, need to be brought into the picture.

The cliché of Kashmir being an integral part of India is just that. Cliches do not clinch anything, not even an undergraduate debate. More understandable is the attitude, akin to a prim accountancy firm: having invested in the valley, in the course of the past two score and three years, perhaps something to the order of a hundred thousand crore of rupees through military outlays and economic subsidies, we find it awkward to admit, either to ourselves or to the world, that all this has been infructuous. Occasionally, we seek solace in the sophisticated obscurities of United Nations resolutions. The face of reality is not altered thereby: the Kashmiris as a community have ceased to believe in the existing arrangements with the Union of India, and that is a very mild way of putting it. We — that is, the rest of us who constitute the Union of India - have failed to persuade the Kashmiris that it is in their interest to continue to link their fate with ours. Factors which have led to this, from our point of view tragic, climax, will find mention in the pages of history textbooks that will get duly written; the immediate practical issue is how we, as a nation collectively, respond to the tragedy.

What, after all, are the choices left with us? The extension of the Disturbed Areas Act to the valley is a bit like going into the confession box: the Kashmiris are no longer being governed, they are under an army of occupation. The general mood in the Valley concerning India and Indians is no different from Mahatma Gandhi's summing up in 1942 of the nation's then emotions toward Britain: the British must quit, it is not for the alien rulers to worry over the plight of India after they quit; if the worst came to the worst, why, they could even leave India to anarchy. It will hurt the ego of our self-praised secular democratic republic, but if we ask any man, woman or child in the Valley, the sentiments will be nearly identical: the destiny of Kashmir must be left to the Kashmiris; those aliens, the Indians, need not have sleepless nights over what might happen to the valley should they not be there.

Are we sure we are helping the long-term cause of the nation by pretending things to be otherwise? Legal quibbling or diplomatic gobbledygook can hardly help any longer. We have consistently fought shy of a plebiscite in Kashmir, we persist with resisting proposals for a referendum. There is no scope for a fake poll for the state assembly either; not even a couple of hundred

local functionaries would be available to help us put up such a show.

We may try to turn this last bit of fact to our advantage: Pakistani instigation and terror tactics by the militants, we may argue, have vitiated the atmosphere; the tranquility of the mind, so crucial for a democratic exercise of the popular will, is lacking. The status quo, the non-euphemism for army rule, must, in other words, continue. We find it difficult to persuade ourselves that this would only further estrange the Valley from the nation; as is the common pattern with civil uprisings in occupied territories, increasingly greater violence will be matched by increasingly greater repression, and a vicious circle will be set in motion.

Is it not season therefore for some candidness? We had our chances and threw them away. Indira Gandhi and her son were elected prime ministers on *our* vote. When she dislodged Farooq Abdullah in 1984, Indira Gandhi committed a gross act of perfidy; that perfidy was committed on behalf of India. And it was compounded when her son enticed Farooq away with the lure of instant reinstatement to power. The rigged election that followed merely indicated the proximity to the point of no return.

It is little use suggesting that cheating in elections had been the rule rather than exception since Bakshi Ghulam Mohammad's death, people in the Valley have travelled fast along the learning curve more recent years. The National Front government, when it came to power in December last, had a number of options still available has, systematically or otherwise closed them one by one. Even without ignoring the nature of domestic pressures upon it, how does one avoid wondering why, in order to pick the pieces in Kashmir, the new government's choice had to fall on military terrorism, *a la* Indira Gandhi in 1984.

It is thus the jingoist approach we are left with: right or wrong, Kashmir belongs to us. But, then, the call to "conquer" the Valley is at least more honest than the pretence of Kashmir being a bilateral problem. Unfortunately, since we are not the United States of America, the rest of the world will not permit us the role of a late-autumn poor-man's imperialist. Nor is our rather unsubtle mention of the prospect of Islamic fundamentalism entrenching itself in the Valley, should we not be there, likely to have much purchase; fanatics are a dime a dozen these days.

To keep down by force a hostile population in their own territory is no easy task. Irrespective of whether the government

of Pakistan agrees to conform to some stodgy conventions, our border with that country will remain porous. The borders with China, Nepal, Burma will be equally porous, our long coastline too will be invitingly accessible, armaments and "material" will continue to come in. The dogs of war, concerned by the threat to their business following the abrupt collapse of the cold war, would like to win back on the swings what they lose on the roundabouts. There will therefore be no dearth of Kalashnikovs, by whatever name one chooses to call them, for the Kashmiri insurgents, and of other kinds of sophisticated equipment either.

Courtesy : The Independent 16-5-90

SHOULD WE GIVE UP KASHMIR ?

India's great democratic experiment has failed in Kashmir, writes C P Surendran. After 40 years of sustained intellectual dishonesty, it is time we paid for that failure.

AFTER war cries, the baring of fangs, the thumping of chests, bombs, guns and hundreds dead, the fourth Indo-Pak war is not on, for the moment. This follows the recent New York talks between the Indian minister for external affairs I K Gujral and his Pakistani counterpart, Yaqub Khan. No peace talks could have been as odd as these. India went to New York saying Kashmir is India's internal problem and UN mediation is, therefore, redundant. Pakistan went to New York reminding everybody, but especially the US of the November 2, 1947. That was the day Pandit Nehru said, right after Kashmir's accession to India: "We have declared that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given not only to the people of Kashmir but to the world." Ever since, Pakistan has been trying to hold India to that promise and hence their religious faith in the efficacy of UN mediation. When the talks were over, both sides were further entrenched in their respective positions. Nothing new was said, or done. And yet, with the usual subcontinental inexplicability, there is no war.

Good for India and Pakistan. Because no war means peace, almost. But Kashmir? Strangely, nothing has changed for it. The militants still continue to kidnap and kill; the security continues to search for the missing link from door to door; Jagmohan continues to clamp day-long curfews, and you continue to be dead if you stir out of your home. There is a war on in Kashmir. And India is fighting it. Why?

The answer to that question will not be found in the technicalities of the state's administrative history, beginning from

October 26, 1947 when the then king, Hari Singh, formalised accession to India. The decision to accede was in return for military support to defend Srinagar against a Pakistan-supported tribal insurrection. At the time of accession, India was to manage only defence, foreign affairs and communication. But by 1953, Nehru had got used to power and India had got used to Kashmir. As a result, Sheikh Abdullah, the only native, secular, political force in the state, was put away in jail. And through a constitution order a year later, the jurisdiction of the centre was extended to all subjects on the Union list. Correspondingly, the terms of accession underwent a steady, deliberate process of dilution. One of the major casualties was Article 370 which defined Kashmir's special status with India. It lost most of its clauses protecting Kashmir's interests and India ended up with the power to scrap the Article which guaranteed Kashmir's autonomy.

These are details, but they constitute the peculiar technique of a hegemony. If India acquired power of governance over Kashmir, it has been done constitutionally. This is what makes it peculiar. Perhaps it should not surprise anyone. India's own freedom struggle was constitutional politics at its confusing best. The formal request of Hari Singh for accession, the creation of Article 370, the Constitution (Application to Jammu & Kashmir) Order, 1954, which reduced Kashmir into a vassal state, the periodic but rigged elections and the latest act of posting Jagmohan as governor, are all constitutional measures. Clearly no hegemonic power could be more "legal" in its efforts to convert a sphere of dominance into territorial acquisition.

One of the problems with this technique is that it mystifies reality and obfuscates discussion. Since India has gone about Kashmir constitutionally and since the going about has been done by elected governments who swear by Gandhi, we never quite seriously question our territorial ambitions. How can we? We are a constitutional, democratic, non-violent people, aren't we? And yet the whole idea of the nebulous but massive "*akhand Bharat*" testifies to an uncommon hunger for land. Not too far in the future the BJP may be elected to power on that plank. Constitutionally, we would still be correct, and we could still believe that we are a good, peaceful people.

The slightest bit dull too. Sustained intellectual dishonesty does that to anyone. Kashmir, therefore, would be endlessly discussed but mostly in terms of the "unity and integrity" of the

country. Most of the north-east is up in arms; Punjab had been a mess these last 10 years and Kashmir was a mess in the making these last 40 years and the Indian politician is still talking about unity and integrity.

One of the main reasons why India is unable to resolve the nationality question of Punjab or Kashmir is that its categories of thought and, therefore, action, are unreal. Unity and integrity and such other words are supposed to ensure a happy people. They have no value in themselves. If the Kashmiri Muslims, who form 95 per cent of the valley's population, are unhappy as their interests clash with India's, how will the unity and integrity of this country help them?

Kashmir is a stunning critique of India's political and democratic pretensions. Beginning in 1953 with the arrest of Sheikh Abdullah, when the J&K constituent assembly lost its representative character, the general character of the Centre's policy towards Kashmir has been manipulative. Despite the Sheikh's long imprisonment, the Kashmiris had in him a native leader with whom a certain measure of identity was possible. And to that extent Kashmir's frustration could find political channels. Political energy had not been pent up to the extent where they were forced to take to guns.

But with Sheikh Abdullah's death that changed. The Congress played a devastating role in rendering post-Sheikh Kashmir a political vacuum, now filled by the gun. The party never consciously tried to contribute to the formation of an indigenous political consciousness. It was more concerned with ruling Kashmir, if not by itself then by proxy. With Sheikh Abdullah, the Congress did not succeed; with his son Farooq Abdullah it did, to the extent of turning him into a Congress stooge.

Given Kashmir's special status, the Centre's best bet would have been the cultivation of a strong, native politician. Such a leader would have been more credible than say Farooq Abdullah, with whom it was so easy to be disenchanted if only because he was shaking hands with Rajiv Gandhi too often. It was as if, all of a sudden, there was no one to speak up for Kashmir when, materially, deprivation was at its highest. Farooq Abdullah became J&K chief minister as often as the Congress wanted him to. But as a political alternative, the National Conference died with the exit of Sheikh Abdullah from the scene. The Congress party's systematic attempt at destabilisation did not help matters.

The question why none of the national parties was able to offer a third option, apart from the NC and Congress, must be faced by both the left and the right. But especially the left which is always quick to assume the role of the eager guardian of oppressed nationalities. How is it that they failed to provide their own favourite "secular democratic alternative" to Kashmir over 40 years.

What has failed in Kashmir is not law and order. It is India's great democratic experiment. And the reason for its failure is that it is a logocentric one; one which believes in words, in chanting mantras like unity and integrity, and equality of opportunity. India had over 40 years to practise these mantras on Kashmir. It failed. India had over 40 years to make the Kashmiri an Indian. It failed. Now it must pay. Let Kashmir go.

Courtesy : The Independent 16-5-90

KASHMIR : BILATERAL NEGOTIATIONS ARE THE ONLY OPTION

MOHAMMAD HAROON AHMED

While dwelling on the nature of the Kashmir issue, one feels like also sounding a note of warning to people of Pakistan. They must realise that if Kashmiri people are not happy with India, then it does not automatically follow that they would like to join Pakistan.

THE incidents of the past couple of months on the Indian side of Kashmir should leave no doubts in any quarter, including India, that Kashmir is not yet a settled issue. It is very much there in all its nuances, once again threatening the peace of subcontinent.

Principally, there are three parties to the conflict, the Kashmiris who have been demanding their right of self-determination. India which holds that the then princely state of Jammu and Kashmir had legally acceded to India and is now an integral part of the country; and Pakistan which supports the Kashmiri people's right of self-determination and feels confident that given an opportunity under a free and impartial plebiscite, the Kashmiris would prefer union with Pakistan rather than with India.

International disputes of this kind can be settled either through war or international arbitration or by direct negotiations between the disputing parties. In the case of Kashmir, both parties have tried the first two options again and again but with no result except loss and frustration.

Pakistan and India fought two wars over Kashmir, in 1948 and 1965 with disastrous consequences. Both the countries suffered

heavy losses in men and material and far from solving the problem of Kashmir, these wars put the clock back for Pakistanis, Kashmiris and Indians alike, graphs of their economies dipped down, development projects were delayed or put off and the money was diverted to purchasing of arms.

In the wake of the latest uprising in Kashmir, war clouds have once more started gathering over the subcontinent. The entire atmosphere is charged on both sides of the border and arms merchants of the West have been eagerly looking forward to a new market to make good for the cooling off after the Iran-Iraq war. But if we can learn any lesson from the past, then war is not the solution to Kashmir problem. On the other hand, a war now could prove catastrophic for the people of subcontinent, dooming their fate for ever, perhaps.

The second alternative is to internationalise the issue and take it back to the United Nations. Perhaps, consciously or unconsciously, both India and Pakistan are at the moment moving in that direction. India, its insistence that Kashmir is its internal problem notwithstanding, has embarked on mobilising world opinion in its favour, while Pakistan, too, has been approaching its friendly nations to seek their cooperation and has declared that it has been keeping the option open to go to the UN. But, have not tried the UN enough in the past? Our experience then was very ably summed up by the famous columnist, the late Majeed Lahori, in his couplet:

USA Ka "U" Hai

Baki Sabb "No Hi No"

Meaning thereby, that in international forums like UN, it is the veto of the superpowers that counts, the rest means nothing. Secondly, the difference between bilateral negotiations between the two nations and taking a dispute before the UN is that while in the former the interests of the two nations count in the matter, in the latter course, it is the interests of world powers rather than of the smaller nations that become the deciding factors. It would, therefore, be futile to take the Kashmir issue, once again, to the UN and throw ourselves at the mercy of the "honest brokers" in the international forum.

The only plausible course for the two countries now left is to solve the Kashmir issue through bilateral negotiations.

Fortunately, the Simla Accord framework is still available for two countries to resolve their disputes amicably. This is, therefore, the right time to take an initiative for the solution of the Kashmir issue. Pakistan has entered the democratic era after a long time. In India, too, there has been change for the good. The Nehru dynasty, which always approached the Kashmir issue in an emotional rather than a realistic manner, is out of office and a coalition government, more amenable to rapprochement on bilateral disputes, is in power.

This is the time that Kashmir issue can be solved once and for all under the aegis of the Simla Agreement. Both the prime ministers should, therefore, hold a summit meeting under the Simla Accord and reaffirm their resolve to settle the Kashmir and other disputes. The summit should be followed by secretary or minister-level meetings to thrash out the details to be resolved. Both our countries must avoid war at all costs and prepare to enter the 21st Century as two brotherly nations.

Kashmir, it must be realised, is the biggest single obstacle in the economic advancement of the people of South Asia. Once the Kashmir problem is settled, our countries will march forward towards prosperity with such speed that it will astound the world. The SAARC area is one of the greatest storehouses of knowledge and talent in the world, it is also blessed with abundant natural resources. When the latent energies and resources of this region are mobilised, it will become the third most powerful economic grouping in the world after the EC and the ASEAN. We would be able to dictate our terms to the international bodies like the IMF and the World Bank, instead of being the slaves of their conditionalities, as at present.

I hope that Prime Ministers, Benazir Bhutto and VP Singh will see to the long-term interests of their peoples and find a solution to this vexing problem, once and for all, instead of buying time by appeasing their misguided people.

Pakistan's case on Kashmir is based on the Two-Nation Theory which presupposes that since Kashmir is a Muslim majority area contiguous to Pakistan, it should have formed part of Pakistan. That was all right in 1947-48. But the events of the last 40 years have created doubts as to the relevance of the Two-Nation Theory now. India, though a larger country with greater diversity of people, languages and religions, has been able to keep its boundaries intact. But Pakistanis could not.

The Quaid-i-Azam had once said in Dhaka after the establishment of Pakistan: "If we begin to think of ourselves as Bengalis, Punjabis, Sindhis etc., then Pakistan is bound to disintegrate". Perhaps that is what we have been witnessing ever since the 1971 debacle. What is the guarantee that Kashmiris are not affected by these changes? Are they still adherents of the Two-Nation Theory of the days of the Quaid-i-Azam? We must seriously ask ourselves the question: Whether the Kashmiris will choose to stay in India as part of a united Indian Muslim community of 14 crore or join Pakistan to become its fifth or sixth (warring) nationality; or, would they like to stay away from it all and have an independent Kashmir, a State for all the people of Jammu and Kashmir whether they are Muslims, Dogras or Sikhs? In that case would it be wise for us to put our whole existence at stake and go to war with India for the establishment of an independent Kashmir nationalist state?

Before I conclude, I would like to quote here an article of Mr. O V Vijayan in *The Times of India*, published recently:

"The solution for the Kashmir tangle is as simple as it is epochal, and it lies in turning it from an article of contention to one of concurrence. As an internationally monitored Indo-Pak protectorate, Kashmir might heal ancient injuries of both Hindus and Muslims.

"The denominational libelling is to remind us that this is also war of faiths, however much we think we can replace ancient memory with a growth rate manifest.

"Kashmir as a protectorate might well become the first step on a road to subcontinental confederacy and peace. We have the time because fundamentalism is yet to arrive."

Courtesy : Morning News of Pakistan

KASHMIR : THE NEED TO LOOK INWARDS

K F RUSTAMJI

IT would be totally wrong to assume that all that is happening in Jammu & Kashmir is due to the machinations of an aberrant neighbour. If we want to deal with the situation correctly, let us analyse where we failed. It is an evasion to say that all that is happening in Kashmir is due to neglect by Dr. Farooq Abdullah, or because of the Congress-National Conference mishandling of the situation. Few have commented on rigged elections in the State which have left a deep impact, the total collapse of tourism, the drought in the Valley, and the inability to understand and articulate the grievances of the people.

It is high time we also talked about the path that Hindu militancy has played in this sombre drama. We should have expected that some sort of reaction would occur in the Muslim area when the Hindu card was played aggressively in the last elections. We condoned Bhagalpur, and condoned the incoherent ramblings of leaders who said that secularism was an outworn creed, dead for all practical purposes and, extinct from the political scene. Ayodhya was made a battle cry.

It was said that Article 370 must go, that the appeasement of the minorities must stop. Why is it that nobody paid the slightest attention to the minority views on jobs, to instances of police partiality, to the economic ghettos that have developed in many cities, or to the inability of the minorities to get loans, licenses and project approvals.

Change in Thinking

Fundamentalism in the Sikhs gave an impetus to an Hindu upsurge. That in turn made the tribals, the Muslims and the Dalits restive. Today we are witnessing a change in the national thinking — so deep, so all-pervasive, so fundamental that it may lead to a national disaster.

Should we wait for that, or set in motion measures to correct the gross distortions that have appeared in our political philosophy. There are signs that rethinking has started. Self-criticism is a sure way to get to know our weaknesses. Separatism arises only after months and years of unnoticed alienation.

Muslim organisations of India have stood behind the government in the stand that there should be no outside interference in Jammu and Kashmir. What they would like to add is that the authorities must not damage our secular government with illegal acts against the people of the state.

This is a precept which should be self-evident to every good politician and administrator, but is often forgotten in the quest for instant results. We may not admit it but it is true, that we guided the Punjab police into unfair methods by all the talk of weakness and pampering of the extremists. We must not make that mistake in Jammu and Kashmir. There will be months when we will get nothing except bad news. The extremists have the initial advantage of surprise. They caught the administration in an unprepared state. It will take at least six months or a year to marshal all resources, to build up the administration on the right lines, remove economic distress wherever it may have arisen.

Obtuse Criticisms

It is only then that the extremists will begin to realise that the resources of a country like India are so enormous that terrorism can never succeed - unless we squander goodwill in a senseless atrocities. The next danger is from obtuse criticism. "Barnala was a failure because : bus load was attacked while he was the chief minister. Oust him and we will be able to correct everything." The media play up our fears and gradually we begin to suspect that what is at fault is our goodness, our tolerance, our secularism, our fond memories of the Sheikh and all that we need to do is to drop democracy and legalities and hit out at random at whoever seems to be a terrorist. Frank Moraes once said to me, : "That administrator is really strong who is not afraid of being called weak".

Before Mr. Jagmohan took over, there was encounters with crowds breaking curfew which ought to have been avoided. Did someone from Delhi give the order for tough measures? Was it necessary to confront mobs with rifle-fire when they broke curfew? Would it not have been better to withdraw forces to nodal points, make sure that vital installations were protected, that no small body of policemen was left anywhere where they could be overwhelmed, and allow the situation to be cooled. It may not have been possible to do that at some places because of snipers: at all others crowds were unarmed, we could have avoided the casualties that occurred in the first days of the agitation.

Political Meddlers

Those who went through the years of Civil Disobedience have seen the damage which Jallianwala Bagh did to British rule. We dislike violence, we want to end it at once, yet we do not react when the entire police structure of the country is demolished by the political meddlers. We will not say a word when the courts do not function, when a deterrent sentence is considered incompatible with our philosophy. But let a small time terrorist strike out with his gun and we cry out for vengeance against all of his clan and community.

Let us stop talking about tough measures and stern reactions. These are the steroids of politics the use of which as a mature nation we should ban forever.

We have put our trust in Mr. Jagmohan who has the ability to be a good Governor. He has two outstanding men to assist him: Mr. Jamil Qureshi and Mr. Ved Marwah. These men should be given the right support and more important, the right trust to lift Jammu and Kashmir out of chaos. In fact, I would appeal to political leaders to refrain from making any statements which would exacerbate the situation.

Special Appeal

I make a special appeal to Mr. Rajiv Gandhi not to taunt the administration with weakness. It can lead us into a disastrous course in a part of the country which is vital for our security. And we must stop talking about firmness as if it is something that has to be thrust down from above, something illegal, something contrary to the law, and contrary to our faith in good government.

In all the commotion about diplomatic offensive and vigilance on the line of control, and in the midst of all the sabre-rattling, we

must not relegate the people of Kashmir to the background. Their politics must not be obliterated. We will find in the end that only democracy can find the answer to the present agitation, mend the quality of their lives and prove to the world that the people of India are one. Kashmir is the beacon light (as Gandhiji said) of our independence and unity - it is our pledge to a secular India.

Courtesy :Times of India 12-2-90

KASHMIR CRISIS MUST BE SEEN IN RIGHT PERSPECTIVE

AMRIK SINGH

We must stop thinking of India as "Hindu" and of the Kashmir rampage as the "Hindu" revenge.

SRINAGAR is a city with a population of less than a million. It sets the tone of social, economic and political life in that state. There are several smaller towns in the valley but what happens in Srinagar is much more important than what happens elsewhere.

These obvious details are being mentioned because Srinagar has been under curfew for more than three months, except for a break of a fortnight or so. When that break was given processions got formed and marched to the UN outfit located in Srinagar. Estimates of those who participated vary from 4 lakhs to 25 lakhs. Whatever be the exact strength of the people that turned out, there is no doubt that it was a massive turnout.

What did they all want? This is precisely the point at issue in Srinagar. Almost every body wants India to withdraw from Kashmir so that they can become independent. The local administration has collapsed and the civic life is totally disrupted. Things have deteriorated to such an extent that while, normally speaking, searches and arrests can be made only by the local police in J & K and the central security forces have been authorised to undertake both these jobs. Eventually of course, whoever is arrested has to be turned over to the police but the police are not performing at all.

Things are so bad that there was a rumour (which could not be confirmed) that two very senior officials connected with the law and order business came to blows at an official meeting. Each one accused the other of leaking out secrets. Whether such a thing occurred or not, the very fact that this rumour is being circulated and widely believed, is an indication of how far things have gone.

To restore the credibility of the administration is the obvious thing to do. But the instruments of administration have virtually crossed over to the militants. Senior government servants talk so critically about India's 'enslavement' of Kashmir that it is not possible to argue with them beyond a point. What is true of other departments of the government is equally true of the police outfit. One police constable who had been in service for only three years talked so adversely about what was being done that one had to remind oneself that he was a member of the police force and it was his job to carry out orders.

Clearly the situation is grim. But how is it being coped with, is the crucial question. From all that could be gathered, it is clear that the situation is worsening and not improving. The reason for that is not difficult to find. People as a whole have turned hostile to India. How to win them back, so to speak, is the crucial question. What is being done today does not seem to serve that objective.

Prolonged spells of curfew are seen as a form of punishment. Those who impose curfew intend to use it as a preventive device against the masses of people congregating but the militants manage to use the relaxation periods to stage incidents and provoke the security forces. It is a vicious circle. If the curfew is relaxed there are incidents. If the curfew is kept on, it amounts to bottling up people.

Schools and colleges are not functioning nor are shops open. The banking system too has ground down to a halt. The mail was last delivered several weeks ago and there is a feeling of being hemmed in and rendered idle and impotent. In a guarded kind of way, the curfew is now relaxed for longer spells than used to happen a few days ago. But then incidents keep on occurring and the curfew is reimposed.

Unless this vicious cycle is broken, things will not return to normal. Indeed what is aggravating the situation is the fact that the security forces, under attack as they are from various directions, retaliate in a manner which amounts to humiliating and hurting a large number of innocent people. There have been confrontations

between the security forces and the local police. In certain cases, the local police act at cross purposes with the central security forces. The situation is so difficult that, whichever way one turns, it is possible to criticise. However one thing should be clear beyond doubt.

When roughing up and molestations take place indiscriminately, as is happening most of the time, alienation from India gets intensified rather than diminished. This is because India is seen as the occupier of that territory. Those who talk in this vein, dispute India's right to be in Kashmir. If the answer to those "heretical" ideas is the kind of violence or repression that are to be seen today, it is difficult to say what would eventually happen. Any kind of excess becomes counter-productive and this is precisely the phase through which the valley is passing.

A number of groups which have visited the valley have given details of what is happening. Each one of them points to the fact that excesses are being committed. For anyone to turn around and say that these are unavoidable is to bag the question. If excesses are unavoidable, the hostility of people in the valley is also unavoidable. Not only must excesses be avoided, it is also important that a grievance redressal machinery is evolved. If grievances continue to pile up, it can lead to resentment and bitterness and this precisely the mood of the people today.

So far there is no overt evidence of communalism. Two-thirds of the non-Muslim population has been evacuated but one-third is still there. How long the rest can hold on is another matter. As far as the local people are concerned, they draw a distinction between people from the rest of India and the local population. The Jamaat group, which is to some extent has been calling the shots these past few months has master minded quite a few killings and they would like the non-Muslims to leave. But the JKLF which is the dominant group is not in favour of that approach. However even when they disagree with the Jamaat, they are not always able to assert themselves; what happened after the recent murder of Mir Mustafa points towards that unavoidable conclusion. Meanwhile of course the evacuation continues and is likely to increase in tempo.

As against that, there is the other side of the picture. The local people allege that what the security forces are doing is to seek to wipe them out. In fact they evoke the spectre of the 'genocide of Muslims'. There have been quite a few totally indefensible inci-

dents which lend support to this allegation. For instance, a very tragic incident took place on the 1st of April, 1990. A group of students went to a non-Muslim teacher to receive instruction from him. Only one of them, around 10-11 year old, was a Muslim boy. There was a commotion in the neighbourhood and the CRPF burst into the house. While other boys of the same age remained untouched, it was the Muslim boy who was shot dead. The news spread like wildfire and what people felt and said can be imagined.

This is the essence of the problem. The valley is 99 per cent Muslim. If some of them who are innocent got killed, the outcome can be none other than to perceive India as 'Hindu' and what is happening as a 'Hindu' revenge on Muslims. This is not how the vast majority should see the issue. If they do so, the only 'logical' thing for them is to opt for Pakistan in preference to India. This is the tragedy of Kashmir. To what extent can this perception be changed, is the task confronting the country.

To re-assert the authority of the state may be described as an overriding objective. It can however be defeated by the tactics adopted in the short run. Nobody is looking at the problem from this point of view. Everyone is trying to cope with the immediate problem. It should be clear however that unless the immediate problem is solved in such a way that it does not leave behind a residue of resentment and bitterness, the final objective of winning over those alienated would be defeated.

Such a thing is easier said than done. In a sense it is an emergency situation and therefore those on the spot try to do whatever they can. But then unless the state administration is once again put together and given some kind of a semblance of authority and the security forces, even when available, remain in the background, the situation would continue to be difficult.

To seek to communalise the issue would be the surest way of hurting the interests of the country. Throughout the decades, a pro-Pakistan lobby has always existed. What has happened now is that the pro-India lobby has suddenly wilted. This is not the occasion to go into the question of how and why that has happened. But surely if the pro-India lobby has to re-establish itself one of these days, nothing should be done to make that impossible. Avoiding excesses on uninvolved people is about the least thing that can be done in this behalf.

DEMOCRACY AND KASHMIR PROBLEM

GAURI BAZAZ MALIK

THE situation in Kashmir has never before been as bleak, almost unredeemable as during these last few months. All this not due to the lack of patriotism of the militants or people who are leaving home and hearth out of fear and uncertainty, not even entirely due to Pakistani intervention but because of maladministration and injustice dished out by the successive National Conference, Congress combine. It need not be stressed that both these parties are hated by all, much more by Hindus who were their vote banks till recently. They have made demonstration of this hate by shouting slogans against them, throwing Farooq and Handoo out of refugee camps at Delhi on the 15th and Kar and Handoo at Jammu on the 18th March, 1990.

Rajiv Gandhi, former Prime Minister and now leader of the Opposition, is aggressive in his tone to blame the present government for the grave crises in Kashmir Valley. The political history of post-independence J & K state is witness to Congress extracting all kind of political advantage out of the situation prevailing there and axing local leaders, one after another, as secessionist. Kashmir problem is local, national and international, and therefore complex; how the problem is handled in another few months will have significant implication on the National scenario and it can only be hoped that the government will not repeat the mistakes of its predecessor and avoid compounding an already complex situation

by excluding discredited leaders, local as well as central, from decision making.

It needs to be remembered that people of Kashmir threw their lot with India in 1947 providing it with a guarantee of secularism against her becoming a theocratic Hindu state in future. With Vishwa Hindu Parishad initiating communal issues all over the country and gaining acceptability and strength every day, the danger of India becoming a Hindu state, sooner than can be visualised, may not be far away. In the interest of India remaining a secular state and the largest Muslim population of the world within it remaining secure and safe, the importance of Kashmir remaining within the Union is self-evident. Indian secularism and secularists are on test today, only a strong political will can prevent communities and their organisations tread the path of destruction and hardened communalists misinterpret and misuse their religions. V.P.Singh's bold search for imaginative new solution, one expects, would work towards this goal.

To state that the geographic and historic perspective has no role to play in understanding the present problem is a wrong premise. It needs to be remembered that J & K State comprises Ladakh, Jammu, Valley and Azad Kashmir and its people are peace-loving Buddhists, Muslims and Hindus who would like to live together in peace. When the paramountcy of the British Crown was terminated on the 15th August, 1947 Maharaja Hari Singh had many options under consideration; one advised by his Prime Minister, was to remain independent. But under the advice of many, including Mahatma Gandhi, who visited Srinagar for the first time in August, 1947 he signed the instrument of accession to India along with Sheikh Md. Abdullah and Pt. Nehru on the 27th October, 1947, handing over only three subjects, Defence, Foreign Affairs and Transport to the Union of India. Abdullah took over as the Chief Emergency Officer of the state that day and acted in this capacity till 25th March, 1948 when under the oath of loyalty to His Highness he became the Prime Minister with Bakshi Gulam Mohammed, Gulam Md. Sadiq, Mirza Md. Afjal Beg, Shyam Lal Saraf, Girdhari Lal Dogra, Sardar Budh Singh and Col. Pir Md. Khan as his cabinet. In the meanwhile, predominantly non-Kashmiri Muslim areas of the state, i.e. Mirpur, Poonch, Muzffarbad, Gilgit, Hunza, Nagar. Puniyal and Yasin had declared a war of liberation against the accession and established "Azad Kashmir" on the 23rd October, 1947. The Independence week was celebrated in

the Valley from 1-7 May 1948 with National Conference flag hoisted on all the state buildings. Sheikh was declared a king without Crown, by the innocent people of the Valley and he ruled like a monarch. In 1953 Pt. Nehru's government deposed and arrested him for the anti-national activity of his party. This was for the first time that the people of Kashmir came face to face with the realities of accession to India. Mirza Md. Afzal Beg, second person in command dissolved the National Conference, substituting it with the Plebiscite Front, spearheading the activities in favour of an early referendum promised under a UN resolution. This gave sustenance to the parties like Jammu & Kashmir Liberation Front, who kept the people aware of the increasing interference of the Central Congress government with state's autonomy.

Prime Minister Abdullah was replaced by Chief Minister Bakshi under whose regime highhandedness and corruption made its appearance in the administration. Aware of these tendencies but unable to curb it, Pt. Nehru wrote to Bakshi on the 6th March, 1959 that it was important for an administrator to have faith in integrity and fairplay. Had these instructions been given to and followed by Nehru's daughter and grandson, things may not have been so bleak now in the country. Bakshi was "Kamrajed" in 1964, and those who followed him were labelled, each in turn, as anti-national or secessionist and one by one faced the axe of the executioner.

On the 28th Feb., 1975, after 22 years of indifference, neglect and humiliation, a crestfallen Sheikh Abdullah signed an accord with Indira Gandhi totally surrendering the autonomy of Kashmir and many other provisions of the treaty of accession which had by then been incorporated in the National Constitution under the Article 370. Abdullah declared the finality of accession to India and accepted the demoted post of the Chief Minister. The people of the Valley till today mourn this day as a total bandh. While in exile, nostalgic about his Kashmir as pastime Abdullah cooked "Shab deg" and shared old memories with his "Anglo-Gujjar" Begam (Nee Nedous). By now he had become power hungry, greedy, and selfish. He dissolved the Plebiscite Front, revived the defunct National Conference and during the Janata rule went out alone rigging the 1977 election. Till then his party had rigged all the elections together with the Congress at the Centre.

Call it destiny or what you may, almost rehearsing the events that were to overtake India later, Mrs Gandhi supervised the installation of Farooq as the Chief Minister after Abdullah's death.

Farooq, yet not familiar with the game of politics, dabbled with national issues popular with the leaders of the opposition, endearing himself to them, which is proving a useful investment for him these days. These activities of his were not to the liking of Indira Gandhi, who dubbed him as a pro-Pakistani and anti-national, and dubiously installed G. M. Shah, Sheikh Abdullah's son-in-law, as the head of a defector regime. B. K. Nehru, the then Governor of the state, did not agree with this change. He was unceremoniously replaced by a trusted bureaucrat. It was during the Shah regime that the virus of communalism raised its head in the Valley and made its steady inroads into rural areas not known for communal hatred. The communal riot, arson and loot of 1986 was most rampant in Bijbihara of Anantnag District, the constituency of Mufti Md. Sayeed, a committed Congress (I) leader then.

Farooq, sidelined by his brother-in-law, was isolated, ignored and often snubbed by Rajiv Gandhi, who had meanwhile come to the Centre stage. Gradually realizing their mutual need, the two reconciled, and appreciating their weakness as separate entities to share the seats in the April 1987 Assembly election to form a National Conference & Congress(I) coalition government in the state. Farooq gave unnecessary prominence to the ageing Gulam Rasool Kar, the PPC(I) Chief, which helped the MUF win 5 seats besides polling 25-30% of votes in all the remaining constituencies. The Governor's report to the Centre on the election stated that they were openly rigged. Having been chosen as the Chief Minister, Farooq could still redeem the situation in Kashmir by providing a dynamic and strong administration, but he let it disintegrate. The Governor's report to the Centre in April 1989 states: "The Chief Minister, Farooq Abdullah, remains isolated, he had fallen politically as well as administratively; only constitutional rites remain to be performed". Farooq did not do anything to fight the advance of the militants when they were consolidating themselves. More than half of his National Conference Workers had joined ranks of the militants and together they organised a very successful bandh on the 26th January, 1989. Throughout the summer of 1989 the Valley went through hartals of all kinds and tourist season was spoiled to the detriment of economy. Farooq proceeded to USA in November 1989 on the plea of bad health, leaving the state and the people to fend for themselves. It is not good his talking to the media in sarcasm now: "I am useless, I play golf". It is true, that is what he is, and what he did. He and Rajiv remind us of King Wajid Ali Shah

of Oudh in Satyajit Ray's "Shatranj ke Khiladi" where Gen Outram, British resident in Lucknow, asks Capt Weston, his assistant: "And what kind of a king did you think all this makes him, Weston, — all these various accomplishments?"

Weston :- "Rather a special kind Sir", (laughs).

Outram :- "Special ! I would have used a much stronger word than that. I would have said a bad king, frivolous, irresponsible, worthless."

Weston :- "He is not the first eccentric in the line, Sir..."

Outram :- "Oh, I know he is not the first, but he certainly deserves to be the last. We have had with his nonsense long enough, he has no capacity to rule, he has no business to rule, therefore, he cannot rule."

Rajiv Gandhi is welcome now to contribute towards peace in Kashmir, but the pity is that if he had woken up a little earlier may be things would have never reached such a dead end.

Right from 1947 the people of the state have been denied the fruits of democracy and social justice; a non-representative government was foisted on them. The leaders were pushed to indulge in double-talk-one thing in Delhi, opposite in Srinagar. The Centre treated the state as a colony.

Even in their utter desperation people have shown restraint and maintained communal harmony, National Conference and Congress(I) activities and manipulations notwithstanding. Before talking to the militants it needs be remembered that we are witnessing a revolutionary transition of a people different in culture, script, language and religion, who because of ethnic consideration cannot be moulded into the pattern of the Hindi belt. They are unique in having a written history, a known past, distinctive "Kashmiriyat" developed and preserved for millennia. If out of frustration and anger they protest beyond moderation, it needs a very tender healing touch, only by those honest individual whose hands are clean. Let not people threaten them by saying: "If you want to leave, you are free to do so, but leave the territory behind for us". The land is motherland of Kashmiris; if they leave, the land leaves with them, That is the message they are trying to communicate.

In a situation as complex as the one obtaining in Kashmir at present the first priority is to stop violence from both sides, for which restoration of the confidence of people and credibility of the leaders is of paramount importance. The Prime Minister should

find them to visit Kashmir and open a dialogue with the leaders of JKLF and other organisations and try to restore some amount of autonomy in the state. This would possibly be the achievable goal of majority of the militants, most of whom are sensible moderates. This approach towards one of the states of the Union may even solve other insurgencies in the country like that of the Sikhs, the Nagas, the Gurkhas, and the Bodos. This may possible initiate a liberal federal structure of the Union and evoke a more responsible and committed local administration answerable to people who elect them.

Kashmir is rich in natural resources and handicrafts but continues to be economically backward; no large scale industry has come up there. In spite of vast hydroelectric potential, exploited as well as unexploited, power shortage remains endemic. The demand for adequate power supply evoked brutal suppression of people's protest by Farooq regime in June 1988 following the severe winter of 1987-88.

The state received only 0.03% of national investment in public sector to the tune of Rs. 86,000 crores in 1988-89. With a better agriculture and industrial base Himachal Pradesh receives central funds as loans 10% and grant 90%, whereas J & K state gets loans 70% and grants 30%. These funds also have been utilised as largesse by the successive chief ministers and other big wigs for their families and relations.

Unemployment of educated youth has grown tremendously from 1,00,000 shown in 1986-87. In the Central Government employment in all the grades, Muslims contribute only 13%, and less than 6% in the gazetted post. In sensitive post, even today, care is taken that they be given to non-Kashmiris, thus indicating as obvious bias against a Kashmiri.

In response to a popular upsurge in Kashmir in 1931 the Maharaja had appointed a grievances enquiry commission presided by B. J. Glancy of Foreign & Political Department of Government of India. The report was published in April 1932 which is a document of great historical importance and establishes beyond doubt that real grievances did exist which needed redressal. A commission may be set up to go into the amassing of huge wealth, property and government land by National Conference and Congress(I) leaders, their families and relations. Because of alleged issuance of state subject certificates to non-Kashmiris, which has resulted in purchase of immovable property by them in the state and change in the

demographical pattern of the state population, the latest census report is not acceptable to the militants.

If the educated young find themselves driven to militancy of fundamentalism can they be blamed, because that is the only way of protest left to them. Only a miracle can bring the militants to the table, let us hope this miracle will happen.

Courtesy : The Statesman

MILITANTS OF KASHMIR SHOW THEIR HAND

Raymond Whitaker attended a secret meeting of militants in Srinagar fighting for 'independence'.

THE five young men were not unconscious of the effect they were having as they produced pistols, Kalashnikov automatic rifles and ammunition clips from beneath their clothing and piled them up on the sofa. They were militants of the Jammu and Kashmir Student's Liberation Front, who had been underground for three years.

The previous day a swarthy man with burning eyes had stepped out of the crowds around the Jama Masjid mosque and asked if I wanted to "meet militants". Now, in a room in old Srinagar, he introduced himself as a publicity secretary of the JKSLF, but did not offer his name.

The organisation was founded in 1987, he said, when Muslim students decided that nearly four decades of non-violent struggle against Indian and Pakistani control of Kashmir had borne no fruit, and that it was time to take up arms. He refused to say how many fighters or sympathisers the JKSLF could draw on, but it is regarded as one of the most significant of the 50 or so clandestine groups in the Kashmir Valley.

The best-known militant body is the JKLF, whose founder Maqbul Butt, was hanged by the Indians in 1984. The JKSLF spokesman - let us call him Ahmed - acknowledged the "leading role" of the older movement, saying the main difference was in tactics: "Some groups want to stockpile their guns. We believe in using them as soon as we get them." Until recently, when it obtained grenades and Chinese and West German pistols, Kalashnikovs had been the only arms available. "Now we have rocket launchers as well, and will start using them soon against Indian

bases and communications. If they try to fly in supplies, we can get anti-aircraft weapons without too much difficulty."

The JKSLF carried out training the valley itself, said Ahmed, and bought its arms from smugglers in "Pakistan, Afghanistan, even in India." He denied that Islamabad was assisting his group: "Why should they? We are fighting Pakistan's illegal occupation of Kashmir as well."

In fact, if Afghanistan is anything to go by, Pakistan and other Islamic states are more likely to be supporting Muslim fundamentalists like Jamiat-e-Islami and the Hizbul Mujahedin. These groups have directly affected daily life in the valley, where bars, cinemas, video shops and beauty parlours have closed in recent months and more women are seen wearing the burkha. Such trends worry Kashmir's traditionally tolerant Islamic mainstream, but, as Ahmed puts it, at the moment "No one is secular." He added: "We stand for a democratic, Islamic, independent Kashmir. Others may wish for a solely Islamic state."

Less than a year ago the militants were a lonely and extremely minority. The JKLF scored a coup in December when five of its members kidnapped daughter of India's home minister, Mufti Mohammed Sayeed, but squandered much of its credit when it killed the vice-chancellor of Kashmir University, Professor Mushir ul Haque, and two others a few weeks ago. Many Kashmiris did not believe they were informers, as the movement alleged.

Ahmed was unrepentant about the need to kill "traitors" saying: "They are more dangerous than 50 Indian soldiers. We will not spare anyone, Hindu or Muslim." Nor should restraint be exercised on the grounds that Indian forces had frequently killed innocent civilians in the wake of militant attacks: "For the struggle we have to give our blood, everything. Freedom will not come on a plate."

Indian intelligence could make no headway against the movement, he said. Only a relative handful of trained militants had been killed or captured, and this was not, as the Indians asserted, because the population had been terrorised. "In the Punjab they are terrorists," said the JKLF spokesman. "We are freedom fighters. If terrorism could bring popular support, the pressure for an independent Sikh homeland would be much greater."

An Indian human rights team recently reported: "the failure of the government to distinguish between masses of unarmed demonstrators on one hand, and groups of armed militants on the

other, has been responsible to a large extent for pushing the general public to the anti-Indian position that the militants adopt. It is the government which, ironically, has provided a handful of secessionist militants with a mass base."

"We are fighting for the plebiscite that was promised to the Kashmiri people, but never held." said Ahmed. "Once Kashmir is free of outside control, people can decide whether they want independence, union with Pakistan, or even to remain with India."

The interview was at an end. Ahmed and his comrades concealed their weapons once more and disappeared into the alleys of the Old Town, fishes in a secessionist sea.

Courtesy: The Independent 10-6-90

KILLING TO SILENCE VALLEY'S MODERATES

P.N. JALALI

SRINAGAR: The recent assassination of Mir Mustafa, an independent member of the dissolved Jammu and Kashmir legislature, further confirms that normalcy and peace in the state will continue to remain elusive for quite sometime.

It also highlights the simmering conflicts between different militant outfits operating in the Valley, principally between Hijbeul- Mujahideen controlled by Jamaat-e-Islami and the Jammu and Kashmir Liberation Front. It also provides proof that the former has gained ascendancy within the pro-Pakistan secessionist camp in this sensitive border state. The only advance hint of Mir Mustafa's fatal end in captivity was the news carried by Pakistani official media, the radio and TV network, claiming that "freedom fighters" had threatened to kill Mustafa if ten off their associates were not released within 36 hours.

That the threat broadcast by the Pakistani media was actually carried out within the stipulated 36 hours lends credence to the widely-held view here that the Pakistani radio and TV network is one off the channels to transmit guidelines and instructions to pro-Pakistan militants operating in Kashmir from Islamabad's inter-services intelligence agency.

Coded Instructions

So far the authorities here were monitoring broadcasts specially beamed to Jammu and Kashmir from a station reported to be

clandestinely operating from somewhere in Pakistan-held part of the state. The broadcasts from this station carrying virulent anti-Indian fundamentalist propaganda would often be interrupted to convey coded instructions which sometimes confused the ordinary listener.

The day Mir Mustafa was kidnapped, the militants indulged in another gruesome act of gunning down 73-year-old veteran CPI leader, Mr Abdul Sattar Ranjoor, followed by the assassination of Mushtaq Ahmed son of a veteran peasant leader, Mr. Abdul Kabir Wani, who had resigned from the CPM two years ago. Mr. Wani, a devout Muslim wedded to communist ideals, had sponsored a new peasant movement called "Kisan Tehrik", whose object was to unite all poor, including religious leaders with rural background. About the same time, the militants gunned down Gulam Nabi Kullar, an outspoken Left-leaning Congress activist of long standing.

The selective assassination of Left-leaning political activists marks no doubt a significant turn in the current drive by the terrorists in Kashmir, but what needs to be emphasised is that it also marks a departure from the "carrot and gun" tactic in favour of the "gun only" tactic advocated by the fundamentalists such as Mujahideen operating directly under the guidance of the ISI and Field Intelligence Units (FIU) of the Pakistan army.

The fundamentalists and more importantly the ISI and the FIU, are dead set against the emergence of any trend within the militant camp in the state for negotiations with New Delhi, a position adopted by influential section of the JKLF, which also opposed to individual killings in general, and adhered to secular approach as an important tactical instrument in winning popular favour.

Mir Mustafa, who flaunted his connection with an important section of the militants, was held in esteem both in New Delhi and by an influential section of the militants especially those belonging to the JKLF.

He had entered the state legislative assembly from Chadoora constituency in the teeth of strong opposition both the National Conference-Congress alliance and the Jamaat-e-Islami, which opposed his candidature, because of his firm and undeviating adherence to secularism. In the course of his poll campaign he was unsparing in his criticism of what he described as the "colonial mentality" of the rulers in New Delhi, as he was of the Islamic

fundamentalists, especially Jamaat-e-Islami, for vitiating the atmosphere of brotherhood and amity in the Valley.

His crusade for a "middle path skirting the accession syndrome of pro-India politicians" won him wide support in his constituency, especially of the Muslim youth, who were the mainstay of his poll campaign.

Inside the assembly, Mir Mustafa carried on his fight relentlessly, not feeling shy of joining hands even with the Jamaat-e-Islami. But when it came to defending national ideals of secularism and state's accession, he did not hesitate to turn his ire against the pro-islamic opposition members.

The role he assigned to himself in the current crisis naturally singled him out as a politician whose success or failure could have serious repercussions on the outcome of the ongoing tussle in the camp of the militants, between the fundamentalists and those favouring a dialogue with New Delhi.

It was no surprise that his constituency, Chadoora, witnessed widespread riots soon after the news broke that he had been done to death by the militants. While others, not excluding the government, remain plagued by doubts about the true identity of his assassins, Mir Mustafa's constituents, most of whom are ordinary farmers, knew that the extremist section of the militants were behind the murder. It was the Hizbe-ul-Mujahideen which had owned the responsibility for assassinating Mustafa. The allegation of being an Indian agent is often used by militants to justify the killing of innocents in Kashmir.

Tussle Sharpens

That Mir Mustafa's assassination was ordered by ISI and its political mentors in Pakistan is also supported by recent pronouncements of politicians in the Pakistan-held part of the state, who are vying with each other in a bid to gain control of the "liberation struggle". The recent visit of Ms Benazir Bhutto to Pakistan-held territory to address the "assembly" there, also saw sharpening of the tussle between those wanting an "independent" Kashmir and straight merger with Pakistan.

Politicians known for their open connections with ISI such as "president" Abdul Qayyum, publicly attacked those propounding concepts different from "merger with Pakistan", and asserted that such persons should be dubbed Indian agents. He also criticised the so-called leaders of a party floating ideas which would prove

harmful to Kashmir. Apparently his target was none other than the JKLF, whose leaders, though torn by personal rivalries, are known to be opposed to merger with Pakistan.

Was Mustafa's murder ordered to buttress the point that those supporting perceptions other than those seeking to make Kashmir a part of Pakistan would be removed from the scene?

Courtesy : Times of India 2-4-90

KASHMIR AND PUNJAB FUNDAMENTAL DIFFERENCES

GIRISH SRINIVASAN

WHILE the government may not have been able to quell the upsurge in Kashmir, it has succeeded in shaping public opinion about events in the state in other parts of India. One of the key elements of this exercise has been to create the impression that what is going on in Kashmir is an extension of the happenings in Punjab.

The background of the two states seems to lend weight to the government's efforts in this direction. In both states, a large section of the population belongs to a religious minority; both have raised demands for independence from India; and armed outfits have carried out killings in both states. Also, the two states border Pakistan, which is said to be training and arming the terrorists.

A look at the histories of the two states and the actual situation in each today, however, reveals that the problems are fundamentally different. While ignoring these differences may suit the government's political needs, it will only prolong the agony within these two states.

In fact, by portraying the situation in Kashmir in the same light as that in Punjab, the media has, on the one hand, caused misunderstanding in the minds of people outside Kashmir and, on the other, confirmed the Kashmiris' feeling that justice will not be done to them in India. In order to remove this mutual suspicion,

it is vital that the specific situation of Kashmir be clearly understood.

Communal politics is not new to Punjab: it dates to the early twentieth century, when the Arya Samaj, the Singh Sahib movement and, later, the Muslim League, attempted to assert the separate religious identities of each community over their common Punjabi culture. Not only was the present division of Punjab born through the communal holocaust of 1947, but thereafter communal politics has been kept alive by the Congress and the Akalis according to their electoral needs. As is well-known, Bhindranwale was promoted by the Congress in order to undermine the Akalis' appeal to religious Sikhs; and the Anandpur Sahib resolution, which made demands on behalf of the 'Sikh nation', was born when the Akalis were out of power and looking for a way to return to office. Since then, this game between the two parties (or now, several parties, with the Akalis splitting into various factions) remains the root of the continuing conflict affecting the state.

By contrast, communal politics during the same period was not an important issue in Kashmir. Although Kashmir was a Muslim-majority region, its inhabitants, represented then by the National Conference, preferred not to join Pakistan, which had been formed on the basis of religion. Kashmiris felt that their identity could be more secure in (what they then thought to be) the secular democratic republic of India. The Conference, it should be noted, also contained Hindus and Sikhs in its leadership. There was no communal rioting or divide in Kashmir in 1947; there has never been a single communal riot in Kashmir since - apart from one politically-engineered and relatively insignificant incident in 1986.

In Kashmir, the genesis and continuing basis of the problem has not been communal electoral politics. Rather, it has been the Kashmiris' fear that their distinct identity and autonomy would not be safe in India. This apprehension has been fed by the governments's step-by-step nullification of the state's autonomy, the discarding of the promised plebiscite, the removal and installation of governments at the Centre's will, rigged elections, non-representation of Kashmiris in their own administration, mass unemployment, and the treatment of any agitation as a 'national security' issue to be repressed ruthlessly. There are strong anti-India feelings in Kashmir, but they are by no means anti-Hindu.

It is true that there are now several outfits, apparently supported by the Pakistani government, which promote the idea of an Islamic state or a merger with Pakistan. These organisations, no doubt, have preached fundamentalism. But all the existing indications are that so far the Jammu and Kashmir Liberation Front (JKLF) is the most popular organisation in the largely spontaneous movement for independence. According to press reports, JKLF (or perhaps sections of the JKLF) has opposed Muslim fundamentalist dictates regarding culture and customs, appealed to the Hindu minority to return to the state and declared its objective to be secular republic encompassing parts of Kashmir both in India and Pakistan.

By contrast, the Khalistani factions in Punjab have attempted to enforce innumerable fundamentalist cultural dictates regarding dress, food, drink and custom; they have attempted to terrorise Hindus into fleeing the state, and they unequivocally demand a theocratic state. How then can we equate the two?

The army operations in Punjab, the Delhi riots, and the acts of officers such as the late Gobind Ram, all contributed to a deep sense of alienation among the Sikhs. However, this alienation does not explain the emergence of Khalistani terrorism, which predated these events; nor does it explain the nature of the activities of these terrorists. Though the Khalistani terrorists talk of religion, their activities are purely mercenary. One need not rely on the government's accounts of their criminal activities. The various terrorist factions have themselves levelled charges in the press of looting, senseless murder of innocent people and the misuse of funds against each other. The most recent statement by the well-known Gurbachan Singh Manochahal accuses the equally well-known Wassan Singh Zaffarwal of making away with "crores" of rupees donated for common cause.

Given the gulf between these groups and the people, it was relatively easy for intelligence agencies to infiltrate the gangs, with which sections of the police machinery itself have a nexus. Identity card-carrying 'terrorist' outfits set up by the state itself, such as 'Alam Sena', have also taken to such criminal activities. In an incident in September last year, the body of a terrorist (accidentally killed by member of his own gang while looting a house) was found to be that of a police constable. He and his gang had been operating with official sanction as 'cats' intended to wipe out terrorists. It is now difficult to tell which particular acts are the work of terrorists

and which the work of government agents in terrorist disguise. At any rate, the acts themselves are the same, and the people are terrorised.

By contrast, while Kashmiri militants have killed Muslims and Hindus (who they claimed were police informers), their acts do not seem to be motivated by personal gain. The nationalist or fundamentalist Kashmiris consider them to be fighting for a cause, and therefore hold them in high esteem. Few people in Kashmir, therefore, believed reports that Moulvi Farooq was killed by the militants, just as there were few takers for the official claim that a BBC correspondent was kidnapped by them.

There are organisations in Punjab that have opposed both Khalistani and state terrorism, but these are active only in pockets of the state. It seems quite certain that the senseless killings by both the terrorist outfits and the state machinery, with the manoeuvrings of various political parties as the backdrop will continue in Punjab for several years. There is, no doubt, deep public alienation from the government; but Khalistani organisations too do not have a mass movement behind them. In an all-round atmosphere of terror, people have been frightened into passivity.

But in Kashmir, waves of brutal state repression have sparked off a powerful mass response. A great majority of Kashmiris who were uncommitted before Jagmohan's rule are today in favour of independence. It will be such a mass movement that will pose a much graver challenge and a much less manageable situation in Kashmir for the Indian government. In the face of universal public defiance, the government is unable to do more in Kashmir, than rule by curfew.

However, as it has shown in the North-East, the Indian government is willing to continue in this fashion for years. It is now upto the enlightened public opinion in India to force an end to this state of affairs, and to remove the mutual suspicion that has been created between Kashmiris and other Indians.

FIGHTING FOR THE ASSERTION OF A PRINCIPLE

M. V. KAMATH

Pakistan wants the final acceptance by India of the two-nation theory.

What really is our policy towards Pakistan? Would it serve our purpose to see a strong and healthy Pakistan as part of a larger Indo-Pak confederation or would it be to our ultimate interest to see a Pakistan fragmented beyond repair?

THE foreign ministers of India and Pakistan, Inder K Gujral and Sahibzada Yakub Khan, have played out their charade in New York to issue a statement that means all things to all men. An exercise in futility, its outcome was as predictable as a July shower. Neither side had anything positive to offer and even as the two foreign ministers were meeting, Pakistan's prime minister Benazir Bhutto, was growling in print in an interview to a British paper. The fact of the matter is that a solution to the Kashmir problem was not attempted; it was merely postponed. The painful truth is that neither side has a solution.

To say, as India does, that there is no dispute on Kashmir is a tragic case of self-delusion. It may warm the cockles of our patriotic hearts to dismiss the Kashmir issue as non-existent, but the dispute, like Banquo's ghost, just will not go. The government of India's stand notwithstanding, there is a dispute. A part — and a substantial part at that — of Jammu and Kashmir is under

Pakistani occupation and another part is under the occupation of China.

The Indian government may well argue that it has tacitly accepted the ceasefire line as permanent, but in the first place this has never been spelled out. And in the second place, this does not take into account the will of the Jammu and Kashmir people. It is precisely against being treated as dispensable commodities that the Kashmiri people have risen in protest. The government would be blind and stone deaf not to recognise this.

Then, again, the government would have us — and the international community — believe that Pakistan has no status quo in the matter of Kashmir. That is a legalistic way of looking at the problem at which we are rather adept. India's argument is that with Jammu and Kashmir's accession to India under Sheikh Abdullah, the case is closed and it is none of Pakistan's business to open it.

That is a simplistic view of the problem. It may pass muster in a court of law, but life, unfortunately is more than law as we have been witnessing these last 42 years. Pakistan has been at war with us for all these 42 years and our concept of Kashmir's legal position has not helped. Nor is it helping now with the Kashmiri people.

Both Pakistan and India are fighting not for a piece of territory but for the assertion of a principle. Pakistan wants the final acceptance by India of the two-nation theory, namely, that Hindus and Muslims are two separate nations. Especially after the first break-up of Pakistan and the birth of Bangladesh, finding themselves naked before their enemy, the ideologues have been seeking the absolution of their discredited principle by the absorption of Jammu and Kashmir on religious grounds. And they would never rest content until that absolution has been finalised.

That is the meaning and significance of Zulfikar Ali Bhutto's earlier remark that Pakistan will fight with India for a thousand years over Kashmir. For Pakistan to give up on Kashmir is to accept the brutal fact that never, in the first place, was there a basis for the two-nation theory. If there were so, Pakistan might as well be just one more province of an undivided India.

This is the crux of the issue and India might as well face up to it. So far as India is concerned, the alternatives are a war to end all wars which means wiping out Pakistan from the face of the earth or negotiating a viable peace. A status quo is merely a postponement of the final day of reckoning.

Only the dim-witted will believe that the first alternative is feasible. Not only is Pakistan armed to the teeth, it is inconceivable that the international community would permit a total Indian victory. Importantly, the two super powers do not even wish to see a war being fought.

Whether Stephen Solarz was playing off his own bat or was being put on to it by the State Department (it has since disowned any part), his suggestion that Pakistan and India should sit with the United States and the Soviet Union and come to an agreed understanding on Kashmir could not have been an idea that he snatched from thin air. India predictably has dismissed the suggestion as unworkable and uncalled for on the ground that it has paid steeply for third-party interference in its affairs in the past. All of which takes us back to square one. Where do we go from here?

India, needless to say, is currently speaking from strength and the world knows it. The Jagmohan approach in Jammu and Kashmir is allegedly paying dividends and the hard-liners in Delhi would like to see the terrorists brought to their knees. The presumption that once this is done, then, by a judicious combination of the stick and the carrot, peace may at last be established in the valley and normalcy restored. And then, goes the argument, what can Pakistan possibly do?

Like a whipped dog, Pakistan will be left to snarl at India from the sidelines, having been baulked of its prize. One of the two things can happen to Pakistan: in desperation, it can gamble on a war and take the consequences or it can break up because of its own internal contradictions and India can then move over to pick the pieces. Possibly that is the thinking in Delhi.

That, at least, seems to be the current strategy, India has managed to hold the diplomatic line which is no small achievement. There is no more talk of referendums from the western powers, especially from the United States. That part of the old understanding is dead as mutton. It cannot, in future, be resurrected, even if the western powers want to. And they have no more stomach for that.

If one reads the mind of the National Front government correctly, this is how it sees the scenario: (a) Pakistan has been contained on the diplomatic front; (b) it has been warned on the military front and told, in no uncertain terms, of the dangers inherent in engaging India in a war; (c) the hard-line measures taken in Kashmir are succeeding and over the months could well

end up in normalcy being established in the valley and (d) once the worst is over, Kashmiris can be won over with 'positive action'. (e) would then leave Pakistan without the proverbial fig leaf to cover its villainy.

The logic may be sound and events could possibly move sequentially as Delhi hopes, but assumptions are not facts, howsoever devoutly we may hope for Pakistan's internal collapse as a result of its failure on the Kashmir front. For this much is sure, the struggle inside Pakistan will now intensify; pressure from the mohajirs in Karachi (where they are 60 per cent of the population) will grow and Benazir Bhutto will increasingly find herself unable to beat back the tide. Pakistan will have to crack up. All that India has to do is wait patiently for the finale.

On paper this theory is unbeatable. Patience is its own award. There is virtue in masterly inaction. Don't move. Don't commit oneself to any proposal. Don't reveal one's mind. Let the enemy sink in its own confusion. There will then be time enough to take action. This is the true diabolic approach, if indeed this is the calculation South Block. But what if these calculations fail? Are we for ever to depend on *ad hocism* in our foreign policy?

One way to answer the question is to say that there are times when not doing anything itself constitutes a positive policy. Another way is to say that it is necessary to watch a situation ripen before any step can be taken to meet it. If it indeed is Delhi's policy to wait and see and to evolve a strategy in step with developments in Pakistan, then there is little to be said. But the vital question is: are these presumptions correct? Or are we only clever by half and indulging in wishful thinking?

There is then the more nagging question: what really is our policy towards Pakistan? What *should* it be? Would it serve our purpose to see a strong and healthy Pakistan as part of a larger Indo-Pak confederation, or would it be to our ultimate interest to see a Pakistan fragmented beyond repair, the pieces of which we can then pick up at our leisure.

There is no doubt that if Pakistan cannot externalise its contradictions, its collapse will remain a matter of time. First Sind, then Baluchistan and then, finally, the North-West Frontier Province will undoubtedly go its own way leaving a shell of Pakistan in Punjab. For the two-nation theorists that would be the end of a dream. But would that suit us? Or would we be sowing the seeds of our own destruction?

The matter is too important to be left to speculation. If we wish Pakistan well- in our own interests- then now is the time to seize the opportunity and to offer it a deal that it cannot refuse: confederation. There is, as Shakespeare rightly put it:

*...a tide in the affairs of men,
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of their life,
Is bound in shallows and in miseries.*

On such a full sea are we now afloat and we must take the political current when it serves or lose our ventures. New York barely halted our reckless march towards self-destruction. Statesmanship demands positive moves on our part. And the best that we can offer confederation.

Courtesy : The Independent 2-5-90

KASHMIR TANGLE & INDO-PAK RELATIONS: SOME SUGGESTIONS

PARTHA S.GHOSE

TOWARDS the close of the eighteenth century when the great Ottoman empire was in the process of disintegration leading to an incremental rivalry between England and Russia, the great German diplomat Otto von Bismarck used to say that the Eastern question (pertaining to the future of the Balkan region) was like a gout which could hit any joint of the body but nobody knew as to which joint exactly it was. Sometimes it was Cremea, sometimes Moldavia, sometimes Bosnia, and so on. In the Indian subcontinent the same is broadly true of Indo-Pak relations. Like Bismarck's proverbial gout the conflict between India and Pakistan finds expression in several forms—sometimes it is over Kashmir, sometimes it is over terrorism in Punjab, sometimes it is over the question of the US arms aid to Pakistan, sometimes it is over India's alleged support for the democratic and autonomist demands in Pakistan, sometimes it is over Pakistan's alleged strivings to acquire nuclear weapons, or at still other times, it is over the question of the "plight" of the Indian Muslims. In short, the two countries are always at war—at times with weapons, at times with words.

Lately, the gout has once again hit Kashmir and this time the attack seems to be serious. It is probable that eventually both the countries would realise that discretion is the better part of valour and instead of meeting at the battlefield they would heed to the advice of meeting at the negotiating table. But even then the

question that would remain unanswered is whether either of the nations has the political and diplomatic wherewithal to strive for an enduring solution to the problem. Actually the political elite of both the countries are hostages to their respective domestic politics which is not conducive to a rethinking on Kashmir. In 1987, while talking to the Indian journalist, Ajit Bhattacharjee, the then President of Pakistan, Zia-Ul Haq had candidly stated that the question of Kashmir was so intricately woven into Pakistan's domestic politics that he was just unable to "unwrap it even if I had all the intentions".¹ A wily diplomat that Zia was, this statement need not be taken at its face value. Still, what Zia had told was not untrue either. As a dictator he indeed did not have the mechanism to read his nation's pulse; but it would be naive to think that he did not have a feel of Pakistani politics. Otherwise he would not have ruled for eleven long years (it is possible that he would have continued had he not been killed in the plane crash) and left behind him a powerful political force which still vows in the name of Zia.

Against this background it is quite understandable that the democratically elected Benazir Bhutto, whose ruling coalition has a precarious majority in Pakistan's National Assembly and who has to depend upon the goodwill of the masses much more than General Zia, would see in the present Kashmir problem an opportunity to match her political detractors. There are the unfortunate realities of politics and all countries are not as lucky to have a Gorbachov who has risked his political career to take bold and unconventional initiatives.

Whilst Benazir has compelling political considerations, so has the Indian Prime Minister, V.P. Singh. Presiding over an umbrella political formation called the National Front, Singh is well aware of the inherent weakness of this ruling coalition. He knows that any display of timidity or vacillation, let alone bold but unpopular political initiatives, would pull him down. Both the BJP and the CPM on whose political support his government is critically dependent have a long record of anti-Pakistanism, though for different reasons. Actually anti-Pakistanism is as much a fact of life in India as is anti-Indianism in Pakistan.

Against this backdrop one may conclude that since there is little likelihood of a qualitative change in the politics of India and Pakistan in the foreseeable future the problem of Kashmir can at best be managed temporarily but not solved. In any case Pakistan has no reason to be particularly worried about its solution either.

Almost two thirds of the State of Jammu & Kashmir is under Pakistani occupation where there is no audible demand for secession. The Jammu and Kashmir Liberation Front (JKLF) led by Amanullah Khan talks of an independent Kashmir but it seems it is more a political strategy coordinated with the Pakistan Government than an actual demand for independence. What is more important is that even India seems to have reconciled itself to this reality of 'Azad Kashmir' as a part of India and all the imported maps which show otherwise must carry a certificate to the effect that "the external boundaries of India shown in the map are not correct", there is no effort on the Government of India's part, not even cosmetic, to question the status quo. Interestingly, the Simla Agreement which India projects as its bible for India-Pakistan relations says that 'the line of control shall be respected by both sides'.

Insofar as the Indian part of J & K is concerned Pakistan's purpose is served with minimal investment in men and money. There is a widespread support for Pakistan among the Kashmir Muslims who form the majority. It is possible to argue that these Muslims are actually in favour of an independent Kashmir but it is equally arguable that given the choice between India and Pakistan they would prefer the former. Under these circumstances Pakistan has reason to be happy if the current turmoil in Kashmir persists. It not only creates difficulty for the Indian state, it also helps Pakistan, rightly or wrongly, to advertise its concept of a two-nation theory, the *raison det're* of Pakistan. On the same token it jibes at India's nation-building strategy based on the principle of secularism. The Pakistani ruling elite probably also use it to divert their people's attention from the deteriorating law and order situation in the country caused by inter-ethnic rivalries.

Kashmir, therefore, has a symbolic value for both India and Pakistan besides its antagonistic ramifications. Lately when an intellectual opinion is increasingly getting crystallised that the traditional concept of nation-building based on the nineteenth century European experience of one-nation-one-state would have to be replaced by something conceptualised as a "civil society"², both India and Pakistan still seem to be reluctant to adapt themselves to this emerging reality. Pakistan has an obsession with its Islamic ideology which has failed miserably. Not only could it not prevent the creation of Bangladesh, even after Bangladesh it has

failed to contain the inter-ethnic clashes and *Shia-Sunni* riots which are increasingly becoming unmanageable.

In India although efforts were directed towards constructing a civil society based on secularism, democracy and federalism, somewhere down the line the nuts and bolts of this strategy have become loose leading to a dilution of all those ideals. Politics has been neglected, and at times even the democratic institutions have been subverted as was the case during the Emergency. In the state of J & K all these trends have found their worst expression. Democracy has been stifled, the Hindu communal card has been played in Jammu, and the autonomy of the province has been subverted through political manipulations notwithstanding the fact that the State has the best chance of enjoying autonomy since it is the only State in the Indian Union that can boast of having a separate Constitution on the model of an American state.

FROM the above discussion two realities emerge. In the first place, a solution of the Kashmir problem, if any, would have to undergo a long process, and secondly, since neither India nor Pakistan would give up its sphere of authority both of them would have to sit sometime somewhere to bury their hatchet over Kashmir. The first would involve domestic political handling and the second diplomatic.

At the moment the biggest problem in the Kashmir Valley is the terrorist menace resulting from a failure of the political process in the State. From the first stage of tackling this menace to the final stage of a peaceful Kashmir politically integrated in India our Kashmir policy would have to be a long-term strategy spread over several stages. I am suggesting here a six-stage policy to manage this transition.

Stage-I: The Government of India is now at this stage. Since terrorism would have to be tackled head on the State Government is to take all possible steps to curb the menace whatever be the cost. It is likely that in the process some innocent individuals would be victimised to which several human rights activities have drawn our attention to, but that probably cannot be helped, howsoever undesirable that is. Every state is called upon at some point of history to show its teeth to deal with disaffection and there is no point to be apologetic about it.

Insofar as the external dimension of the problem is concerned, the government should take necessary steps to seal the Indo-Pak border as much as possible because it has been alleged that the

Pakistan Government has been covertly assisting the terrorists with men, money, arms and training. This is the best way of dealing with the alleged Pakistani complicity. Some analysis suggest that the problem can be solved by waging a war with Pakistan and bombarding the training camps located on the Pakistani (mainly 'Azad Kashmir') soil. But this strategy is not likely to yield the desired results, at least from a long-term perspective. The American bombing of Libya did yield some useful results but that was a confrontation between two unequals. In the case of India and Pakistan both are comparable military powers and as such India cannot take Pakistan's defeat for granted.³

Moreover, destruction of training camps does not mean much in real terms. Destruction of a nuclear power plant, say in Kahuta, may take years to rebuild and also warrant huge investment in material and human resources but a destroyed training camp can be reorganised in no time. Earlier at the Home Secretaries meetings between India and Pakistan, India had suggested hot pursuit to nab the terrorists on Pakistani soil but for obvious reasons the latter refused to subscribe to this strategy.⁴ Given these realities the present strategy of dealing with the problem of terrorism seems to be by and large correct. In any case no miracle should be expected.

Stage-II: After having contained the terrorist threat to a reasonable extent development activities should be taken up in right earnest. This would generate employment and restore the faith of the peace-loving people, who are always in the majority, in civil governance. Jagmohan had talked about this and even after his removal it is necessary to carry out this task.

Stage-III: Once peace is restored, initiative should be taken to put Kashmir back on the political rails again. This stage would be the most crucial for much would depend on the outcome of this initiative. Elections to the State Assembly have to be held which not only should be free but also free from fear. Terrorists must not be allowed to influence the voters by using overt or covert threat as was the case during the recent Parliamentary elections in Punjab. If they are willing to participate in the political process under the banner of a recognised political party it should be encouraged. Politics has its own constraints and competitiveness itself is a disciplining process. One must not be unduly apprehensive about the possibility of an anti-Indian resolution in the J & K Assembly even if such a situation emerges. We have seen such developments

taking place in Sri Lanka when the Tamil United Liberation Front (TULF) virtually declared secession from the state. But several years have passed since then and Sri Lanka is still one. The TULF has been reduced to insignificance in the meantime. Even the Liberation Tiger of the Tamil Eelam (LTTE) which used to vow in the name of an independent Tamil *eelam* seems to be readjusting itself to guarantee the territorial integrity of Sri Lanka of course after bargaining for and wresting greater autonomy for the Tamil.

It is essential that more national parties make their presence felt in Kashmir politics. In any case the Janata Dal must join the fray in a big way. George Fernandes who has got an opportunity to study the political ferment of the State intimately, even if he is no longer the Minister incharge of Kashmir affairs, he and the Janata Dal leaders in general must take up this challenge squarely. One of the most important platform of the party should be the restoration of communal harmony in the State. This might not immediately offer the party and divided in terms of votes either in Jammu or in the Kashmir Valley but for the future of Kashmir and for Indian unity this would go a long way. In any case no coalition should be contemplated which does not leave any room for oppositional politics as was the case in the aftermath of the Farooq Abdullah — Rajiv Gandhi accord.

Another strategy worth considering for the Janata Dal is to highlight the fact that Kashmir's backwardness is attributable to its so-called special status which has done more harm than good to the State. This has pampered the State at the cost of local initiative. On this point the party, however, must tread extremely carefully because both the BJP and the Shiv Sena, which are whipping up communal tension in Jammu for their political aggrandisement are using the same argument. Therefore, the Janata Dal should not fall into their trap. Steering clear of the communal question the party should tailor its platform to argue that Central aid has come in huge quantity but that has been pocketed by the corrupt and powerful while the underprivileged have remained where they were.

Stage-IV: Slowly but systematically efforts should be underway to do away with the constitution of the J & K State. It is agreed that at a particular historical juncture it was advisable to have a separate Constitution for the State but the development during the last several decades have shown that it has become more of a liability than an asset. The fact that Kashmir is the only State in

the Indian Union which has a Constitution of its own makes it different from other constituent units of India. To protect the cultural and ethnic identity of Kashmir it is not necessary to give it a Constitution. India has devised means other than separate constitutions to retain the ethnic identity of the North-Eastern States. Let alone acquisition of real estate, even free movement of other Indians in Nagaland is restricted. It is only with an innerline pass that one can enter or pass through Nagaland, a practice followed since the British days. Does it not sound like a visa or transit visa? In Himachal Pradesh also outsiders cannot buy landed property. Yet hardly anybody ever talks about these. But when it comes to Kashmir everybody seems to be knowing about Article 370 of the Indian Constitution and all its disadvantages.

Let us accept the reality that we ourselves have made a mess of the entire Kashmir question and we must ourselves disentangle the knot. Simply passing the buck to Pakistan or waging a war and defeating it (hopefully) would serve little purpose. As long as a sizable number of Kashmiris remain disloyal to India the problem is within and not outside. The Pakistan factor has its significant bearing on the overall situation but our efforts should be to dilute this variable by increasingly indigenising the problem. The real challenge is how to redefine Kashmir's place in the Indian Union.

Kashmir Tangle & Indo-Pak Relations—II

THERE are many in this country who argue that the bane of the Kashmir problem is the existence of Article 370. Their main contention is that once this is removed there will be migration of Hindus from mainland India which would alter the demographic composition of the Valley to the disadvantage of the Muslims. The latter, it is argued, would be reduced to a minority. This argument is a shortsighted one as explained below.

There could be two types of human migrations to the Valley once the ban on purchase of real estate by outsiders is lifted: one, voluntary; and the others, state sponsored. So far as voluntary migration is concerned, the critics of Article 370 ignore the fact that it can well encourage Muslim migration from other parts of the country. After all, Kashmir is the only Muslim-majority State in India and given the growing incidence of communal riots in the country such a possibility cannot be ruled out. If it happens then instead of altering the demographic composition to the disadvantage of the Muslims in Kashmir, it would increase their number to their advantage.

From the same in analogy, there would not be any Hindu exodus to the Valley. The climate there is inhospitable and economic opportunities are extremely limited. In any case, the type of people who generally migrate from one part of the country to another, or even across national boundaries, are generally poor. It is they who have the necessary courage and resilience to brave the adverse circumstances in their new abode. History of human migration is a testimony of this reality. It is most unlikely that poor Hindu would migrate into the valley in search of an uncertain future.

What is probable is that the rich Hindus would acquire real estate to spend their summers in the Valley. But this variety of people can hardly matter in the sense that anti-Article 370 enthusiasts want us to understand the problem. It may be noted that it is the rich who leave a disturbed area before anybody else does so. Among the migrants from the trouble-ridden Kashmir Valley now, besides the Kashmiri Pandits and Sikhs, others are all well-to-do Kashmir Muslims.

To put it in a theoretical and empirical perspective, it is only under any of the three following circumstances that movements of population take place: in search of economic opportunity, in search of security and in search of racial, ethnic or cultural homogenisation. None of these applies to the non-Valley Hindus so as to encourage them to migrate to Kashmir. On the contrary, the last two of the aforementioned reasons could be relevant to some extent for the non-Valley Muslims.

Insofar as the state-sponsored 'colonisation' schemes are concerned, they have extremely dubious efficacy. In the situation of an ethnic riot it is they who become the first victims of the majoritarian wrath. Moreover, these schemes invariably given an easy handle to the local community to articulate their grievances on ethnic lines which in course of time crystallise into demands for secession. We have the experience of watching how similar schemes in Sri Lanka to undertake 'Sinhala colonisation' of Tamil areas or the same in Bangladesh to encourage Bangladeshi Muslim settlements in the Chittagong Hill Tracts or the Pathan 'colonisation' of Baluchistan have boomeranged against the respective sponsors of the schemes. It is largely on account of our conscious endeavours to stunt these temptations that we are still better-off than our neighbours in dealing with our ethnic disaffections.

The demand for the abrogation of Article 370 is actually misplaced. It is easy to agree with the BJP President, L.K. Advani,

that if a referendum is held then the majority of the Indians would vote for its abrogation⁵. But such majoritarian dictatorship seldom pays in the long run. What is desirable is the creation of a situation in Kashmir when such a demand would come from the Kashmiris themselves. As and when they would realise that the so-called special status is an impediment to their development and that they are treated as an appendage to the Indian Union, they themselves would demand for it. After all, the demand for the accession of Sikkim to the Indian Union was made in the Sikkim Assembly itself. In Kashmir the situation is not identical to that of Sikkim and it could well take years if not decades before such a demand is crystallised; but there cannot be any short cut to this either. Nation-building is a tortuous process and a few decades is no time in a nation's history. What is important is a long-term vision.

In this context it is worth considering whether the State of Jammu and Kashmir can be reorganised with Jammu amalgamated to Himachal Pradesh. Ethnolinguistically speaking, this extended Himachal Pradesh would be homogeneous and so will be Kashmir with the exception of Ladakh and Kargil⁶. This reorganisation, besides taking care of the dilution of the Jammu and Kashmir constitution would be even administratively more efficacious. The present system of having winter and summer capitals leaves the Valley virtually ungoverned for six months from November through April. It may be underlined that it is during this period that the terrorists buttress their strength. There is also a huge expenditure involved in the 'Durbar Move'. Estimatedly, each such exercise (both ways), costs about Rs 10 crores which may be usefully channelised to development projects. Moreover, it also entails a loss of 20 to 40 days in shifting and settling down.

Stage- V: Simultaneously with the above strategy, to more meaningfully integrate Kashmir into the India Union, a serious rethinking is needed with regard to our diplomacy vis-a-vis Pakistan. At present both are locked in a diplomatic brawl, with India highlighting the salience of bilateralism in dealing with the problem of Kashmir and Pakistan trying to multilateralise the issue. The fact that India wants to stick to the Simla Agreement which emphasis on 'bilateral negotiations' to settle its outstanding disputes with Pakistan while the latter want to downplay its commitment to the agreement manifest this dichotomy. India's foreign policy as well as strategic doctrine for the South Asian region are based on the concept of bilateralism. India's South Asian neighbours, com-

pared to India, are weak and as such in a one-to-one military or political contest with India they stand nowhere. Pakistan is an exception to this rule but even that country is relatively weak. Given this situation it is quite understandable as to why all of India's neighbours try to internationalise or at least regionalise their difficulties with India. The greatest challenge to India's South Asian diplomacy is how to reconcile these two opposite trends.

India need not necessarily give up its vantage position in this regard but it is at the same time worth considering whether this emphasis on bilateralism has really paid us the necessary dividends. Our obsession with this policy has distanced our neighbours from us. That they cannot harm us is more on account of geography and their relative smallness, rather than due to the efficacy of our diplomatic posturings. It may be argued on the contrary that this has contributed to our neighbours' opposition to us in most of the international forums for that is only way they can show their independence of action vis-a-vis India and assert their sovereignty. Whether it is a question of Afghanistan, Cambodia or Nicaragua, our neighbours have seldom shared our perceptions in the United Nations or other international conferences.

Closely related to the above is the question of our penchant for bilateral agreements. Every now and then we hear of Nepal threatening us to abrogate their 1950 agreement with us. The same happens with regard to Bhutan and Bangladesh in different idioms. In case of Sri Lanka we appeared to be unnecessarily eager for an agreement without any corresponding reciprocation from Colombo. All this gives the impression as if these agreements have been imposed by us upon our neighbours and it is only us who are meant to benefit from them. An agreement by definition is for mutual advantage and let us convey this message to our neighbours. Let them be told that the abrogation of the existing treaties is not unwelcome to us for it would ensure India much more freedom of action in the region which may not prove all that desirable for their security and well being. This prescription may should bull-headed but some times such images work better in inter-state relations.

The relevance of the Simla Agreement may be reconsidered in this light. It is we who keep harping on its utility and express our happiness whenever an external power refers to its usefulness in settling the Kashmir question. But the question is: one, is it really all that useful? And two, were we (both India and Pakistan) really

serious about its contents all these eighteen years after it was signed?

THE Simla Agreement is a document which was signed in the aftermath of an Indian military victory over Pakistan in the Bangladesh war of 1971. As such, although it does not contain the characteristics of a peace treaty between a victor and vanquished, it represents the national humiliation that Pakistan has to undergo at that time. This aspect of the reality is borne out by the fact that Pakistani leadership seldom mentions about it. During Zia's time he tried to supplant it by a no war pact. India then had rightly proposed a treaty of peace and friendship which Pakistan did not want. It was clear from the diplomatic exchanges during those days that both the countries were not particularly keen to uphold the Simla Agreement. Pakistan was of course much less keen.

Actually, the Simla Agreement was just signed and forgotten. Otherwise what happened to all those pious commitments: "dissemination of such information as would promote the development of friendly relations", "trade and cooperation in economic and other agreed fields", "exchange in the fields of Science and culture", and so on? On the question of Jammu and Kashmir the agreement had underlined that the eventual settlement of the problem would have to be through bilateral negotiations. But not even a small step in the direction was taken by either of signatories all these years.

Given this reality, it is possible to appreciate V.P.Singh's assertion that Kashmir is not negotiable with Pakistan. But then it is difficult to appreciate our constant reference to the Simla Agreement. The truth is that the Agreement itself gives Pakistan a role in the "final settlement of Jammu and Kashmir". Logically therefore, we should either refrain from referring to the Simla Agreement, or else, make use of this opportunity to complete the task left incomplete in Simla in July 1972.

Bilateralism is not a sacred cow which cannot be sacrificed. It may be worthwhile to ponder upon the efficacy of an international conference on Kashmir. The current global situation seems to be favourable to a permanent demarcation of the Indo-Pak boundary along the line actual control in Kashmir. It is a calculated risk but a risk worth-taking. In any case, if the winds in the proposed conference appear to blow against India's interests the latter can always manage to recoil itself to its original position. The history of conference diplomacy is replete with such instances. In any case, the Simla Agreement has become more a symbol of disagreement

between India and Pakistan than an agreement and hence it has lost its usefulness originally conceived.

Stage-VI: Once the international boundary question is settled efforts should be made to facilitate exchange of visits between citizens of Pakistan Kashmir and Indian Kashmir. At present there are an estimated over 10,000 divided families living on both sides of the Line of Actual Control. To start with, visits of old people, say sixty and above, and those of children below twelve, may be permitted even without the formality of visa. In the absence of compulsory identity cards this exercise may entail many difficulties and give rise to various kinds of suspicion but the possibility is worth exploring. Much of the problem of cross-national ethnic groups emanates from lack of social communication between them giving rise to secessionist demands. Once the myth that "the paradise is on the other side of the border" is exploded the argument of ethnic exclusivity loses much of its appeal.

If this experiment succeeds, a confederation between India and Pakistan may not remain all that utopian as it sounds now. There are important segments of opinion in both the countries who see this as both desirable and viable. In India leaders like Ram Manohar Lohia who cannot by any stretch of imagination be conceived as a Hindu chauvinist had advocated this because to him the partition was socially, economically and politically impractical. However, he realised that it could not be undone; hence his suggestion for a confederation. Now even the Hindu chauvinist BJP concedes to this solution.⁷ Pakistani leadership, which always grouses at the fact that the India has not reconciled itself to the existence of Pakistan, must take note of this position help by the BJP. The idea of a modern confederation, it may be underlined, presupposes the existence of two or more sovereign states.

Pakistan should realise, as much as India should as well, that it serves nobody's purpose to keep their conflict alive. It is high time they realise that their respective nation-building strategies cannot thrive at each other's cost but on mutual coordination and accommodation. Both the countries are burning with inter-religious, intra-religious, inter-caste, inter-class and all other kinds of violent conflicts yet each tends to see the fire only across the border. A Pakistani commentator wrote recently: "It is tragic that when a Pakistani politician decides to go on a fast unto death [reference is to the MQM leader, Altaf Hussian], he does so in support of his party's demands rather than to put pressure on the

people to stop attacking and killing each other. And it is ridiculous that the Federal Government, amidst all this strife within the country, should issue statements condemning Hindu-Muslim riots in Ahmedabad and keep quite about the deliberately created sectarian tension in Pakistan."⁸ This rebuke is as much applicable to the Government of India.

I would conclude this article by quoting a passage from my latest book for I believe there is no escape from this reality:

A futuristic vision of South Asia, given the persistence of the present 'insecurity syndrome' presents two diametrically opposite scenarios. The territorial enlargement of the Indian state reminiscent of the concept of *Akhand Bharat* (undivided India), incorporating all its neighbours within the region. Or the further dismemberment of South Asian states, including India, on ethnic, religious and linguistic lines obliterating the present states from the political map of the world. A systematic evolution of regional consciousness alone can prevent the above situations from taking place ... Given the hope that the Soviet American relations are entering a more enduring phase of *detente* and the fact democratic upheavals are sweeping critical Third World regions it is perhaps not too optimistic to hope that changes in South Asia will be for the better.⁹

Notes and References

1. Ajit Bhattacharjee, "Need to Resume No-War Dialogue", *Indian Express* (New Delhi), March 22, 1983.

2. For a brief exposition of this theory, see D.L. Seth, "Nation-Building in Multi-Ethnic Societies: The Experiences of South Asia", *Alternatives* (New Delhi/New York), Vol. 14, No. 4, October 1989, pp. 379-88.

3. The efficacy of the US bombing of Libya has been analysed in Partha S. Ghosh, "International Terrorism: An Unending Malaise", *The Indian Journal of Social Science* (New Delhi), Vol. 2 No. 4, October-December 1989, pp. 537-38.

4. For details, see Partha S. Ghosh, "Terrorism and SAARC", *India Quarterly* (New Delhi), Vol. 43, No. 2, April -June 1987, pp. 121-37.

5. *The Hindu* (New Delhi), April 23, 1990.

6. Jammu was of local importance till the beginning of the nineteenth century. It was only after 1820 that the Dogra Rajput King of Jammu, Gulab Singh, managed to extend his sway in most of the territory between Kashmir and Punjab, including Bhadarwah and Kishtwar.

7. See Advani's interview in *The Times of India* (New Delhi), April 29, 1990.

8. This is the opinion of a Pakistani commentator, Tahir Mirza, quoted in K. K. Katyal, "The Scene Inside Pakistan", *The Hindu*, April 30, 1990.

9. Partha S. Ghosh, *Cooperation and Conflict in South Asia* (New Delhi: Manohar, 1989), pp. 235-36.

Courtesy : Mainstream

PLAYING WITH FIRE

SHEKHAR GUPTA

BY the standards of Pakistani politics, it was an extremely small rally. A few thousand people under a shamiana, sweltering in the heat at Mankiala, 30 km from Islamabad on the Potohar plateau, to see Prime Minister Benazir Bhutto inaugurate a steel depot. Obviously brought by the ruling Pakistan People's Party (PPP) for the occasion, the crowd displayed little interest in Benazir's long sermon on the need for self-reliance. Then she mentioned Kashmir.

There was no fire and brimstone of the kind she displayed in Muzaffarabad, Lahore or Larkana in March. Just a ritual reference: "We support the Kashmiri call for self-determination. We will give them all moral and political support". The crowd came alive. "*Leke rahegi Kashmir*" (she will not rest till she takes Kashmir), shouted the PPP front-benchers. "Benazir, Benazir," responded the crowds. The prime minister drove away from the meeting triumphant, but perhaps also a bit apprehensive. For the new phase in her nation's politics may have brought her career to an unprecedented high, but it has also brought it closer to danger than ever since her installation in power in December 1988. It is at a high because by being first off the mark on Kashmir and the shrillest in rhetoric she has beaten the Opposition almost decisively, causing dissension in their ranks. She has also earned a reprieve in Sind where the situation was so bad it was feared the army might take over. And dangerous because, given the way power is shared in Pakistan

to-day, she will need all her skills and a lot of luck to prevent her new-found power from being grabbed by her old *bete noires*, the army and the clergy.

Long accused of relying on populist instinct rather than shrewd political thinking, for once Benazir had played her cards right. And the card she chose was Kashmir, which has re-emerged as a major emotional issue in Pakistan (*see accompanying story*). While her main opponent, Punjab Chief Minister Nawaz Sharif was still criticising her for doing nothing about Kashmir, she surprised everyone by unleashing an unprecedented campaign on the issue. On her maiden visit to Muzaffarabad, the capital of Pakistan-Occupied Kashmir (POK), she drew loud cheers by threatening to turn Jaggmohan into Bhag-Mohan. In Lahore, a week later, she echoed the Kashmiri war cry of "*azadi, azadi*" before a lakh-strong crowd. "You could easily call her effort one better on Rajiv Gandhi's *nani yaad dila denge* speech," said an Islamabad-based diplomat. He added: "The difference is she had a receptive audience."

The campaign culminated with another speech in her hometown of Larkana where she referred to her late father's oft-quoted threat to fight India for a thousand years on Kashmir. Soon the opposition was scratching about to see what remained to be said on Kashmir that she hadn't said already. India's angry response quickly brought in US intervention and as diplomats sought to cool the rhetoric there was nothing the Opposition could do to retrieve their positions. So confused was it that in the North Western Frontier Province, where the Islami Jamoori Ittehad (IJI) has been trying to give one last, decisive push to a tottering PPP Government, its local leaders decided to support the ruling party. And Sharif declared there was no difference between his policy on Kashmir and Benazir's. "Whatever be the long-term consequences of her tactics, may the reality is that she has completely out-manoeuvred the Opposition," conceded a senior IJI leader. Said another senior politician: "Kashmir has come to her rescue just as Afghanistan did for Zia."

The PPP drove home the advantage. The campaign gave the PPP at least a chance of performing creditably in the forthcoming elections to the "Azad Kashmir Assembly", against the Muslim Conference Government of Sardar Qayoom. "*Kashmir kee taqdeer, Benazir, Benazir*" (Kashmir's future is Benazir), screamed PPP election banners in POK. Even her critics admitted she'd played the

Kashmir card with skill leaving her more secure in the Centre, in Sind, and in the Frontier. If in the bargain she brought the subcontinent close to war, her supporters said it was a calculated risk worth taking.

But she did not achieve this alone. In an ironic realignment of forces, she has been backed by the army which could barely stand her a few months ago. The war threat has enabled the army to jump into the political fray again. "If some political stability is visible it is because the army has told the politicians they can't be allowed to go on feuding while India is knocking at our borders," says well-known commentator Maleeha Lodhi.

That the politicians have heeded is obvious. In Karachi, the rebellious Mohajir Quami Mahaz (MQM) and the PPP, whose feud has consumed 376 lives in Sind in the first four months of the year, are engaged in negotiations. Nationally too, Nawaz Sharif's IJI and the PPP are moving towards reconciliation. So great is the confusion in the Opposition that a large number of dissidents, led by Syeda Abida Hussain, a National Assembly member, are planning to launch a new, "real" opposition party. "Some people may have conceded defeat to *mohtarma* (the lady). I haven't," declares Abida.

The clearest message of the recent events is that in Pakistan's fledgling democracy no political party, old or new, can defy the army. As tension began to build in Kashmir, several generals openly suggested that martial law be imposed in the anarchic regions, particularly Sind. "The warning put the fear of god in the minds of the political leaders who preferred to listen to the generals than invite their wrath, particularly in a situation where the army may even have had popular support for action against politicians," said a western diplomat in Islamabad. In the process, however, the faint outlines of the democratic power structure of Pakistan were blurred further and Benazir had conceded ground to her army.

SOURCES close to her admitted that while savouring the defeat of her opponents she was also worried about the possible repercussions of her actions. "The rhetoric in the subcontinent has raised the political temperature. And such a momentum can suck everybody in, particularly a government and a country like ours where Kashmir is such an emotional issue," admitted one. Benazir's advisors also conceded she was worried about the possibility of war as, irrespective of the outcome, it could spell the end of her government and of democracy.

Either way a war will be a no-win situation for her. A defeat would be blamed on her and nobody would give her the credit for victory. Says a well-known Pakistani journalist: "The last two wars marked the end of dictatorships and brought in democracy. This one could spell the end of democracy."

While her strident approach and the army's intervention may have helped the mainline opposition fall into line, the heightened emotions (*see box*) have strengthened right-wing religious parties and leaders, many of whom run private armies. Worse for her, many of these groups are the ones that functioned in close contact with the army and Inter Services Intelligence (ISI) in the Afghanistan campaign, like the Jammāt-e-Islami.

It is acknowledged among ruling circles that Quzi Hussain Ahmed, a Pathan, was catapulted to the position of the Jamaat's chief on the initiative of the ISI which wanted a frontier leader to run the Afghan campaign. Today he masterminds a not-so-covert operation on Kashmir from Mansura, the fortress-like Jamaat headquarters near Lahore.

The imposing walls of the Jamaat complex are smeared with slogans like: "Pakistan ek chand hai, Kashmir iska sitara" (If Pakistan is the moon, Kashmir is its star). The Qazi, 52—young by Jamaat standards—denies he is giving any arms to the Kashmiris, but asserts that for any Muslim so close to Afghanistan arms should be no problem. "The Tashkent accord put the Kashmir question in a coffin. The Simla accord hammered nails into it. Today the Kashmiris have broken out of it. They deserve support," he says and lambasts the Benazir Government for its "indifference". Though the Jamaat is officially a member of the IJI, on Kashmir it has decided to run its own campaign. It has already organised a jihad conference in Muzaffarabad, and plans to hold an international meet of Islamic clerics there. Given the Jamaat's links with the Kashmiri militants on one side and the ISI on the other, the nexus is transparent. And there is little Benazir can do to contain the campaign.

HOW religious leaders are taking over the campaign is evident also in the rise of Tahirul Qadri, a well-known Islamic scholar, as perhaps the most significant politico-religious leader in Punjab. His new political party, Pakistan Awami Tehrik (PAT), is riding the Kashmir wave, organising jihad rallies. His media, centre circulates video cassettes of the rallies, charged with

"*Saathiyo, mujahido, jag utha hai saara watan,*" Noorjehan's patriotic song of the 1965 war.

What further chips at Benazir's short term gains is that in Pakistan nothing anybody does on Kashmir would be considered satisfactory. So, though the Pakistani foreign office has done a good job of projecting their case, there is criticism that she has lost out to India in the initial rounds of the diplomatic battle. And comparisons are often drawn with Zia's success with the diplomatic drive on Afghanistan. Says Syed Fakhr Imam, former National Assembly speaker: "Here was an opportunity for us to embarrass India internationally. But look at how little she has delivered."

Stung, her government decided last fortnight to launch a massive international media and diplomatic campaign, sending delegations to world capitals, and inviting scholars and journalists to come and check out Kashmir for themselves. "We have a just and moral case and we are telling the whole world about it," said Iqbal Akhund, her advisor on national security and foreign affairs.

Having unleashed the free Kashmir campaign, Benazir or any Pakistani government will now have a problem keeping the Kashmiris as firmly in their fold. So far the Pakistanis have been seeking plebiscite in Kashmir, arguing that the 1948 UN resolutions contain only two options for the Kashmiris: to go with India or Pakistan. But a large section of the Kashmiri militants now want freedom from both—something Pakistan cannot accept. The question has cast its shadow over the "Azad Kashmir" election as well. While several Kashmiri candidates are accusing the Pakistan Government of having designs to absorb Kashmir, others have begun to campaign against those demanding freedom. "It is a crazy idea," declares Azad Kashmir Prime Minister Sikandra Hayat Khan: "Surrounded by Russia, China and India, Kashmir cannot survive as an independent country." The contradiction has obviously unsettled the Kashmiri. Says Syed Mahmood Bukhari, a Kashmiri refugee in Lahore: "What is Kashmir but a none and what are the two countries fighting for it but dogs." But most Pakistani analysts believe that ultimately the Kashmiris would prefer Pakistan to independence, and so the ISI is trying to strengthen the Jamaat-oriented militants groups as against the Jammu and Kashmir Liberation Front.

MEANTIME, the hawks in Pakistan's strategic think-tanks have begun to talk about Indian efforts to blackmail Pakistan with a war-threat in order to cool things in Kashmir. Commentator

Mushahid Hussain, fast emerging as a hawk opinion maker, has already written strongly against any Pakistani move to "bail India out of trouble" in Kashmir. Any concession to India at this stage, he says, will be akin to the appeasement of Nazis by Chamberlain in 1938 that, nevertheless, failed to prevent the Second World War. Officials also acknowledge that there is no way India would lose Kashmir, even it means war. "As pressure increases, India may be inclined to go to war with Pakistan, and give it a sound knock on the head to convince the Kashmiris that their future is inextricably linked to India. But it won't work," says Akhund.

For Benazir the dilemma is: if she relents on Kashmir she is damned at home; if she doesn't, she could be headed for a war she may not want. The question is: which of the two is a greater risk? On her actions in the coming weeks will depend the subcontinent's fate. Having come so far, will she have the strength and the time to let events taken their own course in Kashmir? Or will she, pushed by her opposition, public opinion and her own weakness for the typical Bhutto rhetoric, up the ante?

There are lessons to be drawn from the experience of her late father in two wars (1965 and 1971) in which he was a central figure, from the fragility of the hold of her own government on power, and perhaps from the mood in India. And if not from there, then from Duke Norfolk in Shakespeare's King Henry VIII, who exhorts: "Heat not a furnace for your foe so hot that it do sign yourself."

Less than 10 km away, outside the historic Badshahi Mosque and on the edge of the Minar-e-Pakistan Park, yet another group of fedayeen is asking for just that. Ever since its inception in India in 1881, Khaksar Tanjim, sometimes known as the *belcha* (spade) party, has tried to collect mujahedin for a variety of Islamic causes, from freeing the Suez Canal from "infidels" to the war in Afghanistan. Often they have been the butt of jokes.

TODAY Khaksars, who have launched a campaign to recruit one lakh mujahedin for the "liberation" of Kashmir, claim that their credibility is better. Says the khaki-clad Haji Nascer Ahmed, 40, the *salar-e-awwal* camp (chief of the first camp), who is in charge of the recruitment operation near the Badshahi Mosque: "Initially nobody came. Now people come in trickles. Soon it will become a flood as news of more atrocities comes in from Srinagar." In the background, the other Khaksars sing "*Chalo chalo Kashmir chalen, Kashmir bataur-e-shamshir haasil karein*" (Come, let's go to Kashmir. Let's grab Kashmir on the strength of our swords).

The camp attracts some attention due to its proximity to Pakistan's most important mosque. Whether it brings the Khaksars recruits is difficult to say. According to Ahmed, new recruits get their elementary military training in Lahore itself before being sent to camps elsewhere for more advanced training.

But outside the Pakistan-held part of Kashmir, the only place where armed training camps for Kashmiri militants are believed to exist is in the heart of Rawalpindi town. Lal Haveli in Rawalpindi is an old, garishly red-painted building that serves as the political headquarters of Sheikh Rashid, the gangly, 33-year-old general secretary of the Islami Jamhoori Itehad (IJI), who shot into prominence during the last elections when he defeated PPP stalwart and former army chief, General Tikka Khan, by 20,000 votes.

Lying in the deepest recesses of the congested Bohar Bazar in old Rawalpindi, hemmed in by dozens of junk shops on either side, Lal Haveli is hardly the place for a training camp for separatists. But official sources say it serves as a mere nerve centre to coordinate several as a mere nerve centre to coordinate several camps for Kashmiri youth on the outskirts of the city. Even Benazir Bhutto has publicly criticised Rashid for organising the camps, indicating that India could be tempted to locate camps so prominently situated. Says Rashid: "The way Benazir has talked of it is as if she is beckoning Indians to come and bomb us. Let them do that. We are not scared." He says he is not running armed training but merely providing assistance to refugees. "We accommodated three million Afghans. Why can't we look after a few thousand Kashmiris?" he asks.

The signs are, however, unmistakable. Lal Haveli is guarded round the clock by Kalashnikov carrying guards many of them from Kashmir Valley. And then Rashid calls some of his refugees for interviews. Says Abdul Ahad, 22, who fled Batamalloo during a search by paramilitary forces: "There is no going back now. I know where my family is. They won't know where I am till Kashmir is free."

Rashid says it does not matter whether he gives these men training or not. "After what has happened to them, they will fight," he says. Where will they get the arms from? "Many small nationalities have fought by the side of the Afghan mujahedin. So did the Kashmiris. What are a few hundred rifles for any close to the Afghans?"

THE Muslim Conference Government of Pakistan-held Kashmir has set up the Kashmir Liberation Cell, head quartered at Rawalpindi's Chandni Chowk. Working out of a shopping complex, it doesn't look like the military training camp that the Indian Government's dossier on Pakistan made it out to be. But it is the hub of a massive propaganda effort of help the Kashmiri militants. Under Khwaja Sanaullah Shamim, the 68-year-old veteran of the first pro-Pakistan movement in Kashmir in 1947, and a member of the first 'Azad Kashmir' cabinet, the centre produces and distributes booklets on the Kashmir situation, documenting Indian "atrocities" world-wide besides keeping in touch with international human rights organisations. But even Shamim assert that his centre confines itself to publicity: "The uprising in Kashmir is indigenous. I wish we could claim that we did it. As for the arms finding their way into your side of Kashmir, let me say that water finds its level. In these parts, if you want arms you can get them".

In Shamim's office booklets being written and proofed, new phone connections are being installed and mailing lists compiled. The popular response to the Kashmiri cause, as perceived from the Pakistani side, may yet be lukewarm, but when things heat up, the machinery will be well in place.

The only problem is that, by then, it may be too late to contain the force of popular opinion, leaving the weak Benazir Government no choice but to go along with it. Such a situation is fraught with dangerous consequence—including a self-destructive war—but such is the emotional consensus on Kashmir today that hardly anyone has the courage to speak against it.

Barring an exception like the popular poet Habib Jalib who told a May Day rally of intellectuals in Lahore last fortnight:

"Nasheeli ankhon, madhur geeton ke sunder mulk ko khokar, main hairan hoon wo zikr wādiye Kashmir, karte hain" (After losing Bangladesh and dismembering their own country, I am shocked they still go on harping about grabbing Kashmir.) Yet, Jalib's voice is a lonely one for he has always been a rebellious oddity—more so in today's surcharged atmosphere.

BENAZIR AND KASHMIR

G. M. TELANG

THE Kashmir issue has come to be closely bound up with Ms Benazir Bhutto's need to ward off the constant threat to her from domestic adversaries. Her claim on her return from a nine-day tour of West Asian capitals that it has been a success is primarily related to this problem. Whether she has actually managed to enlist substantial support for Pakistan's case on Kashmir, the main objective of the tour, is still far from certain.

At the moment, she can claim to have received a worthwhile response only in Iran and Turkey. In his banquet speech, President Rafsanjani of Iran urged Muslim countries "to actively work for the elimination of the oppression suffered by the Muslims in Kashmir." Further, the Pakistan Foreign Secretary, Mr. Tanvir Ahmed Khan, claimed that Teheran had assured Islamabad of "wholehearted political and material support in case of a war on the Kashmir issue."

Open to doubt

And after her talks in Ankara, a spokesman of the Turkish Government was quoted by the government-controlled *Pakistan Times* as having said that his country had pledged its support to Pakistan on Kashmir in the Organisation of Islamic Conference and other international fora. The value of even this pledge is apt to be open to doubt in the eyes of Pakistani army establishment in the light of another statement on Kashmir made by the Turkish Prime Minister, Mr. Vildirim Akbulut, at the lunch given in her

honour. According to the *Pakistan Times*, he expressed a desire that moderation and common sense will prevail to end the ongoing tension."

Going by the reports of her tour in the Pakistani press, the response Ms Bhutto evoked in other Islamic countries was much too vague, mixed as it was, with friendship rhetoric normal on state visits of this kind. Even President Gaddafi of Libya, not known to be bothered by constraints of international diplomacy in expressing effusive support for the cause of Muslims anywhere in the world, confined himself to assuring the Pakistan Prime Minister that he will stand by Pakistan if it becomes a victim of aggression.

It is only when the OIC Foreign Minister meet in Cairo in two or three months that Islamabad will know whether Ms Bhutto's tour has paid the expected dividends. Pakistan is trying hard to get this meeting to pass a resolution endorsing the Pakistani demand for a plebiscite in Kashmir to determine its future and thus for a rejection of the Indian case that since Kashmir has been legally a part of India for over 40 years there is no question of holding a plebiscite there.

To some extent, Ms Bhutto may claim that her lobbying has already borne fruit since the OIC Secretariat in Jeddah (Saudi Arabia) has just issued a strongly-worded statement attacking Indian policy on Kashmir. It is not clear whether the statement is only an instant, an angry reaction to the firing on a crowd of mourners in Srinagar following the murder of Mirwaiz Moulvi Farooq. The Secretariat, for instance, holds "Hindu fundamentalists" responsible for the assassination. May be there is Pakistani mischief behind this blatant lie. If it is known that the Moulvi was brutally done to death by Muslim terrorists trained and armed by Pakistan, the reaction in the Islamic world may be different.

Merely as a sop

At any rate the statement in itself does not amount to a definite decision of the OIC. Decisions especially of this kind Pakistan desires in respect of Kashmir have to be taken at summit or Foreign Ministers' meetings. There is, besides, another angle. Has the Secretariat, prompted by one or the other member-country of the OIC, issued the statement merely as a sop to Ms Benazir Bhutto precisely because of her failure to make much headway during her talks with individual leaders in the Islamic world? Mutual antipathies among the OIC members have, in the past, given rise to curious diplomatic twists and continue to do so.

Pakistan's apparent calculation that it will be able to make the most of the current situation in Kashmir by highlighting it at the OIC Foreign Ministers meeting originally scheduled to be held at the beginning of June has, for instance, gone awry because persisting Saudi-Iranian strains. Saudi Arabia has restricted the number of pilgrims from each country to one per thousand of its population since the riots in Mecca three years ago which were, blamed on incitement by a huge contingent of Shias from Iran.

Talks between Saudi Arabia and Iran aimed at reconciling their differences over this issue have apparently failed. The Saudis, it is clear, do not want to give the Iranians an opportunity to rake up this question at an OIC meeting before Haj this year. And hence they have managed to have the meeting postponed till after Haj is over. The Foreign Ministers may thus meet at the end of July or later.

Immediate aim

Whatever the decision the OIC Foreign Ministers eventually take on Pakistan's bid to get them to approve of its stand virtually burying the Shimla Agreement and thus to reinforce its efforts in the UN to achieve the same purpose. Ms Bhutto's immediate aim is clearly to refurbish her image at home. The domestic problem confronting her has two important aspects. First, she is trying hard to convince the people that she is in no way ignoring Islamic traditions. She has obviously accepted that a politician in Pakistan can hope to make headway only if he presents himself or herself in an adequately impressive Islamic garb. This explains why she has made two pilgrimages to the holy shrines in Saudi Arabia since assuming office a year-and-half ago.

Secondly, Ms Bhutto has found it imperative to rebut her critics oft-repeated charge that she is soft on India or is following a weak-kneed policy on Kashmir. Her repeated and strident call for self determination for the Kashmiris in recent weeks was meant to rebut this accusation. Her swing through West Asia was a part of the same exercise. In every capital she has harped on three themes either in her talks with her hosts or at press conferences; alleged Indian preparations for war, Indian repression in Kashmir and the urgency of the Ummah supporting the Kashmiris' self-determination.

The foreign office in Islamabad will eagerly watch the total impact of all this on the line which Islamic regime will later take on Kashmir at the OIC meeting. But even before that Ms. Bhutto

clearly expects that the daily publicity given in the Pakistan press to her talks and speeches in the Islamic capitals will improve her standing as an indefatigable champion of Pakistani interests and may even enhance international stature.

Well before she found it expedient to tread the path of her predecessors as far as Kashmir is concerned, Ms Bhutto had confidently ruled out another Indo-Pak war. She had then maintained that both countries had liberal democratic setups and aptly asked: Have any two liberal democratic regimes gone to war? The liberal fervour is now a thing of the past. It has given place to Islamic fervour.

The return to the old perspective also signals a revival of the earlier obsession to give Pakistan a new identity essentially as a part of Islamic South-West Asia rather than South-Asia of which it is a part and whose history it has shared. The importance of the Shimla Agreement lay in its emphasis on the two biggest countries of South-Asia sorting out their bilateral problems in a genuine spirit of accommodation. By thoughtlessly scuttling meaningful bilateralism, the pre-Benazir rulers of Pakistan made the Kashmir issue all the more intractable. It is sad that she has chosen to follow in their footsteps.

Indo-Pak thaw

There is not a little irony in this turn of events. It was the USA which had fuelled the Pakistani aspirations to be identified with Islamic West Asia. This was a Part of the US military strategy dictated by American-Soviet hostility. With the end of the cold war, the US has shifted gears and is stressing the importance of Indo-Pak thaw. Thus it is that Washington is trying to get Pakistan to accept the primacy of the Shimla Agreement as a means of resolving the Kashmir dispute.

And it is at this time that Ms Bhutto is posing a problem for Washington which had set much store by her enlightened outlook both in making democracy work in Pakistan and in opening a new era in the sub-continent's politics. It is only when Ms Bhutto reverts to the path of genuine conciliation that the Kashmir Valley will regain its peace and charms.

BENAZIR'S SURRENDER TO GENERALS

A. G. Noorani

PAKISTAN has exacted a heavy toll in Indian lives and property by sponsoring terrorism in Kashmir; though, as the Minister for External Affairs, Mr. Inder Kumar Gujral, warned Pakistan's Foreign Minister, Sahabzada Yakub Khan, last January, India is "resilient" enough to meet this challenge and even worse. But it will be long before Pakistan is able to heal the wound which its senseless adventure has inflicted on itself: on its fragile democracy. Prime Minister Benazir Bhutto has surrendered to the Army and to President Ghulam Ishaq Khan cynically in order to hold on to power, and against her better judgment. She has agreed to carry out Zia's policy towards India which she had publicly denounced. The evidence that has come to light reveals that in 1984, Zia set about to mount covert operations in Kashmir. In May-June 1984, Hashim Qureshi was approached. He had hijacked an Indian Airlines plane to Lahore in 1971. When he refused to serve as an "agent", Pakistan's Inter-Services Intelligence (ISI) turned to Amanullah Khan, the JKLF leader. He has admitted that "we actually started political planning in 1986 and continued till the end of 1987. For one and half years, we were planning our strategy and it began in July 1988." He later elaborated, "Our armed struggle started on July 31, 1988 by blasting three buildings belonging to the Government of India in Srinagar." He was asked, "Was guerilla training part of the preparations?" The reply was candid: "Yes, there was training."

When Ms Benazir returned to Pakistan in April 1986, Zia's programme was well advanced in Punjab, while "planning" was underway for a similar venture in Kashmir. In London she had criticised Zia for playing the Khalistani card and repeated the criticism in Pakistan on return more than once.

Training camps

Ms Bhutto became Prime Minister on December 2, 1988. At the end of the month the SAARC summit was held in Islamabad and she met Mr. Rajiv Gandhi there. There was a significant reduction in Pakistan's intrusions in Punjab and Kashmir. On January 9, 1989, Ambassador, S K Singh, acknowledged Pakistan has reduced its interference in Punjab. On January 13, Dr. Farooq Abdullah spoke in the same vein *a propos* Kashmir. He went so far as to certify that Pakistan had wound up training camps for militants in PoK.

In April, 1989, talking to newsmen before laying the foundation stone of the Nathpa Jhakri Hydel Power Project in Himachal Pradesh, Mr. Rajiv Gandhi said that he appreciated the steps taken by Ms Benazir Bhutto to check the help to Punjab terrorists despite constraints. His major domo, Mr. P Chidambaram, confidently told the Lok Sabha on April 6, 1989, that the powers and the activities of the ISI in encouraging terrorism in India had been severely curtailed since democracy returned to Pakistan. For good measure, he included Afghanistan also as an area of reduced activity.

Mr. Chidambaram revealed that a letter by a Pakistan-based terrorist Wassan Singh Zaffarwal, to another terrorist, G. S. Manochahal, recovered from two intruders killed at the border, complained that Ms Bhutto had decided to close training camps in Pakistan after her meeting with Mr. Rajiv Gandhi. He warned Manochahal that men "should not be sent to Pakistan" till the Pakistani stand was clearer.

Typically, Messrs Rajiv Gandhi, Farooq Abdullah and Chidambaram were crying "Hurrah" too soon. There was evidence enough already that the ISI, backed by the Army and the President, was fighting back. The *Kashmir Times* of February 10, 1989, carried a report by Mr. Zafar Meraj of his interview with Shabeer Shah, the People's League leader. He said: "*Shaheed* (martyr) Zia, late General Rahim Khan and others knew about this plan and it was with their permission that training centres were established in

different parts of Pakistan, where youth from this place were given latest arms and other weapons."

Kashmir plan

Mr. Meraj reported : "These camps according to him were closed soon after Benazir assumed office. The new government has also removed the Chief of Field Intelligence Unit (FIU) who was the link between Kashmir youth and Pakistan army and was coordinating the whole programme. However, the move to replace another senior office involved in the Kashmir had to be given up by the Pakistan government following strong opposition from the Army top brass. Shabir Shah claimed that even the Present Pakistan President Ghulam Ishaq Khan was in the complete know of the plan for giving arms training to Kashmiri youth and added that General Aslam Beg, the present Army Chief of Pakistan, was also not averse to the plan."

Shabir Shah claimed that "of late" Ms Bhutto had come under "severe pressure" from influential people to adopt a "tough" line. He hoped that "Benazir in the days to come would be forced to follow the line of action adopted by the late Zia-ul-Haq." Events proved him right.

Ms Bhutto herself delivered a warning about her precarious position. On April 21, 1989, she publicly admitted that since the men in uniform still wielded considerable political clout, she had to adopt the line of "live and let live" with them. She noted that her opponents had invited the military to interfere before and even after the election.

It is no secret that Ms Bhutto was allowed to assume power on the basis of a tacit understanding with the Army that she would not unduly interfere either with the nuclear programme or the Afghan policy. American support was extended fully only after continuance of the Afghan policy was assured. The parameters of India policy were also fairly clearly indicated. She had some leeway but the limits were not hers to alter substantially.

Ms Bhutto struggled hard to establish her ascendancy but she started the fight prematurely and conducted it so many fronts that she had to be bailed out by the very centres of power against whom she had launched the struggle - the President and the Army. They exacted a price. Acceptance of their Kashmir policy was part of it.

There was one initial gain. On May 25, 1989, the transfer of the ISI's Director-General. Maj.Gen Hamid Gul, was announced.

But he had to be promoted as Lt. General and given command of the Multan Corps. The President was opposed to the transfer. Nor did it please the Army that a retired officer, Lt. General Shamsur Rahman Kallue, was appointed D.G. of the ISI.

There is evidence that the ISI was being disciplined. *The Nation*, a respected daily from Lahore, published a detailed report on June 18, which lamented *inter alia* that "operations in India have been brought to an abrupt end with funds frozen and personnel recalled with immediate effect." This, of course, was only partially true. Some of the old guard continue to meddle in Punjab and Kashmir.

In August, Ms Bhutto insisted the Chairman of the Joint Chiefs of the Staff Committee, Admiral Itikhar Ahmad Sirohey, be retired and, worse still, made her disagreement with the President public. The Admiral remained in office. Had the PM succeeded General Aslam Beg's tenure in office as Chief of Army Staff have been affected.

Mending fences

It was next the President's turn to stumble. In October, he nominated 5 judges to the Supreme Court "In my discretion". This was patently unconstitutional. He was bound to act on the PM's advice. The dispute reached the Supreme Court. A majority of the judges were in favour of upholding the PM's contention. She wisely compromised. On December 10, 1989, the Court endorsed the compromise - the principle was upheld that the PM's advice was binding but the President's appointment before Ms Bhutto became PM were confirmed.

By then Ms Bhutto has also mended fences with the Chief of Army Staff, General Mirza Aslam Beg. The General himself has energetically projected the Army's role as an independent and neutral institution between warring political factions and has sought its rehabilitation in the people's esteem. At the same time he has made blatantly political statements which no Chief of Army Staff in a democratic government would make.

Only recently, on April 11, he said: "political rivalries, manipulations and Centre-Provinces rift continue unabated which were cutting at the very root of the democratic process." He warned: "Such a situation could hardly be helpful to lend a united support to the armed forces in facing the imminent challenge." And this was said at the Corps Commanders conference. On November 7,

1989, he urged the formation of a broad-based government in the country. As the distinguished Pakistani journalist, Mr. Mushahid Hussain, aptly summed up, since the restoration of democracy in Pakistan, the Army "has not only retained but also consolidated its role as the principal centre of power in national politics."

By the end of 1989, Ms Bhutto had come to terms with both the President and the General. But they are only too well aware of the compulsions that promoted her. These were very evident in the vote on the motion of no-confidence motion on November 1. The Government won by 124 votes to 107. The Opposition was only 12 votes short of success. The vote shook Ms Bhutto and her moves for rapprochement became desperate. In this process, both the Army and the President acquired a bigger say in foreign policy than ever before.

Seeing eye to eye

Last month's issue of *Herald*, a Karachi monthly edited most ably by the sprightly Ms Sherry Rehman, carried an analysis of power-sharing in Pakistan by Mr. Abbas Nasir which is most instructive. He wrote: "Both Ms Bhutto and the army have begun to see eye to eye on India after the heating up of the situation in Kashmir. That the Kashmir policy authored by the military establishment has been a success and need to be continued is reflected by the fact that the Prime Minister, according to authoritative sources, is considering increasing defence expenditure in next budget."

He quoted one analyst as saying that "even a child in this country knows that the Kashmir policy's architect is the army and not Ms Bhutto". One PPP Minister revealed: "The Kashmir flare-up and the many briefings on the issue where the Prime Minister got an opportunity to air her views, helped allay some of the suspicious of the military establishment towards her." The military leaders "discovered that her position on the issue was in consonance and complete harmony with theirs." One source close to the establishment in Islamabad went even further: "In fact, at times, Ms Bhutto was so gung-ho that fears in a section of the military elite that she was soft on India quickly disappeared." The proverbial zeal of a convert !

But Ms Benazir's conversion to the Zia credo was not inspired by conviction. It was motivated by considerations of sheer expediency. She was losing out to the Opposition and reached out to the Army and the President in rebound. She then had to fall in line

with them. In the process she has only helped them to amass yet greater power and undermine Pakistan's democracy.

Courtesy : Indian Express 21-5-90

ARABS AND KASHMIR

MANVENDRA SINGH

THE last six months have seen three important policy statements from Arab circles regarding the Kashmir issue. They reflect India's high standing in the Arab world. In January, at Tunis, the Arab League Foreign Ministers had told Mr. I.K. Gujral that "India and Pakistan should find a solution to their bilateral problem" within the framework of 1972 Shimla Accord."

In Delhi to receive the Jawaharlal Nehru Award for International Understand at the end of March, Yasser Arafat, while refusing to draw parallels between the Palestinian "Intifada" and the Kashmiri secessionist movement, declared that bilateral treaties like the Shimla Agreement remained the basis for resolving the Kashmir crisis.

In April, while attending a special session of the UN General Assembly, Foreign Ministers of Iraq, Syria, Kuwait and Egypt repeated the January call. Meanwhile, the Iranian government has stated that the hostile statements appearing in the Teheran press were made by the independent Islamic groups and were not reflective of government views.

Those who follow the West Asian political scene would not be surprised by these statements. The Arab Nation (Watanal-Arabi), despite its internal squabbles, the problems with the legitimacy of the "state" has a distinctly perceptible political culture that prevails from Morocco to Iraq. To an extent this is the legacy of Gamal Abdel Nasser. To say that Nasser continues to capture the Arab

imagination is an understatement. Along with a deep historical memory, Arab reactions to India have been governed by Yasser's experiences as well.

Political duel

Nasser analysed the 1948 Palestinian disaster as the outcome of a struggle between antiquity and modernism. Thereafter, his overriding goal became the creation of a modernised Arab mind that would manifest itself in the efficiency of the "state" and "nation". Nasser's was an Arab nationalist response to a fundamental "development" problem. He was Arab in spirit, Islamic in faith and secular in action.

Throughout his reign, he was involved in a bloody political duel with the Muslim brotherhood ("Ikhwan al-Muslimeen). Bitterly opposed by Saudi Arabia and other Arab monarchies, Nasser channelised Arab political imagination towards a whole new ideology, non-alignment.

While Nasser, Nehru and Tito created a political storm in the under-developed world, Pakistan became enmeshed in the SEATO and the Baghdad Pact, pro-Western pacts, that were anathema to the Arabs. With the proliferation of military states in West Asia where power now rested with a core of young officers, unconnected with traditional Arab pillars of authorities and all owing to some allegiance to Nasser, India's position with such states received a boost.

In some respects, these Arab states were ideologically similar to India. All of them professed an indigenous brand of socialism, traditional power structures and political power now rested with new classes. Emerging from years of colonial rule they all supported anti-colonial movements across the globe, thereby being labelled anti-West. Owing to international political circumstances, they all relied on the Soviet Union for political and material aid. The legatees of Nasser propagated a secular Arab nationalist stance as against the Islamic one by many of the monarchies.

Lastly, following their coups and revolutions, they all have had to wage a constant struggle against the forces of fundamentalist religious ideology. Barring the mercurial Libyan leader, Mu'ammarr al-Gaddafi, the "nationalist" Arab states have maintained a rather consistent position vis-a-vis India. Clovis Maksound, the suave Maronite Lebanese, the Arab League's Permanent Representative

to United Nations put it succinctly when he stated that "India (is) a living dimension in our own national life."

Iranian revolution

Visiting Algiers, Baghdad, Cairo or Damascus, the first thing to catch one's attention is the sheer indulgence in Indian movies, music, and film star posters which comes as a most pleasant and heart-warming surprise.

As the Arabs are aware, until the recent Iranian revolution, only the two states had been created on the basis of a religious identity, Israel and Pakistan. Many a devout Palestinian Muslim has been extremely critical of the creation of Pakistan to this writer. A number of Arabs have drawn parallels between the Zionists and Pakistani movements.

Pakistan has more military contact with Israel than India has; after all they more or less use the same military hardware. They have both worked closely with the Sri Lankan security services in dealing with Tamil militants. And they were equally involved in the Iran-Contra affair. All this reflects on the degree of diplomatic respect that different Arab countries confer on Pakistan.

The "association" that is of foremost importance to the Arab states is the "Arab League". An Anglo-American creation of 1945, the League was hijacked by Nasser to further his Pan-Arabist vision. In a simple manner, it can be divided into the "nationalist" and "moderate" camps. After Nasser's death in 1970, "the nationalist" camp was in complete disarray owing to a struggle over Nasser's throne. Iraq and Syria entered into a bitter ideological dispute that further weakened the "nationalist" camp.

At the same time, Saudi Arabia cleverly used oil as a bargaining weapon both internationally as well as amongst Arabs, to steer the League towards a "moderate" role. With the rise of Saudi oil power in the seventies, Arab politics took a turn to the right; and the current stalemate in West Asia has to do with the continuing struggle between these two political trends.

Led by Saudi Arabia, the "moderates" generally tend to follow a pro-Pakistan line under an Islamic banner, though not solely for the sake of piety. The term "moderate" has been created by the American media; and it generally implies that the state concerned remains pro-America even under the most trying circumstances.

Pakistan has strong military exchange programmes with Saudi Arabia and Jordan. It was late General Zia-ul-Haq, then a

Brigadier, who saved King Hussein during the "Black September" of 1970 and later rode his Pakistani armoured brigade over Palestinian refugee camps in and around Amman. Pakistani troops continue to form an important section of King Hussein's Palace Guard and his brother Crown Prince Hassan, is married to a Pakistani.

The "nationalist" states, generally tilt towards India. Third Worldist and secular, they all have serious domestic problems with actively organised fundamentalist groups, as well as large, educated and influential non-Muslim minorities; both the Iraqi and Egyptian Foreign Ministers are Christians. Syria suppressed an uprising by the Muslim brotherhood in 1982 in which at least 20,000 people were killed. When the unpredictable Mr. Gaddafi wears gloves to shake hands with Arab kings (or traitors as he has been known to term them) and removes them to embrace others, his actions are a reflection of the divergent currents in the Arab political spectrum.

Dramatic rise

Emerging victorious from a bruising eight-year-long war, Iraq is aggressively attempting to promote itself as sole leader of the Arab world. Backed by an impressive military might and battle experience and latent nuclear capability, Iraq (amongst our most consistent allies) is posing the greatest worry to all Arab states. Iraq has displayed remarkable technological depth, so much so that even a saturated Israel has expressed worry. The dramatic rise of Iraq is the issue that currently forms the primary concern in the Arab world.

President Saddam Hussein has unilaterally called an emergency Arab summit in Baghdad for May 28. He has taken the initiative towards a rapprochement with Iran by proposing a meeting with President Rafsanjani in Mecca mediated by King Fahd. The two Yemens are attempting a union after almost a thousand years of tribal warfare. Yasser Arafat is working at a very difficult rapprochement between Syria and Iraq. Syria, however, has declined to attend the emergency summit and continues to remain the missing brick in the wall.

All this flurry of diplomatic activity has some very important implications for India. First, with Iraq's determination to successfully stage this summit, the Organisation of Islamic Conference (OIC) Foreign Minister's meeting scheduled for June 11, at Cairo has been postponed. India has been saved from a potential headache, for Kashmir was stated to be on the agenda. The earliest

possible date for the OIC to meet is sometime in September. That gives India more time to handle the Kashmir crisis.

Secondly, diplomatic activity vis-a-vis Kashmir is going to be out on hold. The most basic concern that Arab states have is that war has to be avoided at all costs. The Arabs have more pressing matters to deal with, such as the emigration of Soviet Jews and their resettlement in the "Occupied Territories."

Fund of goodwill

Ms Benazir Bhutto has drawn a blank from her tour of Islamic countries beginning May 15; even Jordan and Turkey, the strongest diplomatic allies of Pakistan in the past, refrained from making pro-Pakistan statements. Syria even refused to grant permission for a customary press conference. In an editorial few days before she arrived, the "Frontier Post" previewing Ms. Bhutto's tour, stated, "She will indeed be given a red carpet welcome, but coming to grips with the large fund of goodwill built up by India in the Arab world will remain a challenge."

The most important long-term development in store for India relates to the continuing rise of Iraq as "the" Arab, military power. Should Iraq reach that position unhindered, Pakistan's political and military influence in the Gulf could be checked. A military state, as Iraq is, will never allow another military state, as Pakistan still is, to encroach on the region of its primary concern.

While there has been tension between Iraq and Pakistan on numerous occasions, India and Iraq have had a close working relationship that has allowed a great deal of military exchange. The hardware is generally the same; outside of the Warsaw Pact India and Iraq were the first to receive the MIG 29. Given the correct blend of political courage and diplomatic skill, India can create numerous options with its trump card, Iraq, and utilise the immense good faith that has always been conferred upon it by Egypt, the fulcrum of the Arab League.

A genial Pathan from Peshawar shared my room in a Damascus hostel. On the day of his departure, most distraught at his experiences with the Arabs, he said to me, "Even though a non-Muslim, you are so lucky in that you hold an Indian passport; because of my Pakistani passport the Arab's think I am an American spy."

KASHMIR AND PALESTINE WHY THE COMPARISON IS ODIOUS

A. S. ABRAHAM

ONE of the major points Pakistani propaganda on Kashmir has sought to drive home internationally is that the turbulence there is the local version of the Palestinian "Intifada", or uprising, in the Israeli-occupied West Bank and Gaza Strip. No one can deny that the unrest in the Kashmir Valley is a mass agitation caused by the alienation of the people from the government. This alienation is the consequence of long years of corrupt misrule by successive administrations since the death of Sheikh Abdullah. It is also true that for the first time in four decades Kashmiris of the Valley, are asking for separation from India, some groups wishing to join Pakistan while others to form an independent state. This is a measure of how estranged they have become from the country. It is on the basis of such similarities between the Palestinians and the Kashmiris that Pakistani propagandists seek to draw an analogy between the two situations. The "Intifada", too, is a popular revolt and the Palestinians also want a state of their own.

In order to secure its objective in Kashmir, which is to annex the whole state, Pakistan needs to muster international support for itself and to apply global pressure on India. Even if it were foolhardy enough to want to assert its claim to Kashmir through military force, it would be inhibited about doing so as long as India was not in the world's moral dock, as the Israelis undoubtedly are. Its political and diplomatic strategy, therefore, is to portray India

as an illegal occupying power in Kashmir and Kashmiri agitation as a liberation movement which India is ruthlessly crushing. Should it succeed in doing this, it may, so it probably reckons, not have to beat the war-drums at all because India will be compelled by the world's moral condemnation to relinquish Kashmir.

Pakistan's Aims

By hammering away at the comparison between the Kashmiri and Palestinian situations, the Pakistanis hope to achieve two things. One, the Palestinian question, like the South African issue, arouses the fiercest international passions. Just as even the West has been forced by world opinion to apply at least limited economic sanctions against Pretoria and to use its influence with the latter to get the White-minority regime there to yield more and more ground to the African nationalists, so the West, including especially the US, is being made to pressure Israel into making concessions on the Palestinian issue. In other words, on the Palestine, as on South Africa, virtually the whole world is at one on the basic injustice of the present dispensation and on the urgent need to correct so gross a wrong. If Kashmir can be made into a third such global cause, India would become morally isolated while Pakistan would be on the side of the angels.

Two, the Palestinian issue is of particular concern to the Muslim world as a whole, and within it to the Arabs in particular. By trying to draw a parallel between Palestine and Kashmir, Pakistan is thus making a specific Muslim-Arab pitch as well. It wants to encourage the idea that what is happening in Kashmir, as on the West Bank and in the Gaza Strip, is of direct consequence to the Muslims everywhere, that it is a struggle between the faithful and the infidels, that just as a Jewish state is bent on trampling Arab aspirations into the dust, so a "Hindu" state is determined to keep rebellious Muslims in thrall, and that too in the one state in India where Muslims are in the majority. Since Pakistan was carved out by slicing away Muslim-majority regions from pre-partition India, that excision must now be completed by merging Kashmir into Pakistan and freeing Kashmiri Muslims from the tyranny of their Hindu overlords.

Rich in Irony

This line of Pakistani propaganda is rich in irony. Pakistan is professing to be the saviour of the Kashmiri Muslims on the ground that their "natural home" is Pakistan, which its founders created

specifically as the "homeland" of the Indian sub-continent's Muslims. (As it happened, a very large number of these Muslims saw Pakistan in a less favourable light and rejected it by remaining in India). Yet, the only other post-Second World War state that was created specifically on religious grounds was Israel, as a result of whose birth the Arab and Muslim world have since been plunged into a bloody and continuing battle for the restitution of the Palestinians' rights. If any two states have much in common, it is Israel and Pakistan, both founded by the same colonial power, Britain, which cynically encouraged and oversaw their creation not on secular nationalist grounds as was the pattern everywhere in what became the Third World, but on the basis of religious identity. This was not only a rejection of modern thought, it was deliberate throwback to feudal bigotry. It is the same Pakistan that now seeks to compare Indian actions in Kashmir with Israeli repression of the Palestinians !

The comparison, in any case, is wholly untenable. The Israelis captured the West Bank and the Gaza Strip in 1967 and have not only not vacated it but have also been steadily colonising it with a view to annexing it. Not so long ago, in an unguarded moment, Mr. Yitzhak Shamir, the Israeli Prime Minister, now in office in a caretaker role, spoke of settling, the Soviet Jews thronging into the country in a "bigger Israel" code language for incorporating the occupied territories. The remark provoked a global furore and Mr. Shamir hastily retracted, but no one is convinced that he has given up the idea, least of all the Palestinians.

India did not seize Kashmir by force. In fact, it was Pakistan which tried to do so and failed. The state acceded to India legally, a bond which free elections subsequently strengthened. Israel has never held elections in the occupied territories. Pakistan has tried, again, twice, to grab Kashmir and has failed both times.

India, unlike Israel, has never sought to colonise Kashmir. On the contrary, no one except a Kashmiri can buy land and settle there.

No Palestinian group or party of any kind has ever supported the Israelis. The National Conference, on the other hand, for long the authentic voice of the Kashmiri people, has always endorsed Kashmir's accession to India. Under its present leader, Dr. Farooq Abdullah, the son of Sheikh Abdullah, who was a giant on the Indian nationalist movement, the National Conference continues to do so.

The Palestinians on the West Bank and in the Gaza Strip, unlike the Arabs, within pre-1967 Israel, are not Israeli citizens and have none of the rights, Israelis enjoy. Kashmiris have been Indian citizens from the very start and have the same rights as their fellow-citizens.

India has gone out of its way to protect and nourish the Kashmiri identity. The Israelis are seeking to cripple the Palestinian identity in the occupied territories.

The world does not accept the Israeli occupation. President Bush recently cast doubt, justifiably if belatedly, on Israel's claim to Jerusalem as its "eternal" capital. No one except Pakistan harps on Kashmir's accession to India.

Domestic Problem

It is clear, then, that the differences between the Palestinians and Kashmiri situations outweigh the superficial similarities that Pakistan has been at pains to emphasize. There is a popular agitation in Kashmir with a strong separatist element, but it is a domestic problem in the same category as the demand for Khalistan by Sikh secessionists, or for a separate Nagaland by militants belonging to National Socialist Council of Nagaland. It is a domestic problem even as the current demands for a separate Sind or Baluchistan are domestic Pakistani problems.

It is necessary for India to demolish Pakistan's attempts to equate the Palestinian and Kashmiri situations in order to prevent it from putting India morally on the defensive. Such a demolition would also ensure that the Muslim and Arab support Pakistan is desperately seeking continues to be only demed it. In the end, of course, addressing genuine Kashmiri grievances and thereby containing the agitation while isolating the secessionists will be the most effective answer to Pakistani propaganda. Inevitably, that will take some time. In the meanwhile, Pakistan must not be allowed to call the shots in the diplomatic and political war over Kashmir.

O. I. C. AND KASHMIR

MANVENDRA SINGH

FOREIGN Ministers of the Organisation of Islamic Conference (OIC) countries are to meet in Cairo over four days, from July 30. It seems Kashmir is on the agenda, not as a separate item but as part of a section devoted to "Conditions of Muslims around the world." Having Kashmir on the agenda should not read by New Delhi as a setback. There are in fact signs that India has been able to checkmate Pakistan's frantic efforts at trying to arouse Pan-Islamic sentiment over Kashmir.

Burdened with their own nationalist, sub-nationalist and Islamic resurgence movements, West Asian countries can be expected to understand the Indian case in Kashmir and to refrain from stirring any controversy over it.

From the point of view of the Kashmir Mujahideen, the next two weeks will be crucial. The OIC meeting will be followed by the second round of talks between the India and Pakistan's Foreign Secretaries. Soon thereafter India and Pakistan will celebrate their Independence days. The Kashmiri terrorists are, therefore, likely to stage spectacular actions in this period. This makes OIC all the more important to them.

The OIC is composed of about 42 states, a large number of them being sub-Saharan African countries. The countries of West Asia, however, remain the most influential. In political terms the OIC does not have the clout to do as much benefit or damage as

the Arab League, for example. The agenda is decided by a secretariat residing in Jeddah and then sent to the hosts.

There are numerous issues that are of greater importance to the OIC than happenings in Kashmir. Developments in East Europe will obviously be amongst the highest on the agenda, under the title "Impact on the lives of Muslims in Europe". Afghanistan will be another topic of interest. The Saudis are interested in having the Peshawar-based "Afghan Interim Government" occupy the vacant seat for Afghanistan. Najibullah is lobbying for his government to be recognised as the true representative of the Afghan people. This could well be a thorny issue.

The OIC is often plagued by a struggle for the leadership of the Islamic world between Iran and Saudi Arabia. This is one of the reasons why it has never really fulfilled its potential. It could do nothing about intra-Islamic conflicts like the Iran-Iraq war, Libya's conflict with Chad, or Morocco's claim to the territory inhabited by the Sahrawi people. These issues may come up again in one form or the other. The Khurdish and Moro (Philippines) insurgencies, too, will cast their shadow over the meetings. Above all the Palestine struggle is bound to occupy much of the OIC's time.

The Saudi-Irani struggle will be renewed following the recent disaster in Mecca, in which about 1500 pilgrims died. The Saudis have come under a strong attack from Indonesia, Malaysia and Turkey, where most victims were from Iran, which was not allowed to send pilgrims, has already taken up the issue and will most likely challenge Saudi monopoly over Haj arrangements. Iraqi problems with members of the Gulf Cooperation Council over crude oil quotas is also threatening to make the Gulf into a conflict zone again. After a bloody war over a waterway, the issue now is oil-quotas and oil-wells. Tension will prevail in Cairo.

If any aid is indeed coming to Kashmir from Iran, as has been reported, it must be the handiwork of one or more power centres there in the absence of strong central direction. India would do well to be explicit in condemning such interference. In fact Iran needs to be reminded about its own Kurdish problem. Turkey and Saudi Arabia are the other potential supporters of Pakistan over Kashmir. It is about time India spoke about the Kurds in Turkey, or the deplorable conditions of the Shias in Saudi Arabia.

Further, during the 1979, operation to free the Grand Mosque at Mecca from Sunny zealots, French and Saudi commandoes

flooded the basements where the militants were holed up and electrocuted about 250 that were still alive. India has so far fought shy of expressing its shock at such events. This will not do.

The fact is that New Delhi has not yet realised that it cannot remain a hostage to a West Asian policy that was formulated when Nasser ruled the heads and minds of the people of this region. Friendship must be strictly reciprocal. Let it also be recognised that the Soviet Union has virtually evaporated from the West Asian arena.

Courtesy : Indian Express 30-7-90

THE 'OTHER' KASHMIR

Fundamentalist frenzy and an anti-India sentiment dominate a pathetically underdeveloped area

Pakistan calls it 'Azad Kashmir'. India refers to it as Pakistan Occupied Kashmir (POK). Following convulsions in Srinagar, this disputed territory has suddenly emerged from obscurity and become the centre stage for frenzied anti-India activity.

WHAT is the 'other' Kashmir like? How serious are the intentions of its residents? Is it really the promised land that Pakistani propaganda makes it out to be?

Because of its sensitive nature, POK has always been out of bounds for Indians. Last fortnight, *INDIA TODAY* obtained permission for Principal Correspondent Kanwar Sandhu and Senior Photographer Pramod Pushkarna to tour the area—the first Indian journalists to visit POK (population: 2.5 million).

Sandhu and Pushkarna travelled to area where no Indian has ever set foot and often had to conceal their identities in the face of rabid anti-India hostility prevalent there. Sandhu's report:

FOR an Indian, this is no time to be travelling through 'Azad Kashmir'. The hostility and loathing towards anything connected to India is something tangible and frighteningly real. However, the President of 'Azad Kashmir', Sardar Abdul Qayyum, acts with surprising alacrity on our request to visit the area and deputed an official escort to accompany us on a tour of the 'Other Kashmir', including places where no Indian has ever been since 1947—not officially at least.

The fundamentalist frenzy that has convulsed the area is nakedly evident the moment you enter POK at Kohala. The sign, 'Welcome to Azad Kashmir', is dwarfed by the boldly scrawled

graffiti in Islamic green: "*Kashmir Banega Pakistan*" (Kashmir will become Pakistan).

Closer to Muzaffarabad, the capital of 'Azad Kashmir', the graffiti and posters become strident in tone. "*Dukhtre Kashmir ke Pairon Ki Zanjeeren Katne Ki Ghari Aa Pahunchi Hai*" (The time to cut the shackles of slavery from anguished Kashmir has arrived).

Muzaffarabad, a four-hour drive from Islamabad, is where the old Rawalpindi-Murree road branched off for Srinagar in pre-Partition days. Once a sleepy, sprawling township shunned by civil servants, it is today the centre-stage of political activity and fundamentalist fervour for the 'liberation' of Kashmir.

Muzaffarabad is also the headquarters of the Kashmir liberation Cell, set up in 1987 to "promote the cause of self-determination of the Kashmiris" for which it officially receives Rs 50 lakh a year from the federal and the POK Government.

In Mirpur township, the frenzy is even greater. Every inch around Shaheedan Chowk, the centre of religio-political activity, is covered with anti-India graffix and posters. Some posters curse the Shimla Agreement, others the family of Sheikh Abdullah. A quote from the Quran exhorting people to rise "in support of those being trampled" is emblazoned on a huge banner.

Much of the fervour is also fuelled by propaganda, most of it dubious in nature. Everybody one meets speaks of "hundreds of refugees" who have supposedly crossed over from the Indian side in recent weeks. However, when I ask to meet some of them, the response is evasive. Finally, the "hundreds" are reduced to around 20 families who are supposedly in Bagh, one of the more remote districts.

The current emotional upsurge dominates almost every aspect of life in POK. Till recently, Indian film songs were popular throughout the area. But with the rise of fundamentalism and the strident call for 'liberating' Kashmir, new songs have been spawned and lyrics have changed. The most popular cassette in POK, available everywhere, is called *Kashmir Se Aati Hai Sada*. The opening stanza of the cassette goes; *Allah ho Akbar/Marde Mujahid/Marde Khuda/Talwar Utha/Maidan me aa*. (Allah is great, O warrior of Islam, O warrior of the lord, pick up your sword, and come onto the battle-field.)

All over POK, in villages and decrepit hamlets, anti-India processions in which effigies of V.P.Singh are burnt or belaboured

with sticks have become almost a daily ritual. Young students carrying placards and banners swarm the streets extolling the public to contribute to the 'Jehad Fund' for Kashmir's liberation.

THE response is awe-inspiring. Invariably every Friday, after the afternoon prayers at the mosques, fiery sermons are given on the need to wage Jehad. "It is now or never," blare the loudspeakers.

Being an Indian in POK is obviously a major disadvantage. But for a Sikh, it is clearly an asset. At checkpoints, policemen wave to us on seeing my turban. For the people of 'Azad Kashmir', a Muslim is a friend, and a Hindu an enemy. A Sikh falls somewhere in between. Because of the present turbulent situation in Punjab, all Sikhs are believed to be on their side. The inevitable question is: "How is your Khalistan movement going?" This is immediately followed by a diatribe against Hindus.

The emotional frenzy makes it easier for them to accept propaganda as gospel. Many people we meet narrate stories about Sikh soldiers in the Indian Army refusing to open fire on Kashmiris. They look at the incredulously when I try to explain that no such thing has happened and that the Indian Army is totally apolitical.

But being a Sikh isn't always an advantage. For one, it easily identifies you as an Indian and in the midst of the emotional and religious frenzy that has energised the area, all Indians are potential targets. Chakothi is a dilapidated little town where a 4,000-strong mob assembled last month and scrambled across the barbed wire road block of the Pakistan Army in an attempt to cross the actual line of control. Indian border troops were forced to open fire.

Three people were killed and some of the wounded are recovering in the local army hospital. Naturally, anti-India feelings are still at fever-pitch. "Youth carrying Kalashnikovs are moving about and as Indians you could be the targets," warns a police officer. Finally, I had to take a decision to wear a hat over my turban, and pretend to be a part of a team of Sri Lanka journalists.

Despite the relative freedom of movement we are allowed, our escorts take care to steer us clear of sensitive military areas and ensure that our movements are carefully monitored. (Most of POK is a field area with 13 brigades stationed there).

Foreign journalists, in contrast, have no such restrictions. In Muzaffarabad, we are taken to the official guest-house rather than the hotel we had planned to stay in, obviously to keep track of our movements.

Not that there are many decent hotels in 'Azad Kashmir'. The one in Muzaffarabad, Al Abbas, is perhaps the only one that qualifies as such. It is obvious that it is only recently that development work has started in the area. For the most part, 'Azad Kashmir' is still fairly backward and primitive. The roads are maintained perhaps to facilitate troop movement, but the villages and smaller towns are anything but prosperous.

Unlike Jammu & Kashmir, tourism is not a source of income and only the picturesque Neelam valley has any claims to being attractive to visitors. What is even more surprising is that there are no local newspapers. In fact, that first Urdu daily, *Azadi*, was started in Muzaffarabad only last fortnight.

Compared to Jammu & Kashmir, 'Azad Kashmir' is an island of neglect, although over the past five years, a tremendous effort has been made in development areas like rural electrification and primary education. Timber is the most prominent industry in the area and Muzaffarabad is famous for its traditional walnut furniture industry. But even that is now crippled for lack of adequate marketing and distribution. Mirpur, near the Mangla Dam, is only now being developed as an industrial town due to its proximity to the Grand Trunk Road and businessmen are starting to set up factories in the area.

Muzaffarabad district was among the most backward districts in the subcontinent before Partition and due to the subsequent political uncertainty, very little economic progress is visible. In fact, the modern office buildings of the prime minister and the secretariat in the new Chattar area of Muzaffarabad have been built only recently.

Yet in the present fundamentalist fervour, such drawbacks are largely viewed as inconsequential. As Dr Khan Zaman Mirza, director of the School of Islamic Studies, says: "A man never lives by bread alone."

Islamisation has ensured that most Kashmiris in POK are fervently for Kashmir's accession to Pakistan. The Jammu & Kashmir Liberation Front (JKLF) of Amanullah Khan, which propagates an independent Kashmir, does not, consequently,

enjoy any significant following. In fact, the one word that seems to override everything is *Istissowab-e-Rai* (plebiscite).

The Shimla Agreement cuts no ice here—in fact, it does not even figure as a topic of debate. As a senior leader in Muzaffarabad, Sheikh Aqeel-ur-Rehman of the Jamait-e-Tulba, says: "We will spill every drop of our blood in the Jihad for which we are preparing people." He claims that they have arranged training camps in the hills, but refuses to get into specifics. Leaders like him, in fact, criticise the Government of Pakistan and POK for spending money on roads and other development activity. "What is important is getting to Srinagar," he declares.

The old road to Srinagar via Muzaffarabad ends about two kilometres from Chakothe. From here, Srinagar is about 120 kilometres away. The two armies are separated by a bridge over the Jhelum river which meanders through the hills separating the two sides.

Along the Neelam river in the Tithwal sector, the village of Chaliana overlooks an Indian Army picket down below. The Indian troops are seated in orderly lines receiving a lecture from and officers while those on sentry duty are glued to their binoculars. Occasionally, one can even hear the crackle of small arms fire.

"My orders come from the highest in the land," he declares.

When Qayyum is informed, he flies into a rage, censures the people responsible and gives permission for us to go back. But this time, the final clearance is given by the all-powerful Inter Services Public Relations (ISPR), headed by a serving brigadier, and an army captain is added to our three-man escort team.

The over crowding of the political stage adds to the confusion. The frenetic political activity is, in fact, largely diffused by the plethora of parties and fundamentalist groups all doing their own thing. In this rabidly communal scenario we are taken aback when at Mirpur we come across the members of National Students Federation who are firm on the 'liberation' of Kashmir, but are against giving it a communal colour. There are currently 17 political parties and youth militant organisations in POK. The only unifying factor perhaps is the 'liberation' of Kashmir.

At Chaliana village, Aziz-ur-Rehman, member of the local union council, when asked which political party he belonged to, says that now they all belong to one party—the party of Allah. "The politics of the party is over now," he adds.

The emotional frenzy caused by the current situation in Kashmir has even brought to the fore the women of POK from behind the purdah. Throughout our visit, we see very few women and those we do not get to meet refuse to be photographed or quoted. Recently, however, a women's organisation called "Dukatran-e-Millate- Kashmir (Daughters of a Kashmiri Nation), with Rabia Gilani, as its president, has been formed in Muzaffarabad.

'Azad Kashmir' has an elected assembly which has the power to promulgate laws (the only exception is taxation which is divided by a 14 member council headed by prime minister of Pakistan). As in Jammu and Kashmir, non-Kashmiris cannot buy property in POK. All lower and middle level officers are from the Kashmir cadre, while the state police chief(IG rank) and the chief secretary of the state are on deputation from the Pakistan Government.

What is strikingly significant is that all local officials, whatever their rank, are part of the so-called 'freedom struggle'. Abdul Majeed Malik, chief justice of the 'Azad Kashmir' high court spends more time in POK addressing public meetings on the Kashmir issue than he does in dispensing justice.

But that is obviously a key element of his functioning, as it is for most of the administrative officials. After 10 days of travel through POK, the overriding impression is that 'Azad Kashmir' has suddenly awoken from the obscurity of the last 40 years.

Today, they are all soldiers in the holy war that has been launched to 'liberate' Kashmir, some armed with the fanaticism of Islam, others, more dangerously, with Kalashnikovs. The ultimate irony is that the provocation for that has not come from Islamabad, but from Srinagar and New Delhi.

Courtesy : India Today March 31, 1990

ARTICLE 370

370. Temporary provisions with respect to the State of Jammu and Kashmir :-

(1) Notwithstanding anything in this Constitution:-

(a) the provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir:

(b) the power of Parliament to make laws for the said State shall be limited to-

(i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and

(ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

Explanation -- For the purposes of this article, the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's proclamation dated the fifth day of March, 1948;

(c) The provisions of article 1 and of this article shall apply in relation that State;

(d) such of the other provisions of this Constitutions shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify:

Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub-clause (b) shall be issued except in consultation with the Government of the State:

Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government.

(2) If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second proviso to sub-clause (d) of that clause be given before the Constituent Assembly for the purpose of the framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

(3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify:

Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

ARTICLE 370: CONSTITUTIONAL OBLIGATIONS AND COMPULSIONS

S. P. SATHE

The prime minister has done well to assure the house that the government would not repeal Article 370. This is not, however, merely a matter of the goodwill of any government in power. The Constitution of India does not allow any government to unilaterally abrogate Article 370. Such a move requires the concurrence of the state government.

SINCE the eruption of the present crisis in Kashmir, some people and parties like the BJP have been maintaining that Article 370 of the Constitution is responsible for separatist tendencies and ought, therefore, be abrogated.

Article 370 was included in the Constitution, not as an after-thought but after mature consideration by the Constitution makers. It was a condition of Kashmir's accession to India and if that accession is sacrosanct, the condition must also be sacrosanct. Kashmir did not obviously want to join Pakistan. Kashmir procrastinated between independence and accession to India and chose the latter. Accession to India was conditional on Kashmir retaining its distinct cultural and regional identity. Article 370 assured the state all benefits of the independent Kashmir without sacrificing the advantages of being a part of the larger Indian federation. It conferred maximum autonomy on Kashmir.

The Article provides:

(I) The Union Parliament is to legislate on such matters in List I and List III of the Seventh Schedule of the Constitution as correspond with those mentioned in the Instrument of Accession signed by the King of Kashmir. The president of India can identify subjects on Lists I and III which correspond with broad subjects mentioned in the Instrument of Accession but the order of the president specifying such subjects must be made in 'consultation' with the state government.

(II) The president can extend the legislative power of Parliament in respect of subjects in the union and Concurrent Lists of the Seventh Schedule not included in the Instrument of Accession by an order, which can be made only with the 'concurrence' of the state government.

(III) Article 1 of the Constitution of India, which defines the territories of India, and Article 370 itself apply to Kashmir *ipso facto*. All other articles of the Constitution of India may be extended to Kashmir, by an order to be issued by the president under the Article 370, only in 'consultation' with the state government of Jammu and Kashmir if it pertains to matters regarding legislative power of Parliament, and with the 'concurrence' of the state government if it pertains to matters other than those regarding the legislative powers of Parliament.

The words 'consultation' and 'concurrence' used in Article 370 are significant and they show the meticulousness observed in preserving the autonomy of Jammu and Kashmir. Actually under Article 370, the president issued the Constitution (Application to Jammu and Kashmir) Order 1954 declaring which provisions of the Indian Constitution would apply to Jammu and Kashmir with or without modification. This order was amended from time to time to make more and more provisions of the Indian Constitution applicable to Jammu and Kashmir.

The Constituent Assembly of Jammu and Kashmir drafted a constitution for that state whose preamble states that "the people of the state of Jammu and Kashmir, having solemnly resolved, in pursuance of the accession of the state to India" had given themselves that Constitution the purpose of which was to further define the existing relationship of the state with the Indian union. In the Constitution of Jammu and Kashmir, the Constitution of India has been defined as "the Constitution of India as applicable in relation to that State". This implies that such provisions of the Constitution as would be made applicable to Jammu and Kashmir by an order

issued by the president under article 370 of the Constitution would constitute the Indian Constitution so far as Jammu and Kashmir is concerned.

What Article 370 envisages is a different type of centre-state relationship than the one that exists between the centre and other states. This special centre-state relationship was the result of a peculiar history and it would not be desirable to disown it. What needs to be emphatically stated is that unilateral abrogation of Article 370 by the union Parliament is constitutionally not feasible. Article 370 provides for its own repeal. The President of India may, by public notification, declare that the article shall cease to be operative or shall be operative with such exceptions and modifications as he may specify. The President can issue such notification only on the recommendation of the Constituent Assembly of the state. Since the Constituent Assembly no longer exists, this provision has become inoperative. Under Article 368 of the Constitution, powers and procedure for amendment of the Constitution have been provided. Article 368 as applied to Kashmir provides that no amendment passed in accordance with that article shall apply to Kashmir unless it is extended to Kashmir by an order issued by the president under clause (1) of the Article 370. Such an order will require the concurrence of the state government. Since Article 370 expressly provides for its own repeal, it could very well be argued that Article 368 is subject to Article 370 insofar as the repeal of Article 370 is concerned. However, in view of the fact that the provision in Article 370 has become inoperative due to the non-existence of the Constituent Assembly of Jammu and Kashmir the procedure under Article 368 could be used for achieving the repeal of Article 368. Article 370 starts with the words "Notwithstanding anything in this Constitution" Article 368 also contains a similar non obstinate clause. In view of the fact that both the articles contain the non obstinate clause, the specific provision in Article 370 must override the general provision in Article 368. Therefore, the only way to repeal Article 370 will be to issue an order under Article 370 making constitutional amendment made under Article 368 *ipso facto* applicable to Jammu and Kashmir. Such an order can be made only with the concurrence of the state government. After making such an order, Parliament may pass a bill, to amend the Constitution, containing a provision for the repeal of Article 370. Such an amendment will have to be passed by two-thirds of the members present and voting and absolute majority of the total

membership in each house of Parliament. Since an order under Article 370 making the constitutional amendment under Article 368 *ipso facto* applicable to Jammu and Kashmir cannot be issued except with the concurrence of the state government, no unilateral action can be taken by the centre in this regard.

It is in India's interest to retain Article 370 until the government of Kashmir agrees to its repudiation. Article 370 would morally strengthen the India's claim over Kashmir. Ultimately no one people can keep another people in subjection against their will. The Central Government will have to win over the people of Kashmir and convince them that their interests are safe in India and that they enjoy the fruits of democracy and autonomy within the Indian federation. This is the real challenge before the Indian leadership and any talk of abrogating Article 370 would further alienate the people of Jammu and Kashmir from India.

We cannot invoke the sanctity of the Constitution when it suits us and call it a mere technicality when it does not suit us. If the Constitution is sacrosanct, and we are willing to negotiate with terrorists within its framework, we must not talk of abrogating Article 370 which is a part of that framework. In fact, those who are interested in solving the Kashmir issue should use the present provisions of Article 370 to assure the people of Jammu and Kashmir that even if the Indian Parliament wants, with an overwhelming majority, to undo Article 370, it would not be able to do so except with the concurrence of the state government.

The prime minister has done well to assure the House that the government would not repeal Article 370. But the people of Jammu and Kashmir must be informed that this is not merely a matter of the good will of any government in power. The Constitution of India does not allow any government to unilaterally abrogate Article 370. This will go a long way in assuaging the fears of the people of the state.

ABROGATING ARTICLE 370 CAN ONLY BRING MORE DISASTER

CHITTA BASU

JAMMU and Kashmir is an integral part of India and no nation worth its name can brook interference from outside in its internal affairs.

Pakistan appears to be increasingly aggressive and provocative in its attitude regarding the crisis that has developed in Jammu and Kashmir. Indeed, we can ill afford to ignore, among the other inflammatory utterances, the Pakistan Prime Minister's statement of March 14. She said that she did not look upon the Kashmir issue as being a "territorial dispute" with India; that it was Pakistan's endeavour to "distinguish" between Indo-Pak relations in general and developments in the Valley in particular; that India has not been able to produce "any evidence of Pakistan's involvement" in the uprising, and that India and Pakistan should have a dialogue to see how the people in Kashmir could achieve "self-determination". These views clearly reveal a Pakistani design to detach the Valley from India, presaging conflicts and confrontations which are in no way desirable in the interest of either country.

In such a critical situation, threatening the very integrity of the country, the need of the hour is granite-like unity, unflinching resolve and unflagging determination to protect the sovereignty of the nation. Political and ideological differences need to be sunk.

But, unfortunately, there are still voices reiterating the demand for an abrogation of Article 370 of the Indian Constitu-

tion, which is the only legal window through which the Republic of India may maintain its territorial link with Jammu and Kashmir and extended its jurisdiction to the state. To scrap this special provision would mean reverting to the instrument of accession of October 1947, signed by Maharaja Hari Singh under the advice of Sheikh Abdullah in the wake of invasion by Pakistani infiltrators. And a return to this Instrument of Accession would merely offer an opportunity to the secessionists in Kashmir to demand a plebiscite and provide grist to the mill of those seeking to internationalise the issue.

As is well known, the Independence Act offered an option to the rulers of the former princely states of signing the Instrument of Accession, involving the surrender of defence, foreign affairs, currency and communications to the emerging India Republic and not a complete merger of these states with India. But when all other states integrated with India, Kashmir chose to stand aside.

Even after Kashmiri's eventual accession, this state was permitted to enjoy two special rights - a separate Constitution and retention of Kashmir State subject laws. These dispensation were granted, taking into account the unusual historical circumstances leading to the accession and in cognisance of the fact that the ruler came from a minority community.

The pledge of a plebiscite at the United Nations was another ground for according special status to Kashmir. The Indian proposal for a referendum was, however, not unconditional. It was subject to the restoration of complete normalcy in Kashmir. Pakistan, it may be recalled, had forcibly and in total violation of international norms occupied a chunk of the state - a portion which it is yet to vacate - before the Indian Army repulsed this attack and a ceasefire was declared.

As the proceedings of the Constituent Assembly to give shape to the Constitution of free India progressed, the founding fathers were faced with a piquant situation arising out of two paradoxical positions. On the one hand, the government had promised a plebiscite to ascertain the wishes of the Kashmiri people at some later date, subject, of course, to the specified condition; on the other hand, the Constituent Assembly, which included the representative of Kashmir felt an imperative need to preserve an organic link of government with Kashmir. The need to introduce a special provision in the Indian Constitution, vis-a-vis arose out of this peculiar historical context.

In other words, Article 370 provided a mechanism to declare Kashmir an integral part of India and at the same time allow the people of the state to exercise their option for either a total merger with India or a plebiscite. Besides, the Constituent Assembly in Kashmir was also given the opportunity to have a final say over this legislation. This it rendered by consenting to the provisions in August 1954, thus giving an emphatic seal of approval to the accession to India.

Succinctly explaining the circumstances in the Constituent Assembly on October 17, 1949, Gopalaswami Ayengar declared: "The meaning of (Kashmir's) accession is that at present the state is a unit of a federal state, namely, the dominion of India". Clarifying further, he stressed: "The instruments of accession will be a thing of the past in the new Constitution. The states have been integrated with the Federal Republic in such a manner that they do not have to accede or execute a document of accession for the purpose of becoming units of the Republic; they are mentioned in the Constitution itself in the case of practically all states, other than the state of Jammu and Kashmir and their Constitutions have also been embodied in the Constitution for the whole of India."

That Kashmir's accession was deemed to be on a different footing, was, admittedly, regarded by some to be "discriminatory". But Ayengar defended his position. "This discrimination is due to the special conditions of Kashmir. That particular state is not yet ripe for this kind of integration, as accorded to the other states", he argued.

Then, summing up his case very neatly, he observed: "The effect of this Article (370) is that the Jammu and Kashmir state which is now a part of India will continue to be a part of India, will be a unit of the future Federal Republic of India and the Union Legislature will get jurisdiction to enact laws on matters specified either in the Instrument of Accession or by later addition with the concurrence of the government of the state."

Sadly, the advocates of abrogation of Article 370 forget the historical compulsions which brought into being this provision. A revocation would invite disaster and lend an impetus to the anti-national forces which demand an unconditional plebiscite and, worse, independence for Kashmir. It would also fuel division in the rest of the country, which is the last thing India wants at this crucial juncture.

ARTICLE 370 SHOULD NOT BE SCRAPPED

SATYAPAL DANG

EVERY patriot who has not been infected by communalism feels amazed at the persistence and vehemence with which the BJP keeps demanding abrogation of Article 370 of the Constitution, which provides for a special status for Kashmir.

It is wellknown that the Maharaja's bid to declare Jammu and Kashmir as an independent country and Pakistan's game to grab Kashmir Valley were foiled by the people of Kashmir and their representative organisation the National Conference and its leader Sheikh Abdullah. On its part India agreed to give Kashmir a special status. Kashmiris were also given a solemn promise that erosion in this status would not take place without their consent.

A serious situation now prevails in Kashmir. Those who want Kashmir to secede from India and become independent or join Pakistan have let loose terrorism. They are being aided and abetted by various forces in Pakistan.

Should any responsible political party in India at this critical time raise slogans which can only strengthen the terrorist-secessionists of Kashmir? The demand for abrogation of Article 370 does precisely that. Recently the BJP has put forward an alternative demand. They have demanded that the Article be amended so that people from other parts of India can freely go and settle in Kashmir and acquire property. The BJP leaders believe that Muslims (of Kashmir Valley) cannot be trusted and hence the only way

to keep Kashmir in India is to make it a Hindu majority state. This is a dangerous line of thinking.

The patriotic people of Kashmir (predominantly Muslims) had rejected the late M. A. Jinnah's plea that the state join Pakistan. More than that, but for the resistance put up by the people of Kashmir, the Pakistani raiders would have captured even Srinagar before the Maharaja agreed to sign the instrument of accession which gave India the right to send the Army to Kashmir to repulse the raiders.

If a section of Kashmiri Muslims today stands alienated from India and falls prey to fundamentalism can it not be that the policies pursued by the Government of India are also responsible for that? And is it not extremely significant that even today that a section of Kashmiri Muslims are firm on remaining in India? The fact that not a few Muslim families have migrated from Kashmir to other parts of India brings this out clearly. Many do not speak up for fear of terrorists just as in Punjab many do not speak up for fear of the Khalistani terrorists. In any case why communalised the issue?

Is not a section of Assamese - all Hindus, also demanding an independent Assam? And not have many young Hindu Assamese taken to the path of terrorism?

Why do they feel alienated? The BJP needs to ponder over this seriously. One thing more - Himachal Pradesh is overwhelmingly Hindu? Why has the Himachal government put a ban on a non- Himachali Indians acquiring property in Himachal?

Communalists and fundamentalists do exploit religion to mislead people. They get help from anti-Indian forces outside India. But let us not forget that there is such a thing as linguistic and cultural identity which all linguistic or national or sub-national groups in the country want to defend (along with their economic interests) against the danger of onslaught of more advanced groups, and specially the vested interests of this groups. India's unity can be strong only if unity-in-diversity remains the core.

Courtesy : Clarity 3-6-90

A CASE AGAINST ARTICLE 370

DINESH GUPTA

WHILE a lot has been said for and against removing Article 370 or the Constitution relating to Jammu & Kashmir, it seems most people are not well informed about the nature and position of states — in the Indian Constitutional framework. This lack of proper understanding of the status of states has led to the improper handling of the situation that has cropped in many parts of the country.

Before discussing Article 370, it is important to know Article 1 of the Indian Constitution which describes the nature and the status of the Indian states and other territories in the following words:

"1. Name and Territory of the Union - (i) India, i.e., Bharat shall be a Union of States, 2. The States and Territories thereof shall be specified in the First Schedule. 3. The territory thereof shall comprise: (a) the territories of the States; (b) the union territories specified in the First Schedule; and, (c) such other territories as may be acquired."

This Article, in its entirety, is applicable to Jammu and Kashmir which is the 15th State in Schedule I of the Constitution. This is permanent Article 370 is temporary.

The true import of the term "Union of States" was explained to the Constituent Assembly by Dr B R Ambedkar, Chairman of the Drafting Committee, as meaning two things, viz., (a) that the

Indian Federation is not the result of an agreement by the units; (b) that the component units have no freedom to secede from it.

The subsequent articles of the Indian Constitution empower the Union Parliament to re-organise the States or to alter their boundaries by simple majority in the ordinary process of legislation.

Status of States

The point that needs to be kept in mind is that the status of the states under the Indian Constitution is entirely different from the one in the Constitution of the USA, where the Union (federation) cannot alter the boundaries of the states without their consent and where each State, big or small, has equal representation in their Council of States. The Constitution of USSR goes even further - it recognises the right of the states to secede. Recently one of the States of the USSR exercised this right and declared its independence. President Gorbachev has strongly resisted this move and issued warning to Lithuania to desist from its decision to secede.

The constitutional position of the Indian States described above implies that territorial and political matters of any part of the country are matters of concern, to the people of whole country as represented in the Union Parliament, and not merely to the people residing in the immediately affected part. As such, the territorial and other questions of J & K are matters of concern for the people of whole country and not just for Kashmiris alone. Any commitment made by any political party or leader of official against this constitutional position, has no validity.

Ignoring or not comprehending this unique characteristics of the Indian Constitution, some people think that the position of the Indian States is like that of the States of the USSR, which some others think that Indian States are comparable to the States of the USA.

Before October 1947, Jammu and Kashmir, like other princely State of India, was ruled by a hereditary king, Maharaja Hari Singh. Unlike most others, however, the Maharaja did not accede to India immediately after India got Independence on August 15, 1947. It was on October 26, 1947, when J & K was attacked by Pakistan in the name of "Azad Kashmir" forces, that Maharaja sought the help of Indian Government and executed the Instrument of Accession in the same format as was signed by the other Indian rulers. With

this Instrument, the Union of India got jurisdiction over J & K on matters concerning Defence, External Affairs and Communication.

No third party

While accepting the Instrument of Accession from the Maharaja, the Indian Government, entirely on its own, put a condition that the people of J & K, acting through its Constituent Assembly, should make a final decision regarding the accession of the State of India. It was done in the background that, much prior to the Maharaja's decision to accede to India, the largest political party of the J & K, the National Conference, had been agitating against the hereditary rule in the State. It was, therefore, an assurance granted by the Union of India to the people of J & K and no third party, like Pakistan, can claim any advantage out of it.

The Constitution made in 1949-50, Article 1 covered J & K as a Part 'B' State (Part 'A' belong to those under direct control of the Governor-General, i.e., Government of India) and the assurance given to the people of J & K was embodied in Article 370, as a temporary measure, till the Constituent Assembly of J & K was elected and decided the matter of accession. So, both Article 1 and Article 370 are applicable to J & K.

As per the agreement with the Maharaja, immediately after the accession, a popular government with Sheikh Mohammad Abdullah as the first Prime Minister, was formed. Later, in 1949, as desired by the Sheikh Abdullah cabinet, Maharaja Hari Singh abdicated in favour of his son Yuvraj Karan Singh. In 1951, the Yuvraj was elected by the Constituent Assembly as "Sadar-e-Riyasat" (Governor). Thus came to an end to the princely rule in J & K.

The Constituent Assembly of J & K was elected and met in October, 1951. In February 1954, it ratified the State's accession to India. Thus, the assurance given to the people of J & K was fulfilled. In pursuance of this ratification, the President of India promulgated the Constitution (Application to Jammu & Kashmir) Order, 1954 placing on a final footing the applicability of the other provisions of the Indian Constitution of J & K. The State Constituent Assembly then took up the work relating to the State Constitution for internal governance. The State Constitution was ready in January 1957.

In 1956, with the Constitution (Seventh Amendment) Act 1956, the category of Part 'B' State was abolished and J & K was included as one of the States of the Union of India under Article 1. At this stage, Article 370 could have been abolished, but the State Constituent Assembly was allowed to frame the State Constitution. The Presidential Order of 1954 was amended from time to time. Each amendment extended the jurisdiction of the Union of India to J & K.

The special position of J & K lies in the fact that it has been allowed to have its own Constitution for internal administration in lieu of Part VI of the Indian Constitution which applies to the other States. The State Constitution of J & K enshrines that J & K is "an integral part of the Union of India" and that the territory of the State of J & K will comprise all the territories which on August 15, 1947 were under the sovereignty of suzerainty of the ruler of the State, i.e., including the Pak Occupied Kashmir. This part of the State Constitution cannot be amended.

Intent & purpose

As a matter of fact, it is Article 370 of the Indian Constitution that gives legitimacy to the separate Constitution of J & K, and not *vice versa*. We have now to consider the intent and purpose of this Article and the situation that faces the country today before deciding whether to retain it or abolish it.

What is now happening in J & K is an armed rebellion instigated and supported by Pakistan and some other foreign countries which are providing funds to secessionists to change the political map of India as contained in Article 1 of the Indian Constitution. The special status given to J & K is being used by Pakistan as a lever to create disaffection among the people of that State and excite them to secede from the Indian Union.

Some Sikhs in Punjab are asking for a similar status, as contained in their Anandpur Saheb resolution. Some other section of the people in other parts of the country are also putting up similar demands based on language, tribe or caste.

When the country is faced with such concrete and substantial danger to its territorial unity and integrity, not only in J & K but in other parts, it will be a criminal omission not to abolish Article 370 that puts a lot of restraints on the Union of India in taking effective preventive and curative action against the secessionists-turned-terrorists. The State Police force has been infected with

these secessionists. A large number of State officials are in league with or under the fear of terrorists. Many intelligence officers and officers of the CRPF have been shot dead, besides scores of civilians. Nearly one lakh or even more people of Kashmir Valley have taken refuge in Jammu and other parts of the country. Those who are staying on in the Valley are in perpetual danger and subjugation of the anti-national elements.

Article 370 is a self-imposed restriction on the Union of India. Its further retention is fraught with dangerous consequences and without removing this Article, the Union of India will not be able to effectively discharge its duty to save the lives of innocent people of Kashmir or to protect the boundaries of the State.

For equal status

There is no difficulty in removing Article 370 which was intended to be a temporary measure. Clause (3) of this Article states: "(3) Notwithstanding anything in the foregoing provisions of this Article, the President, may, by public notification, declare that this Article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify; provided that the recommendation of the Constituent Assembly of the State referred to in Clause (2) shall be necessary before the President issues such a notification"

Since the Constituent Assembly of the State is no longer there, the question of its recommendation does not arise. The proviso to Clause (3) would have operated in case Article 370 was intended to be abolished during 1951-57 when that Assembly was in existence.

It may be true that mere abolition of Article 370 will not solve all problems. However, it will definitely demoralise most of the secessionists, not only in J & K but even elsewhere in India. Those who still remain active can be identified and dealt with firmly.

It appears that in J & K, the National Conference which once represented the will of the Kashmiri people degenerated into a power hungry political party and so lost its credibility with the people. The Indian National Congress that could have provided an alternative joined hands with the National Conference. But of sheer frustration, finding no alternative, certain sections of people started looking towards the other side of the border. The result is before us. The Union of India should take over the State administration completely, give it an equal status with other States,

restore peace and normalcy, punish the guilty and only then re-start the political process.

Courtesy : Indian Express 17-5-90

ABUSES OF ARTICLE 370

K. G. KANNABIRAN

IN the year 1946 the National Conference headed by Sheikh Abdullah presented a memorandum to the Cabinet Mission demanding not merely the establishment of a responsible government but "absolute freedom from autocratic rule". It added that "the immensity of the wrong done to the people by the sale deed of 1846 can only be judged by looking into the actual living conditions of the people. It is the depth of our torment that has given strength to our protest." The treaty of Amritsar is notorious as a sale deed whereby the British handed over the entire territory and its people to Rajah Golab Singh for seventy five lakh British Indian Rupees. The wrong complained of has been a continuous one extending into the last decade of this century. In fact, no attempt was ever made to resolve the problem. The approach has always been adhoc and when things get out of hand it is turned into a law and order problem. Once it is declared as a law and order problem the use of force becomes indiscriminate. And when it reaches this stage no rational debate is possible. Appeals to sanity get branded as treason or extremism. We forget that the issue of Kashmir is a political issue that has to be resolved democratically. The excesses of the police and security forces in dealing with terrorist violence are justified and the State dons the mantle of the avenger. The reaction generated by the PUCL Report reminds one of the reaction of Madanlal and Godse to Gandhiji's fast undertaken rescue of Mosques & houses to displaced Muslims. Some have

even characterised the situation as one of war. If you compare what is happening in Kashmir to war then excesses are justified--with regrets of course. But even during war certain norms are observed. Just war conditions have a history of 300 years and have found their way into various international conventions and covenants. Speaking about terrorism Chief Constable 'John Alderson' writes:

Terrorist violence in some ways resembles war, though it is not. The terrorist may regard himself at war, but, at least overtly, there is no declaration of war between identifiable States. The police and security forces, therefore, cannot act as if opposing enemies in war where laws hardly apply, but have to act within laws enacted for times of peace. "Speaking about maintaining social order he says, "It is currently fashionable to emphasise more rigid enforcement of laws, increased severity of punishment and other authoritarian measures as an end in themselves. This happens when problems of social disorder increase. *It is to treat the symptom rather than the cause, which is more easily understood, and therefore more popular, than is the pursuit of knowledge and understanding the complexities and intricacies of social development.* But Policemen and others concerned with maintaining social order have to pursue these things" (*Law and Disorder* London, 1984)

The increase of terrorist violence generates a corresponding hysteria and a sense of insecurity in the rest of the country. There is a feeling that the people who are causing the problem are pampered undeservedly. And so the popular mood is against minorities--in this case the Kashmiri Muslims. There is a clamour for abrogating Article 370 as it provides safeguards for the people of Kashmir, which if done away with will resolve the problem. The claim to abrogate Article 370 is a part of this political stance.

To gain some clarity on this issue we need to see how exactly was power exercised by the President? Were the Kashmiris actually given special treatment or was Kashmir in fact treated as a colony?

On 12th October 1949 a tired Vallabhai Patel presented a prepared speech on the integration of the Princely States with the Indian Union, to the Constituent Assembly. He assured the Assembly that his party, the government and the future constitution, will abide by the spirit of the Haripura Congress Resolution of 1938.

The "Purna Swaraj or complete independence, which is the objective of the Congress is for the whole of India, inclusive of the States, for the integrity of India must be *maintained in freedom* as

it has been maintained in subjection. The only kind of federation that can be acceptable to the Congress is one in which States participate as free units, *enjoying the same measure of democratic freedom as the rest of India.*"

This Resolution provided the major premise for negotiating with Rulers of the erstwhile Indian States. The principles embodied in the resolution also were translated into Article 370 which was introduced by N. Gopalaswamy Iyengar as Article 306A. A note was prepared by the State Ministry (July 1944) where a separate section was devoted to the position of Jammu-Kashmir. According to the note the Ministry of States suggested for consideration of the following approach to the question of Jammu and Kashmir :

(1) Jammu & Kashmir may be treated as part of Indian territory and shown in States specified in Part III of Schedule I.

(2) A special provision may be made in the Constitution to the effect that until Parliament provides by law that all the provisions of the Constitution applicable to the States specified in Part III will apply to the State, the power of Parliament to make laws for the State will be limited to the items specified in the schedule to the Instrument of Accession governing the accession of this State to the Dominion of India or to the corresponding entries in List I of the new Constitution."

N. G. Iyengar introducing Article 306A (present 370) on 17th October 1949 said that this discrimination is due to special conditions of Kashmir. Adverting to special conditions he said there has been a war going on within the limits of Jammu & Kashmir. There was a ceasefire agreed to at the beginning of the year which was on when the debate took place. According to him, the Government of India had made certain commitments to the people of Kashmir. They had committed themselves to the position that an opportunity would be given to the people of Kashmir to decide for themselves, whether they wished to remain with the Republic or go out of it. It was also agreed that the will of the people would be ascertained by means of a plebiscite provided peaceful and normal conditions were resorted and the impartiality of the plebiscite could be guaranteed. It was also agreed that the people of Kashmir would have their own constitution made by a Constituent Assembly constituted for the purpose.

The Dominion Legislature had limited jurisdiction in terms of the Instrument of Accession of the State to the Dominion of

India. Article 370 limits the power of the Parliament to the same Instrument of Accession.

The President has the power with the concurrence of the State Government to notify any other matters specified in List I of Seventh Schedule with respect to which Parliament may legislate. The President also has powers to apply the provisions of the Constitution to the State with the concurrence of the Government of the State. The President may, by public notification declare that Article 370 shall cease to operate or operate with some modification from a specified date. Such a course needs the recommendations of the Constituent Assembly of the State.

A Constituent Assembly as set up and the Jammu & Kashmir Constitution came into force from 17th November 1956. It does not contain any enumeration of fundamental rights. It has a Directive Principles Chapter. According to Section 13 of the Constitution. "The prime object of the State consistent with the ideals and objectives of the freedom movement envisaged in 'New Kashmir'

shall be the promotion of the welfare of the mass of people by establishing and preserving a socialist order of Society wherein all exploitation of man has been abolished and where justice--social, economic and political-- shall inform all the institutions of national life. "The Constituent Assembly stood dissolved after its work was over. Now to abrogate Article 370 a Constituent Assembly will have to be reconstituted to seek its recommendations in terms of Article 370. The Supreme Court in (AIR 1970 SC 1118) when it was argued that Article 370 lapsed for whatever reason, held that the Constituent Assembly of the State recommended that the Article should be operative with one modification to be incorporated in the explanation to Clause (1) of the Article.

Thus Article 370 was not only a transitional provision, but its intelligent use was intended to win over the people of Kashmir. The unity and integrity of India must be "maintained in freedom" and the only kind of federation acceptable to us was one in which the States participate as free units "enjoying the same measure of democratic freedom" as the rest of India". These are the stated principles which should have animated the use and application of Article 370.

But from the very beginning it stood subverted. How was the power of the President used? The President in exercise of the powers conferred by Article 370 (1) promulgated the Constitution (Application to Jammu & Kashmir) Order 1954. Under this order

all freedoms guaranteed by Article 19(1) will be applicable in their modified form. Every right enumerated in Article 19 is hedged in by a reasonable restriction. The President was pleased to grant all the freedoms with all the restrictions contained in Clauses 1 to 5 with an additional restriction viz., every one of these rights can be curtailed on grounds of security of State.

Only the restrictions imposed on freedom of profession, business etc., under Clause 6 of Article 19 would be subject to judicial review. There was to be no judicial review of the restrictions imposed under Clause 2 to 5 upon the freedom of expression, assembly association, movement, residence and property. Article 22 was not made applicable to the State. The President applied Article 35 in a modified form by introducing Clause (c) to Article 35. No law providing for preventive detention made by the State legislature shall be held void on the ground that it is inconsistent with any of the fundamental rights contained in Part III. *The limitations imposed were in operation for a period of 25 years from 1954. Thus the State had the unfettered right to violate all the rights guaranteed under Article 19 with no redressal forum available.* Fundamental rights apart from being enforceable in a court of law also politically enforceable Article 248 which deals with the Residuary powers of the Parliament in its modified form reads.

"Parliament has the exclusive power to make any law with respect to :-

a. Prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India, or bringing about cession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult to the Indian National flag, the Indian National Anthem and this Constitution.

Item 97 of List of Schedule VII reproduces this "modification".

This was how Part III of the Constitution guaranteeing fundamental rights were applied to Kashmir.

While the Jammu & Kashmir Constitution provided for elections to State Legislature no provision was made in that Constitution for electing representatives to the Parliament. This is quite understandable because of the accession to India. But then how was this dealt with. Article 81 dealing with the composition of the Lok Sabha in its modified form reads :-

Article 81 shall apply subject to the modification that representatives of the State in the House of the People shall be appointed by the President on the recommendation of the Legislature of the State.

By the amending order 1963 Part V of the Constitution which deals with the Union Executive, Parliament and the Judiciary but maintaining the same position so far as Article 81 is concerned.

We claim that Kashmiris are citizens of India. When we talk about Constitution we are talking about a whole value system hammered out by a prolonged peoples' struggle and the history of the struggle should give meaning to the words and phrases used. We are in the words of Justice Vivian Bose "Construing a Constitution which was hammered out solemnly and deliberately after the most mature consideration and with the most anxious care.... After all who framed the Constitution and for whose benefit was it made?--not just for those in brief authority, not only for lawyers and dialecticians but for the common people of India. It should therefore be construed, when that can be done without doing violence to the language employed, in a simple straight forward way so that it make sense to the man in the street, so that the common people in the land can follow and understand it. To my mind, the whole concept of Constitution is that after years of bitter struggle the citizens of India are assured that certain liberties shall be guaranteed to them and these liberties shall not be curtailed beyond limits which they and all the world can know....."

However, the manner in which these constitutional provisions have been extended in Kashmir demonstrate that we have not treated them as full-fledged citizens of India. The manner in which the Institution of rights in the constitutional scheme is extended to the people of the State is crucial because it assures the minorities that their claims to dignity and equality will be respected. When the people of Kashmir are entitled to their own constitution it is a matter of concern that they are systematically deprived of the strength to work that Constitution by denying them their fundamental rights. It is indeed a strange democratic practice by which the State and the Union Executive should decide what rights the people of Kashmir shall enjoy and in what stultified form. Look at the way Article 370 was used. And courts have upheld these practices as valid. Not once but several times. What does it all add upto? Courts have also upheld the validity of the Maintenance of Internal Security Act and the Emergency. Courts have by and large been

etapist. The Supreme Court held that Article 370 did not lapse and that the Constituent Assembly recommended its continuance. They held that under Article 370, the President has the power almost to rewrite the Constitution and this would be covered by the word 'modify'. The Supreme Court upheld the validity of a detention law which provided for detention where no grounds need be furnished and a person can be detained for a period of two years without the case being referred to the Advisory Board. The Court also upheld the validity of the periodical extension of the immunity granted to these undemocratic laws from 5 years to 25 years. The Court upheld the validity of a provision whereby the President could appoint in consultation with the State Legislature, Members to the Parliament to represent Jammu & Kashmir. This consistent adherence to mere legality ultimately led the Court to uphold Emergency and the Preventive Detention Law in its terrible form. What we in India experienced for a brief period after 26th June 1975, Jammu & Kashmir has suffered for over 25 years. What reason can they have to be with us? Repressive use of a legal system results always in a break down of authority. The use of force no longer has any legitimacy. It is countered by violence.

We cannot deny a people rights which flow out of citizenship and expect their allegiance. The recital in the constitution of Jammu & Kashmir reiterating the Maharaja's accession to India on 26th October 1947 does not tally with the definition of "Constitution of India" in the State's Constitution which is explained as applicable to the State. If the State is part of India why should the Executive of the Union be permitted to apply the provisions of the Constitution in a manner which negates the States peoples claim to the rights and freedoms for over 25 years to which they were ipso facto entitled. By denying rights to the people in the State, the Constitution and the Union with India ceases to have meaning. Before independence the people of Kashmir broke up a meeting addressed by Jinnah shouting 'Jinnah Go Back'. Today a frustrated people, who have been deprived of almost all things promised in the Directive Principles of the Constitution and denied the rights which alone would have enabled them to compel the Government to perform its obligations, have turned violent. Some of them have become communal and violent. No one supports the violence whereby thousands are rendered homeless. And nobody should supports violence against the people on mere suspicion. Government has the immense advantage of transgressing law or setting

aside law in the guise of acting under an emergent situation. This is the surest way to encourage the search for extra legal solutions which will lead to problems of law and order and further lawless responses from the establishment. There is a need for a debate and it is necessary to rise above the communal and regional frenzy which do not permit any debate. To criticise transgression of laws by a retributive State is not to support terrorist or extremist violence. It is a step weaning away the many from the few. It is to extend the assurance that their claims to dignity and equality will be respected within the Constitutional set up and that social, economic and political justice will be made available to them all. It is also to extend the assurance that their views will be respected on issues concerning them and no decision will be taken about their status without their full participation. When Tarkunde and others concerned with human rights voiced their protest, they were only voicing the concern expressed by Burke in his famous speech on Conciliation with America :-

"First, Sir, permit me to observe that the use of force alone is but temporary. It may subdue for a moment, but it does not remove the necessity of subduing again; and a Nation is not governed, which is perpetually to be conquered..... If you do not succeed you are without resource for conciliation failing force remains; but force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness, but they can never be begged as aims by an impoverished and defeated violence."

KASHMIR AND RIGHT TO SECEDE

SATYAPAL DANG

RULERS of Pakistan fly in the face of too obvious facts when they deny that they are training and arming the terrorists in Kashmir or are giving them many other material help and thereby interfering in the internal affairs of India. At the same time, they openly declare that they will give them maximum moral, political and diplomatic help. They justify this on the ground that Kashmiris have the right of self-determination including the right to secede from India. The same right is also being talked about a lot in connection with what is going on in the USSR. It will, therefore, be worthwhile to examine this question at some length.

One country may conquer or annexe another country with the force of arms and treat it as its colony, as an enslaved country. People of the latter country are bound to fight in one form or another for their freedom. The colonial country on finding the freedom struggle of its colony becoming irresistible may offer it a somewhat better or substantial status within the empire and may even try to force it to agree to it. This cannot be justified and the people of the enslaved country must have the right so self-determination including the right to secede. India took its stand on this right when it demanded complete independence and rejected Dominion Status.

In the Russian Empire of the Czar which was a prison-house of nations, the non-Russian nations were virtual colonies. For a successful fight against the Czarist regime and for revolution, the

unity of the Russian and the non-Russian peoples was necessary. Lenin also held the view that after the Revolution it would be in the interests of all to stay together out of free will and completely voluntarily. He and his party conceded the right of self-determination upto secession but advocated that the right should be exercised to remain together. In actual practice, some nations (countries) decided to secede while others decided to form/join the Union of the Soviet Socialist Republics.

Having exercised the right to remain together at the relevant time, did a nation/country reserve its right to secede at a later stage? And if it did, would it be free to secede whenever it would like? Would it not be necessary to take into consideration the big changes that many have taken place in the intervening period, as for example, the integration of the economies, the migration of people of other ethnic and linguistic groups, etc? What would be the procedure to raise the demand to secede and what would be the procedure to decide it?

These and other allied questions are being raised for the first time in the USSR only now. They have relevance for the rest of the world too. They need to be debated and decided by the people in many countries. In the USSR, these questions are relevant even in relation to the three Baltic States which joined or were annexed by the USSR less than half a century ago. Assuming that they were annexed, it would seem certain that the people of the three Republics preferred to be annexed by the USSR to the only other alternative existing then, that is, of being annexed by Hitler Germany.

Let us now come back of Kashmir and India. Kashmir was never a separate country. It was part of one country called India though artificially divided by the British rulers into British India and so called Indian States ruled by Princes called Maharajas, Nizam, Nawab, etc — who in fact were British stooges. Kashmir was never colony of India. In fact the whole of India was a British colony.

When forced to quit, the British wanted to divide India not only into two parts (India and Pakistan) but into dozens. Every Prince was given the right to decide whether his State would join India or Pakistan or become independent. Quite a few Princes were for independence — playing the British game. There people foiled their game. The Maharaja of Kashmir was for independent Kashmir. The Pakistani rulers wanted to grab Kashmir by capturing

Srinagar with the help of the raiders. It is the people of Kashmir led by the National Conference who defeated the game of the raiders by resisting them and by making the Maharaja sign the Instrument of accession to India. On its part, India agreed to give a special status to Kashmir. Article 370 of the Constitution also provided that changes in this status must take place only with consent of the people of Kashmir.

In other words, both constitutionally/legally as well as morally Kashmir opted against joining Pakistan or becoming independent. Constitutionally as well by the will of its people Kashmir became a part of India — except for the fact that a part of the State remained under the illegal occupation of Pakistan.

A point is bound to be raised. In the UNO India the question of accession be decided afresh by a plebiscite. Many may be of the opinion that it was a big mistake on the part of India to have taken the issue to the UNO. It may also be true that India made this mistake under British influence and in fact played into the hands of the British. The fact, however, remains that India did agree to plebiscite. But then this was to take place after Pakistan was to fulfill certain conditions, as for example withdraw all its forces. It never fulfilled these conditions. Moreover in 1971, the two countries signed the Simla Agreement and agreed to resolve all disputes, including Kashmir, mutually, peacefully and bilaterally. To harp upon the UNO resolution and to help the 'militants' is gross violation of the Simla Agreement and is clearly an interference in India's internal affairs.

One important question remains: can a part of a country or a nation demand the right to secede? It cannot be disputed today that India is not only a country but a nation — at least a nation-state-in-the-making. At the same time it is a multi-lingual or multi-national country. Besides their Indian identity, the people in India have a Bengali identity or a Marathi identity or a Gujarati identity or a Kashmiri identity, etc. Indian unity and Indian identity will not become strong if these different national or sub-national identities are sought to be undermined or are not allowed to develop.

Do nationalities/sub-national groups—linguistic groups have the right to demand secession at any time? Let us assume that they have, that at least the Kashmiris have it? The procedure for demanding and deciding the demand by ascertaining the will of the people and the procedure for ascertaining this will have to be first agreed upon. Terrorism cannot be accepted as a legitimate weapon

to decide this matter or to ascertain the will of the people. Are the Kashmiri Pandits and the Kashmiri Sikhs not Kashmiris? To force them to migrate through terror and to compel sizeable sections of others to ditto what the terrorists say, is to negate the right of self-determination. Terrorism has to be opposed tooth the nail and peace restored. If neighbouring Pakistan renders help of any kind to such "freedom fighters", it violates not only the Simla Agreement but also the civilized norms of relationship between two neighbouring countries.

Some in the Pakistani ruling circles are out to help "our Muslim brethren in Kashmir". Nothing could be more hypocritical. Why does their concern for Muslims evaporate when riots and killings take place between Muslims who migrated from India to Pakistan, and Sindhis and Pathans and Afghans — all Muslims. The Pakistani rulers would do well to heed world public opinion, stop helping the terrorists of Kashmir (and of Punjab) and sit down and negotiate in a peaceful atmosphere under the Simla Agreement. Apart from this, the rest of the matter is entirely an internal affair of India which we hope will get resolved in a peaceful atmosphere to the satisfaction of the people of Kashmir as well as of the country as a whole. It requires wisdom on the part of all concerned.

Courtesy : Mainstream

SECESSIONIST CHALLENGE

A Democratic solution is possible and necessary

I

1. A grave two-sided challenge confronts India at the moment. Internally, the secessionist turmoil in India's two border states—Kashmir and Punjab—has become serious. And externally, the possibility of an Indo—Pak confrontation has increased, with the anti-India tide running high in Pakistan and vice-versa on that very question, i.e., Kashmir, which had already caused three wars between the two countries since 1947. Never before India has faced a challenge of such a magnitude in its post-1947 history. The pace at which the developments are marching can turn the situation out of control.

II

2. A great debate is on as to what should be done. Broadly, two types of solution have been put forth by various viewpoints. The solution held by the majority stresses only the law and order side of the problem and thus prescribes a forceful handling of secessionism as well as Pakistan, while that maintained by the minority puts main emphasis on the political aspect and recommends a dialogue with all the political groups, including the secessionists, in Kashmir and Punjab on the basis of a new sensible compromise within the framework of India.

3. Turning to the majority viewpoint, the present Indian govt, despite its earlier goodwill gestures, has not taken the old track of armed suppression, supplemented by an anti-terrorist political campaign being carried in the name of 'All Parties Meet'. It could not have done otherwise as its two supporting pillars—the B J P and the left parties—stand for a hard solution. The B J P demands the army involvement under the governor's rule by declaring Kashmir and

Punjab as disturbed areas, while the left parties want the restoration of law and order under an elected rule with the backing of the paramilitary forces. Both are for a strong rebuff to Pakistan. The National Front, with its vague prescription of a healing touch, sometimes tilts towards the left and at other times towards the B J P options, as can be seen in Kashmir. The main opposition party, the Congress-I, tries to beat them all in toughness with the purpose of portraying the V.P. govt as a weakling and then taking its advantage in the ongoing Assembly elections. A major part of the Indian Press too repeat similar remedies.

III

4. All these variations of the hard line stem from different perceptions. The B J P thinks that the Kashmiri and Khalistani secessionism have arisen from Muslim and Sikh fundamentalisms, encouraged consistently by Pakistan. The left parties consider that imperialism, with Pakistan as its tool and unemployment as the breeding ground, has been the root cause of trouble in Kashmir and Punjab. The National Front maintains that the Muslim and Sikh psyches have been wounded by Rajiv's bureaucratic style. The Congress-I believes that both these secessionism have been caused and reared by Pakistan in order to disrupt Indian unity. Many of the Indian papers hold secessionism as the outcome of political and economic mismanagement, while some accuse electoral politics for its evolution.

IV

5. The facts, however, do not reconcile with the above perceptions. For example, if, for argument's sake, one accepts secessionism as an outcome of Muslim fundamentalism, then one can not answer the questions as to why the Kashmiri secessionism does not practise communal violence; why there has been no Hindu—Muslim riot in the Kashmir valley during this century and even before that; why the Kashmiri Muslims in 1947 did not welcome the Pak Muslim tribals who had come to liberate Muslim Kashmir and reached the outskirts of Srinagar at a time when there was no govt authority in the valley; why Kashmiri Muslims in 1965 helped the Kashmir administration and the Indian army in apprehending Pakistani Muslim infiltrators whose mission was to overthrow the Indian occupation of Kashmir and some of whom (out of an estimated number of 15000) had even entered Srinagar; and why the Kashmiri Muslims made no stir in 1971 when the Indian army did

help the Awami League in the establishment of an independent Bangladesh, thus splitting Pakistan into two parts.

Similarly, the argument characterising Khalistani secessionism as a product of Sikh fundamentalism can not explain the fact as to why Sikh fundamentalism remained quiet when in pre-1947 India the Sikh community made the highest sacrifices (out of a total of 191 freedom-fighters sentenced to death and of a total of 4600 freedom-fighter sent to Andaman for life imprisonment, 93 and 2200 respectively were Sikhs, apart from hundreds of Sikhs who sacrificed their lives during police firings at Jalianwala Bagh and so many other places) for the liberation of a united India from the British control; why none among the Sikhs raised the demand for Khalistan upto 1980; and why the Khalistani secessionism has not succeeded to foment any Hindu-Sikh riot in Punjab so far, despite provocations in the form of killings of innocent Hindus and Sikhs by both the varieties of terrorism, the Khalistani and the Indian State.

Again, the contention holding the existence of Article 370 of the Indian Constitution as the basis of a psychological barrier between Kashmir and India fails to identify the cause of Sikh estrangement in Punjab which has remained outside the purview of the said Constitutional Article.

Further, the theory of an Imperialist sponsored secessionism in Kashmir and Punjab lacks any factual and logical basis, bails out the post-1947 Indian State and govt of any responsibility in the generation of secessionism and can not explain how 'imperialist agents' have succeeded in seizing the mass leadership in a part of India.

More, the idea projecting unemployment as the reason behind secessionism also loses its rigour as Punjab has been the most prosperous state of India with relatively less unemployment (where thousands of agricultural workers come every year from U P and Bihar for seasonal employment) and Kashmir is better than Orissa in the matter of employment.

Furthermore, the concept showing Pakistan as the source of Kashmiri and Khalistani secessionism, does not clarify the fact as to why Pakistan could not do the same during, before and after its three wars with India, especially after the 1962 Sino-Indian border war when India's prestige had suffered a setback.

Furtherstill, the analysis locating the cause of Kashmiri secessionism in the political and economic mismanagement can not

make it clear as to why the relatively more mismanaged politics and economy of Bihar and Madhya Pradesh did not give birth to secessionism, why secessionism struck roots in the comparatively better managed politics and economy of Punjab and why the highest per-capita planned grant to Kashmir could not halt the origin of secessionism.

Lastly, the opinion presenting electoral politics as the creator of secessionism is quite vague, because electoral politics has been an All-India phenomenon, not confined to Kashmir and Punjab alone.

V

6. No doubt, all the above-discussed factors (including that of Pakistan) have their own importance. In given conditions, any one of them can be the principal vehicle of secessionism. But, in this case, they have only acted in the secondary position, while the principal role, according to minority viewpoint, has been performed by the theory and practice of Indian secularism.

7. Briefly put, secularism alongwith commodity economy and parliamentary polity makes up the 3 fundamental principles of Nation-Building, i.e., the modern historical process of the integration of religious communities, the basic units of the Agricultural Society. Having arisen in conformity with the Industrial machine-age, these three principles had formed the basis of all the European Nations. The principle of secularism, based on the norm of the separation of religion from politics, has been all the more important for India, a land of diverse religious, cultural and linguistic affinities. But its misinterpretation and misapplication by India's biggest national party, i.e., the Congress, has robbed it of its integrating spirit. By defining it as a concept having equal respect for all religious and by practising it to appease all sorts of fundamentalism, particularly the majority community fundamentalism, the Congress has turned it into a notion of Indian revivalism, i. e., the Hindu regeneration. Naturally, this brand of secularism has not reposed trust and confidence in minorities. So it has all along failed to end communalism in India. Firstly, it failed in 1947 to keep India united, though partition was never inherent in the situation. And again it has in the post-1947 period led to the alienation of the Indian minorities, particularly in Kashmir and Punjab, from the national mainstream. To-day, all minority alienation is, and has been, a reaction to revivalist secularism. And the Muslim and Khalistani secessionism are only the consequence and not the

cause of minority alienation. All this denotes the fundamental crisis of Indian secularism—one of this main cause of our troubles.

8. The Muslim alienation in Kashmir is evident from the secessionists' hold on the masses (mostly out of sympathy and to some extent out of fear), the desertion of a former Chief Minister, G.M. Shah, to the secessionist side and the dissatisfaction of even the ruling National Conference with the centre's continuous erosion of the Article 370, giving special constitutional status of Jammu-Kashmir. The Sikh alienation in Punjab can be seen from the varying degrees of discontent expressed by almost all sections of the Sikh public opinion—Mann and Badal Akali Dals stand for an autonomous Punjab within the Indian Union, the Longowal, Pheruman and Master Tara Singh Akali Dals ask for the full implementation of the Rajiv-Longowal accord, the Damdami Tak-sal and the AISSF demand Khalistan, while the secessionists are waging an armed struggle for a Sikh homeland.

VI

9. Can the problem of alienation in Kashmir and Punjab be remedied and the Muslim and Sikh communities be brought into the national mainstream through the methods of bullet for bullet, army-takeover, governor's rule or by threatening Pakistan? Anyone of these solutions may work of the time being in suppressing the terrorists, but can not make Kashmiri Muslims and Punjabi Sikhs pro-India. Definitely, it would, and can, lead to more alienation and consequently more secessionism, on the one hand, and to a bitter Indo-Pak confrontation, on the other—thus further worsening the disease. Obviously, such a course is bound to impose a very high price on the Indian people who had already overpaid for whatever they had got through the 42-year operation of the Nehruvian Model.

10. Anti-Secessionist movement can only be won by removing the cause of secessionism. Alienation can only be ended by winning over the hearts and minds of the Muslim and Sikh communities. And this alone can be achieved by treating them justly and fairly.

11. The recent international experience shows that the technology of force is losing its relevance in resolving the ethnic conflicts. Everywhere, the might of the state is finding it more and more difficult to suppress the alienated people. Now all ethnic disputes (Ethiopia-Eritrea, Northern Southern Sudan, Turk in Bulgaria, Apartheid in South Africa, Tamil-Sinhala in Sri-Lanka, Moors in Philippines, etc) are being resolved through dialogue, negotiations

and compromise. This is, because we have just entered a New World Era in which both the National Models- the Socialist and the Western-Liberal-are in retreat and a new interdependent National Model is taking shape. The New Model is emerging in accordance with a two-sided process which, on the one hand, is uniting different Nations at various levels of co-operation (formation of the 12 West European Countries into a single unit, SAARC, ASEAN, OAU, OAS, etc) and, on the other, changing National structures from authoritarianism into democratism and from centralism into federalism.

VII

12. Both the above-stated cause of secessionism and the international context require that, in order to maintain its national unity and to develop in accordance with the international trend, India should take two initiatives.

(A) Firstly, in order to maintain and strengthen its national unity, India should further secularise, decentralise and federalise its theory and practice. Leaving aside the discussion on those points not very closely connected with our topic, two steps are urgently needed in order to bring the alienated minority communities into the national mainstream.

One, the Indian state should give up its revivalist secular theory of equal respect to all religions. There can be no such thing as equal respect to all religions. If the state discards sati, infanticide or untouchability, then how does it show respect to Hinduism. Similarly, if it stands for equality of women, then how does it accord respect to Muslim personal law. This is with regard to Indian secular theory's logical inconsistency. Practically, the Indian state and govt adopt many revivalist techniques - such as performing of Puja and Arti and blowing of conches at almost all important official occasions, popularisation of revivalist ethos and mores through D D and A I R, special encouragement to Sanskrit, etc. - in order to appease Hindu fundamentalism. This logically leads to discrimination against the communities. The only way out is the complete severance of the state from religion.

Two, the govt should hold two round-table conferences— one concerning Kashmir and the other Punjab - in which all concerned political groups, including the secessionists, be invited. In these conferences, the govt should come forward with the proposal to grant meaningful autonomy to Kashmir and Punjab on the basis of 1950 and 1952 agreement between the central Nehruvian govt and

the J K Sheikh Abdullah govt. The official refusal to talk to the secessionists does not seem proper when only a month before the govt had negotiated and struck a compromise on the release of Rubaiya Sayeed. How can the govt and the National Parties justify their stand of advising the Sri-Lankan govt to conduct negotiations with the secessionist Tamil groups, while denying similar negotiations with the secessionist at home? The argument - that the proposal of a meaningful autonomy would not make any difference to the secessionists—ignores the fact that, by ending the minority alienation, it would strengthen national integration and thus weaken secessionism. Autonomy does not strengthen disintegration which, as shown by our national history and affirmed by international experience, emerges today from authoritarianism and centralism which, in turn, result in national oppression and ethnic suppression. The proposal for an autonomy to Kashmir and Punjab is likely to be overwhelmingly endorsed by the Kashmiri and the Punjabi people. Because they are aware of the fact that, in the present day world, no state can properly operate on the religious basis; that an independent Kashmir and Khalistan can not exist as viable units without foreign dependence; that there is no future for them in joining Pakistan which itself has failed to maintain its entity despite a religious appeal and to solve the Muslim problem for which it was created; and that the communal identities are gradually becoming a phenomenon of past history. Whosoever persists in terrorism - whether secessionism or the state—against the wishes of the masses is bound to lose in the end.

(B) Secondly, in order to develop according to the international trend, India should strive to build regional cooperation at a higher level. To begin with, it should make a proposal to Pakistan for establishing an Indo-Pak Confederation on an equal basis. This means that, while retaining their own sovereignty, independence and forms of state authority and administration, India and Pakistan would also set up joint agencies to co-ordinate on certain mutually agreed matters, such as defence, foreign affairs, communications, water and power resources, opening of all travel and trade routes linking the two countries, etc. Later this Confederation, with the concurrence of other S A A R G members, can be extended to the desired limit. Today, Confederation is not an impossible proposal. If the two Germans can consider of forming a Confederation, French President Mitterrand can advance the idea of a European Confederation and the Soviet President Gorbachov can raise the

slogan of a common European Home, why can't India and Pakistan take up this question. Even the contentious issue of Kashmir can also be resolved under this dispensation. The opposition to an Indo-Pak confederation mainly comes from the statusquo forces who, with their jingoist and chauvinist slogans, still occupy a dominant position in the 2 states. But with the rising tide of interdependence and globalism, the predominance of the diehard forces is bound to shrink.

13. Both the above initiatives are possible and necessary. They can turn India's weakness into strength. They are not only to India's advantage, but also serve the interests of the sub- continental and the world people. Delaying them would only mean slowing down our advance.

VIII

14. The line based on force—which is becoming irrelevant day by day in the New world Epoch—is carrying India towards a point of no-return from which it would be dangerous to advance and humiliating to retreat.

Courtesy : International Democratic Viewpoint

LONG ROAD FROM HOME

Sankarshan Thakur followed the painful path of the Kashmiri pandits fleeing the Valley

THIS is the story of a house and the inhabitants who have now abandoned it. Both shall remain unidentified - save to say that the house lies in the shuttered labyrinth of Srinagar's Habbakadal and its inhabitants are in a canvas tent in Jammu - for both feel marked and both fear the future. But the story of many a house and many a family in Habbakadal, or in the Kashmir Valley at large.

Picture: The house is not unlike the others that run, wall to wall, on both sides of the narrow lane. A two-storeyed structure of brick and stone with a sloping roof and a canopied balcony that affords a breathtaking view of snow-clad peaks, the kind of view for which they call Kashmir *jannat*. Like all the other houses, exhaust pipes jut out from above every room, periscope like. But this house is different; there is no smoke spewing from hearth fires. And on the tin-plated main gate hangs a lock. From the top of a neighbouring house, the little courtyard is visible- bedraggled shrubbery, a cushioned chair gone soggy with days of rain, and sleet, a tricycle turned on its side and beginning to rust. The streets that twist and turn like silver streams are empty for there is curfew. There are only ravens pecking at little heap of refuse and two BSF jawans, helmeted and with submachine guns, strolling up and down- actors in this bizarre silent street-theater watched by men, women and children from first floor windows. But the doors and windows in this house are all shut.

"We did not even know when they left," says the neighbour with a view of the courtyard, "They should not have left...there was no reason to."

Picture: The tent belongs to the J and K Tourism Development Corporation, a happy valley tent embossed with a shikara-and- chinar tree logo. Two women sit amid open sacks of clothes and kitchenware and little bags of rice and dal, peeling onions and potatoes. In one corner lies a much older woman with lenses so thick they are almost opaque. She is in a *pheran* (traditional Kashmiri dress) and, out of habit perhaps, holds a *kangri*. No heat needed here, so in the pit of the *kangri* lies Colgate toothpaste, a cake of Lifebuoy soap and a ruffled pack of Krackjack biscuits. Two little girls dig the clay with their fingers. They are trying to make a doll. The girls wear *pherans* too. Blue eyes, tomato-red cheeks about to burst in the Jammu heat. These are faces that belong to windows in the empty Habbakadal house.

One of the women, an employee in one of Srinagar's post offices, remembers the night they left. "It was past midnight and raining and very cold. We collected whatever we could and left quietly. We had spoken to the Army people so they helped us reach the bus station. It was such a relief when the bus left Srinagar... Hers is a family of seven, three children, the mother-in-law and the sister-in-law. Her husband, also an employee in the Post and Telegraph department, is still in Srinagar. "He does not live in the house though...it is impossible to live there in peace. He is in a post office, safe we hope. We haven't heard from him for the last three days...."

They left Srinagar immediately after the big "azadi" processions in late January. "It was getting too tense," she says, "everyone seemed so agitated specially in our locality...all day and all night there were loud slogans from the mosques around our house. It was frightening." There was no direct threat to her family, she admits, the family had been living there for generations and the neighbour never gave trouble. "But we kept hearing people being killed, specially Kashmiri pandits and the younger lot of men kept shouting *azadi, azadi*. At night we could hear shooting and blasts. Unlike some others, we are too scared to move out. It was getting too much so we have to move...nobody likes leaving home but we had to."

With little money and no immediate help, the little brood of women and girls knocked about Jammu for about a fortnight, sleeping at the bus station and railway platforms and eating at langars, before they were given this tent in the Talab Tilloo camp.

"It is not easy here" she says, "Living like refugees is never easy but we are secure."

There are several other families from Habbakadal in this little tent-city, and from other neighbourhoods that form the complicated web of Srinagar's old city- Kanikadal, Chhotbazar, Safakadal, Salakada, Purshiyar, Ganpatyar; there are some from more posh areas like Rajbagh and Jawaharnagar. In Talab Tilloo and five more relief camps being run in Jammu there are also migrants from other areas in the strife torn valley, from towns and villages in Anantnag and Sopore and Baramulla and Pahalgam. In all, about 22,000 families, nearly all of them Kashmiri pandits, who have been leaving the insecurity of their traditional homes and coming down to the plains in ever increasing numbers for the last three months. And as fundamentalist anti-India groups sharpen their separatist campaign in the Valley, more are expected to arrive. "From what we learn from the migrants" says an activist of Jammu-based Kashmiri Pandit Sabha, "Entire localities in Srinagar and other places have been emptied of Kashmiri pandits. About 80000 of the 1.2 lakh Hindu population in the Valley have already left and come here seeking refuge."

Not all of them have found refuge. In fact, the administration has so far been able to arrange temporary housing for just about 800 families who live in tents or empty government flats. The rest are on their own, in privately rented accommodation or on the streets. Mani Sapru's family of eight has been living out of a corner in the bus station for about a month. "What else is there to do?" he asks, "The government cannot find me any accommodation and I do not have the money to pay rent. I have not got my month's salary even though I applied for transferring it for quite sometime back." Sapru is privately employed in Srinagar so the salary may never come.

Those who have been settled in the relief camps have their own little problems. Apart from the uncertainties of the future, there are the troubles that attend sudden displacement. The children miss home and cannot adjust to the new environs- this little girl in the Talab Tilloo camp, for instance, wails uncontrollably when she is bathed under a public tap - young boys and girls do not know what they will do about their education, nearly all of them might be missing a year, for this is end-of- the-term time. The adults, of course, have their own problems in addition to the children's. "Living in the Valley," says one woman in the Nagrota

camp by the Tawi river some way out of Jammu, "meant living with life under threat every moment, living here means a struggle for life every moment...people are helping but how much and how long will they help? My husband has been borrowing money from relatives but how long can we do that?" Each one has his own tale of woe to tell in the relief camps. But no photographs please and no names. "Please do not quote us in the newspapers. Our homes and some of our family members are still up there...We hope to return some day." Jammu, for most, is only refuge not home. "We left our lovely homes only because we were forced to. If things are alright we want to go back." says one.

J.L. Ganjoo can be quoted on his story for he has decided he is not going back. "There is no way I can go back," he says, "because I have been warned by my own neighbours, in good faith, never to come back for they know I am on the hit-list. Even if I were to agree to go for the sake of my job, my family would not let me." Ganjoo was a junior magistrate serving in Sopore, the only Hindu government servant, he says in the area.

As the anti-India agitation burst onto the streets following the release of the kidnappers of Rubaiya Sayeed last December, the pressure built up on Ganjoo. "As a magistrate, I was often responsible for issuing firing orders and whenever there was commotion in Sopore, the security forces prodded me to give them permission to shoot. On the other hand, all the local people knew I was the man responsible for giving firing orders so their sentiments were also against me...I was caught between the two."

Ganjoo and his wife, who teaches in Sopore's Islamic Women's College, decided to move on the eve of January 26th. "Two of our neighbours came at night and pleaded with us to go." Says Ganjoo's wife. "In fact, they warned us that my husband would not live long if he continued to stay in Sopore." Ganjoo's leave application was not immediately accepted—the government needed officials to man posts at least till Republic Day, when trouble was expected - but Ganjoo left all the same. They hitched a ride to Jammu in a truck transporting apples, paying Rs.200 each. "They suspected me of being an intelligence agent and an informer which I am not, but who will make them understand?" asks Ganjoo.

It is an oft-heard lament. A lot of Kashmiri pandits have left not because something has happened to them or their families but because they have learnt they are being suspected of being "government of India's informers", which is the worst thing to be in Kash-

mir today. It is true that traditionally, Indian intelligence agencies have depended on Kashmiri pandit families, particularly in sensitive border areas, for information (their exodus now has, among other things, uprooted crucial links in the intelligence network as well), but not all Kashmiri pandits are, or can be, informers. "Anyone," says Ganjoo, "who speaks for India and refuses to raise pro-Pakistan slogans is a government informer of India in the books of the militants. We were being pushed to the wall for no good reason..." So much so that many a Kashmiri pandit migrant has swung right across to the other extreme and become a Hindi-Hindu-Hindustan supporter.

Though ostensibly under the care of the government, the relief camps in Jammu are all virtually run by the Bharatiya Janata Party (BJP) and the sister concerns like the RSS, the Shiv Sena, the Hindu Suraksha Samiti and the Kashmiri Pandit Sabha. The headquarters of the relief operations - Geeta Bhavan - is itself the city headquarters of the RSS and the Suraksha Samiti. There are those among the migrants who are averse to what they call "politicisation of the migration problem" by making Geeta Bhavan, the relief headquarters, but for every man who objects to it, there are 20 migrants to defend it.

But some Kashmiri pandits think this swing towards the BJP is dangerous for the future of Kashmir and some - mostly the younger professional lot - have taken the initiative of floating a "more secular" group to counter this trend. "Our effort is not to underplay the threat to Kashmiri pandits or their travails," says one of them, who wants to remain unidentified, "but to build more balanced opinion. If the Kashmiri pandits turn totally to the BJP and its allies, they will become contributors to the already vitiated atmosphere in the Valley. They will never be able to go back to the valley if they take extreme positions." One of the moves that this new group made in this direction was to issue a call to the migrants to boycott the BJP-led procession for migrants' demands in Jammu in the second week of March. "They were raising slogans like '*Hindi-Hindu-Hindustan*' and '*Hindustan mein rehna hai to vande mataram kahna hoga.*' They were making political mileage out of the situation," alleges a member of this new group, "everything is being politicised."

The Jaggmohan administration has put in an estimated (government estimates) Rs. 1 crore into the relief effort so far and is asking for more Central aid. The notes being circulated by the Governor's

office look impressive. But, as a senior state government official admitted, "There is laxity about the implementation of the relief measures and, as everyone knows, money does find its way into channels other than it is meant for."

Picture: the queues are long and several, one in front of almost every window in Geeta Bhavan. Men and women, boys and girls stand with petitions for job transfers and applications for shifting to schools and colleges in Jammu, are all agitated, all on the edge. Frequently the queues are broken and there are arguments. In the large courtyard, women sit around firewood helping run community kitchen, old men huddle together with nothing to do but be nostalgic. Every time an official or a relief committee member arrives, he is swallowed up by a demanding, cacophonous crowd. When the sacks of rice are or potatoes arrive, the children are sent carrying bags and bowls - they howl for, for it means a break in the game. Games were never disturbed to run errands in this fashion back home.

Courtesy : The Telegraph 1-4-90

KASHMIRI MIGRANTS FEEL FRUSTRATED IN DELHI CAMPS

THE future of the Kashmiri migrants hangs precariously between the valley which they have fled and the government, determined to send them back.

Torn away from their roots, they can neither get accustomed to the uncertain future in the refugee camps nor can they return to the valley where peace has been shattered.

"We don't want the migrants to stay here and are trying our best to create such conditions in the valley so that they can go back to their homes safely." Subodh Kant Sahay, the minister of state for home, told PTI here recently.

"The government's aim is to provide 'relief' but not rehabilitation. We are providing adequate relief and with a missionary zeal," said Sahay.

It has been nearly six months since 60-year old frail Bhan, a father of three daughters, has had a peaceful sleep. War cries of militants, a bomb attack on his house, the agony of seeing his grown-up daughters suffer humiliation - all constitute the nightmares which jolt him each night.

Sitting sullenly in a migrant relief camp in the capital, Bhan's is one of the nearly 8,000 migrant families registered with the Delhi Administration, who have fled to the capital to escape the wrath of the militants.

Nearly 350 families - once well-to-do middle class families - are at present living in miserable conditions in 10 camps set up by the Delhi Administration.

"The migrants are provided Rs.500 per family and dry rations like rice, flour, tea, salt and kerosene. Apart from this, one kitchen

kit, including a stove, is also given as relief," said D S Negi, the deputy commissioner of Delhi.

However, most of the inmates of the camps complained that the ration quantity and distribution was not enough.

"We have been given rice and dal but no masala. Tea leaves are there but no milk or sugar is provided." said a frustrated teacher, Kanta.

For 47-year old Kumar, the village home and his vast agricultural land seems all a distant past as he sits on the bare floor of the camp, sweating in some donated clothes, uncertain about the future. His wife, sitting patiently beside him, complained of the hot weather and said pathetically: "I wish I was back home. At least I could die in pleasant weather and familiar surroundings."

The migrants are sore. Just a meagre sum of money and dry rations is not enough to sustain the educated and middle-class Kashmiris, most of whom have run away to Jammu and Delhi, with not even a change of clothes with them.

The slogans of a blood-thirsty mob on a cold-January night was a chilling experience for Rani and her family. "All women members of our community assembled in our house while the men stood guard outside. We were ready with a can of petrol, set to immolate ourselves for the sake of *izzat* (honour)" she said with tears in her eyes.

However, the CRPF picket nearby got wind of it and dispersed the mob saving their lives.

Thirty-year old Sharda, sold her gold earrings to pay for the truck fare from a distant village in Kashmir to Jammu. Clutching her six-month-old baby, she looked blankly in space, wondering where the next bottle of milk would come from.

Several migrants felt the government was "just not bothered about them."

The home minister, who belongs to our state, has never bothered to visit us, lamented a migrant.

"Apart from food, don't we need a human touch," they asked.

So far the Delhi Administration has distributed cash relief of Rs.8 lakhs to the migrants as part of the financial relief promised by the government, he said.

The migrants are also worried about their children who face the threat of losing one academic year as the academic session in Kashmir begins in March.

Whiling away their time, a group of migrant children were playing cards in one of the camps. "With no school or college to go to, what else can we do," said Sanjay, a 20-year old college student.

"We are trying to have the school students admitted into the government and government-aided schools here," said Sahay.

So far about 250 children have been admitted into schools in the capital, according to Negi.

But the future of the students of engineering, medical and other professional colleges is still in doldrums. They are still waiting for orders to be passed whereby they can be accommodated in colleges outside Kashmir.

The government, keen to see the migrants go back to valley, is trying to create a conducive atmosphere in the state. "These people are the 'guards of our borders.' So they have to go back," said Sahay.

But, are the migrants willing to go back. No, most of them say vehemently. "We won't go back to should 'Pakistan Zindabad" as ordered by the militants," they say.

"We are facing an identity crisis today, being branded Indians in Kashmir while outside the valley we are just alien Kashmiris," said an agitated migrant.

And what if the situation normalises 100 per cent. "We don't believe that. Let Mufti Sayeed or George Fernandes go around Kashmir without security guards. Then we will accept the situation as normal," many of them said.

However, some of the people prefer to go back to the valley, as they say "it is an agony to wait for the ration to come to you. Educated, as we are, we would better die than spread our hands."

"To witness the killings of a beloved relative was an agony but it is traumatic sitting in the ill-equipped camps here," said a young medical representative from Kashmir.

Courtesy : The Independent 4-6-90

THE RIGHTS OF REFUGEES

RASHME SEHGAL

Unless the government resolves the myriad problems of the Kashmiri migrants who are living in refugee camps in Delhi, these camps could end up as the breeding ground for more insurgency.

THE advent of summer has marked a turning point in the attitude of Kashmiri refugees who, unused to the heat, are preparing themselves for a head-on confrontation with the authorities to ensure that the government meets at least some of their demands.

Kashmir Bhawan, located in the heart of Delhi, where a large number of migrants are camping, is witness to daily clashes between migrants and the Kashmir Samiti officials with the former complaining about inadequate facilities.

Cries of "Give us Kalashnikovs, we will fight the militants," "Nathu Ram Godse jai jai," and "Jagmohan is our saviour" are just a few of the slogans raised by these Kashmiri pandits who started trickling out of the valley early this year. Their numbers have now swollen to over a lakh. This is no small amount especially if one takes into account the fact that there were just 1,20,000 pandits in the valley.

While 30,000 families are living in refugee camps in Jammu, over 10,000 families have made their way to the capital. They have been housed in eight camps, some of which are located in Kailash Colony, Krishna Market, Aliganj, Babudham and South Extension. Kashmir Bhawan itself serves as a transit camp, where migrants are accommodated before moving on to other camps.

Why should these refugees turn against people whose ostensible intention is to help them? The problem lies in the fact that the government has done little to assuage the horror of their experience or to provide them with the minimum facilities whereby they can start afresh.

The refugees in turn have openly shown their contempt for VP Singh and his minions; they refused to meet members of the all-party advisory committee on Jammu and Kashmir when they visited their camps in Jammu last month. As one migrant, a doctor who wished to remain anonymous, put it, "What VP Singh's *sarkar* seems to forget is that it is not just the Kashmiri pandits who have been uprooted from the valley - India has been uprooted as well."

The government is unhappy at their belligerence, but what did they expect of a community that boasts of 100 per cent literacy? The majority of Kashmiri pandits are middle class doctors, engineers or businessmen.

Extremely vocal and eloquent about their rights, the refugees feel that they had to pay a heavy price for the misdeeds of the Rajiv era. "Our only fault is that we were not born Muslims - we would not then have been reduced to this plight," repeated many of the youngsters at Kashmir Bhawan.

"Look at the majority population in Kashmir. They live like lords. Every Kashmiri Muslim house has a gun, apart from owning mansions all over the place and being entitled to free education and subsidised food. The government has already dispensed a subsidy of over Rs. 70,000 crores in Kashmir. They have everything and yet they talk of *azadi*. What *azadi* do they want except a return to the worst form of fundamentalism?" asks another migrant.

The crux of the problem is that while the Jammu and Kashmir governor, Jagmohan, had immediately sanctioned a payment of Rs.1,000 per month for every refugee family in Jammu, the Delhi Administration (DA) continues to dither on the subject. The DA feels that its responsibility ends with the opening of camps, and the supply of dry rations. It is now up to the Kashmiri pandits to find themselves jobs, accommodation and money.

Worse, many of the young refugees at Kashmir Bhawan allege that these camps are being run by different vested interests. For example, a student, Ghulam Nabi, alleged that despite being given an accreditation card from Kashmir Bhawan, his application to join the camp was turned down because it did not come through the BJP.

It is well-known that the BJP is building a constituency amongst the migrants. It is the only party that has made a concrete effort along with its allied organisations such as RSS, Hindu Mahasabha and Hindu Suraksha Samiti to provide organised relief.

Thousands of helpless pandits have appreciated this and openly admit that whereas in the past they had not subscribed to the religio-centric politics of the BJP, they have now switched loyalties. As one businessman who has left behind Rs. 20 lakhs worth of property said, "The next time there is an election, our community is going to fan out to every part of the country and canvass for the BJP."

Interestingly, the BJP is not the only group trying to woo the migrants. Christian organisations have also made inroads and many Kashmiri youths admit that conversion to another religion will prove beneficial in the long run. "At least when we become Christians, the community and people will help us. We will be able to hope for some kind of future. As Hindus, we will continue to live like beggars."

The Delhi migrants are demanding Rs.2,500 from the government as relief, besides automatic admission in schools and colleges, jobs in institutions, allotment of shops in the Delhi Development Authority commercial complexes, free DTC passes as well as allotment of land within the capital for final settlement.

The DA has turned a deaf ear to these demands hoping that the crisis in Kashmir will blow over and the refugees will make their way back soon. Sunil Shaktarm, secretary of the Kashmir Samiti complains, "The government has done nothing for the refugees apart from providing a few utensils and some dry rations. We have managed to run this transit camp for the last four months only because of the assistance received from industrialists and the public at large. How long are we expected to continue shouldering this responsibility?"

The community centre has no provision to take on such large numbers of people. When this reporter visited the site, the main hall was crowded with families sitting on durries lined against the floor. Small bags and bundles of clothes and a few other belongings lay strewn around. Most of the women complained that there was no provision for milk or green vegetables for young children. They also grumbled about the lack of adequate sanitary facilities.

Conditions in the other refugee camps are equally bad, the misery compounded by the total insensitivity of the government and the average Delhiwalla to their plight.

Another problem that afflicts them is the lack of ready cash. At the time of their escape most of them were unable to bring the money they had deposited in banks. There were two reasons for this. Firstly, because of constant curfews most banks had remained shut, and secondly, even if they were open, they would not have been able to honour such large withdrawals. In early January, secessionist groups like the JKLF had issued a warning that all persons should withdraw their money from nationalised banks and deposit it in the Jammu and Kashmir Bank. In less than a week of this threat nearly Rs. 50 crores were transferred, creating a run on the Indian nationalised banks. "I have tried to transfer my money to my account in Delhi, but the bank here tells me it is futile as no clearing is taking place in Srinagar," pointed out Neelkanth Matoo, an entrepreneur who till recently owned a small-scale unit.

The plight of pensioners, the elderly and disabled, is even more pathetic. The majority need money to purchase medicines and undergo medical treatment which is not forthcoming. Asked Rohit Kaul, an elderly retired government employee, "After devoting my entire life to working for government, shouldn't they have ensure that we could avail our pensions from here? I have been going from pillar to post pleading that I get my pension but have met with total indifference."

Kashmiri pandits, however, are not the only group to have migrated. Several Sikh and Muslim families have also moved out, though the Muslim families are not living in refugee camps but have sought shelter with relatives and friends.

Most of the refugees assert that they have no intention of returning to Kashmir. The government may be anxious to send people back unless there is a return to normalcy, they do not contemplate going back.

Prominent leaders like Amar Nath Vishnavi assert, "When people like H L Khera could be killed, even though they were provided with security guards, what chance do people like us have?"

These leaders say that it is high time this matter was settled once and for all. Every time something happens in Kashmir, the Kashmiri pandits have had to flee. It happened in 1948 in the wake of the invasion of the valley by Pakistan-instigated tribals. The community bore the brunt when Pakistan infiltrated Kashmir in

1965 and again when communal riots broke out in 1986. This year however has been the worst. Never before have Kashmiri pandits been forced to migrate in such large numbers.

The onus is now entirely on the government which has to decide what kind of rehabilitation programme they intend to implement. And certainly, they must act fast, before these refugee camp turn into breeding grounds for more insurgency.

Courtesy : The Independent 25-4-90

ANOTHER WAR IS NO SOLUTION TO INDO-PAK PROBLEMS

K. R. NARAYANAN

ARE the war clouds gathering over India and Pakistan going to break into a storm and shooting war to begin between the two neighbours? If Pakistan does not rein in on their mounting support to secessionists and terrorist activities in Kashmir or if India does not manage to contain quickly the extent and intensity of such activities against its unity and integrity, a war may well be unavoidable. But another war between India and Pakistan might not be one affecting only the two armed forces as in the past. It will involve damage and destruction on civilian and population centres on an unprecedented scale. The new and advanced type of arms and missiles would make it a much more tragic war though of short duration. And it would solve no problem of either country but create new ones.

A silver lining on the cloud is that no foreign power is in favour of an Indo-Pak war, not even those who had fuelled conflict between the two through massive arms supplies. A South-Asian war would upset their current priorities as well as larger and long term objectives. The US, the USSR, China, the UK, Japan, EEC., all have come out with strong statement calling upon the two parties to restrain the situation and enter into talks and negotiations. But then such strong statements themselves indicate the seriousness of the situation.

Is there any inevitability of a war today and is it in the interest of India and Pakistan to make war or be drawn into it? There may be few in India, very few indeed, who may argue that by inflicting an all-out and final defeat of Pakistan. We could put an end forever to a threat that has haunted us for years and devilled the internal situation in Punjab and Kashmir. But no thinking person believes that there is a solution through force to our internal problems or to Indo-Pakistan problems.

Besides, old strategic interests and balance of power considerations in the region have not yet disappeared. One cannot think of either China or the US looking idly on the dismemberment of Pakistan or for that matter, the international community. Hence a war of that type has to be ruled out which, in any case, has not been and is not the policy of any government of India. Strategically, it is better for India to have a united Pakistan though it may be an unfriendly Pakistan temporarily rather than a disintegrated Pakistan dominated by outside powers. Further, a war now would administer a setback to our economic development just when the situation is looking up and also help in spreading the poison of communalism shaking the foundation of our secular state. Thus the search in India is for a way out without war but without compromising on the basic integrity and interests of the nation.

Is Pakistan to gain anything from a war with India? Whatever offensive-defensive strategy they may adopt, whatever weapons they may use, India will be able to outmatch them and deliver a counter-blow that would cripple Pakistan. In a military conflict Pakistani objective would be to obtain a foothold in the Valley if not overrun it. That would change the status quo in Kashmir and give them an upper hand in dealings with India and the UN. They may also reckon that this may be their last opportunity to wrest Kashmir when India has what they perceive to be a weak government, and is harried and harassed by insurgencies in Punjab and Kashmir. At the bottom of it all, the desire to avenge Bangladesh is strong in Pakistani mind. All this make it necessary for India to prepare for war without doing anything to precipitate it, indeed trying all we can to avert it.

For India the issue at stake in Kashmir is not territory, but the whole concept of India, the secular concept of India without which the nation will fall apart. Therefore, if a war is forced upon us, in Kashmir we will have to fight it out with all our might. But it should not be beyond our capability to guard effectively the line of actual

control and the international border in order to frustrate infiltration and infringement and deal with the insurgents and the people of Kashmir more firmly, more sympathetically and imaginatively. A stemming of the terrorist wave is, of course, a first prerequisite, but that need not preclude a discreet dialogue with those who have taken the gun against us. And a dialogue with Pakistan is something we should not shun even in acrimonious of situations.

While we undertake our first duty of restoring normalcy in Kashmir, defending it from intervention or aggression, and talking with Pakistan to reduce the tension, statesmanship and political wisdom oblige us to look beyond and think about a wider solution of problems based on the spirit of the times and the aspirations of the people. Any political discussion of this longer term should await the establishment of some sort of normalcy. But it is pertinent to recall the vision of Indo-Pak relations that Nehru had entertained, especially now when the two countries are teetering on the brink of war. In December 1962, Nehru told US journalist Selig Harrison "Confederation remains our ultimate goal. Look at Europe, at the Common Market. This is the urge everywhere. There are no two people anywhere nearer than those of India and Pakistan, though if we say it, they are alarmed and think we want to swallow them."

Later, just before his death, Nehru played with a bolder and broader vision. In May 1964, he spoke to Selig Harrison of "more or less parallel political processes" in India and Pakistan giving gradually increasing autonomy to both India and Pakistan held portions of Kashmir as well as East Bengal. (This was before Bangladesh came into being.) The two Kashmirs and the two Banglas would begin to have trade and other interchange as part of a general relaxation in the atmosphere between the two countries. As mutual confidence grew, Nehru hoped for a drift towards overall federation embracing not only India and Pakistan but smaller neighbours such as Nepal, Bhutan and possibly Ceylon. In such an Indo-Pak confederation, Nehru thought that it might be necessary to have inter-looking confederations functioning in each country as well as between them. We must never be too rigid. When Sheikh Abdullah mentioned this idea to President Ayub Khan the later remarked that it was an Indian trick to end Pakistan and that Nehru was playing with fire in propounding such ideas though he talked about confederation, it is clear that what Nehru had in mind was

something like EEC, which today is reaching out to a political union.

Some vision of this sort seems to be necessary especially when war clouds crowd the Indo-Pakistan sky. Is it necessary to fight the kind of war that Europe fought before we in the sub-continent seek a loose union consistent with the basic independence and sovereignty of the state in question? History may take us by the scruff of our necks to such a situation even if we decide to fight today. A fight may only postpone it. Is it not therefore better to avoid war, and tread the slow and perhaps tortuous path of peace chalked out by the Shimla Accord?

Courtesy : Times of India 3-5-90

THE NO-WIN WAR

How does the Pakistani military establishment, which has been talking about fighting the next war deep within Indian territory, view India's military capabilities ? Mohan Ram, who was in Pakistan recently, finds out.

PRIME MINISTER Vishwanath Pratap Singh's speech of April 10 and his elaboration of it on April 13 left Pakistani analysts convinced that India was out to impose a war on Kashmir. The fact, however, is that neither country really desires war because their priorities are domestic issues such as solving economic and social problems. Besides, if there is to be a war it must have specific political and strategic objectives. Neither side is sure that a war will solve the Kashmir issue.

However, if a war does take place, the cost incurred by both nations would be far greater than in the three wars fought so far. Both are better equipped for a war than ever before, and neither will be able to score a military victory over the other.

First, how would a war begin? It could well be with India's decision to exercise its right to hot pursuit across the line of actual control or an attack on training camps for Kashmiri militants across the line. It could either be a limited engagement along the line of control or it could escalate into a full-fledged war across the international border.

The Pakistani military establishment has been talking of an offensive defence and of fighting the next war deep inside Indian territory. This is part of its chief of army staff Gen Mirza Aslam Beg's strategy.

The Beg doctrine was the basic philosophy behind the Zarb-e-Momin exercise in 1989. It was Pakistan's biggest. The focus of the exercise, according to India's defence ministry, marked a

doctrinal shift in Pakistan's military strategy, from a basic anti-communalism stand to an Islamic stance with greater stress on offensive action.

The premise of the Beg doctrine is that, thanks to the exit of Soviet troops from Afghanistan, Pakistan's western border (with Afghanistan) is secure. Therefore, a large general services reserve would be available for deployment against India in the event of war. Since the Afghan war began in late 1979, Pakistan exploited the strategic concerns of the United States in the region to strengthen its own armed forces.

The Beg doctrine assumes that India would attack Pakistan where it is most vulnerable. And Sind, already convulsed with ethnic conflict, is Pakistan's "soft under-belly". Pakistani analysts concede that India's superior armour includes the T-72 tanks of Soviet origin. But desert warfare will not be a walkover for India because the Pakistani armoured division in Multan (matching India's Two Corps) is equipped with lethal anti-tank weapons including the Cobra attack helicopters. This is a force multiplier.

But analysts point out that India is vulnerable on two counts. Unlike in 1971 (when Pakistan had to defend its eastern wing without success) it would be a war limited to Jammu and Kashmir, Punjab, Rajasthan and the Rann of Kutch. The people of Jammu and Kashmir and Punjab are not as friendly towards the Indian forces as they were in 1971.

India has eight corps (more are coming up), each averaging three divisions against Pakistan's nine corps with 19 divisions in all.

Though Sino-Indian relations are looking up, and are not as hostile as they were in 1971, India is not in a position to divert all its nine mountain divisions away from the China border.

According to the Pakistani assessment, India would need seven to eight divisions this time, just to hold Jammu and Kashmir, and Punjab against domestic challenges and to maintain its communications and supply lines. Already India has diverted some of its divisions from the China border to Jammu and Kashmir and Punjab. But the Indian military forces place the domestic needs at four divisions.

Pakistani analysts think the next war would be a 'replay' of India's Operation Brasstacks, which means earmarking nine to ten divisions in the Rajasthan sector, where India thinks it has an

advantage in desert warfare. The breakup is three to four divisions on the Barmar-Chor axis, and one or two divisions in the Rann of Kutch-Badin area which presupposes maintaining reserves in all the areas north of Jaisalmer right up to Kashmir to meet any Pakistani thrust.

Going by the Zarb-e-Momin picture, Pakistan hopes to have eight to nine divisions for offensive action on one or several fronts of its choosing. The initiative will lie with Pakistan and not with India, but Pakistan will not make the first move.

Pakistan might well opt for offensive defence posture along the border with Punjab and Sind and northern Rajasthan and might either pre-empt Indian offensives or wait till India commits its strategic reserves. The *Herald*, a prestigious monthly from Karachi says that Pakistani defence planners are confident that if they can check an Indian advance south of the Sutlej river, they can cross the Radcliffe line in Punjab and carry on the fighting 50 miles inside India.

India's thrusts into Pakistan are likely to be from Jaisalmer and Suratgarh in Rajasthan and from Jammu and Punjab and the Pakistani thrust will not be from the Kashmir valley but from south of Lahore towards Fazilka and Bharinda and another push towards Jammu and Samba in an attempt to cut off India's supply lines to Kashmir.

Much depends on the timings and duration of the war. India can fix the timing to Pakistan's disadvantage, but Pakistan analysts think that international pressure and intervention will ensure that a war lasts only 15 days and ends in a stalemate as in the past. But the Indian thinking projects a war of upto 45 days which would be to its advantage. Pakistan lacks depth and India can dictate the duration of the war and stay in the fight longer.

If the war is conventional and total, Pakistan will hopelessly outnumbered in terms of military aircraft, though it does not think much of India's state-of-the-art MIG-29 Soviet combat planes. Pakistan's F-26s are a force multiplier but India has the capacity to destroy Pakistan's combat planes on the ground. If the Pakistan air force survives the first five or six days, it would be able to inflict heavy damage on India.

India has naval superiority over Pakistan. It can blockade Karachi, the country's main port and destroy oil dumps there as in 1971. But Pakistan, within its limited capability, will be in a posi-

tion will attack oil and other vital installations in and around Bombay.

It will be a war neither side can win decisively to clinch the Kashmir issue. All this assumes that neither side has nuclear weapons or if they have, would not resort to using them.

Courtesy : The Independent 25-6-90

US MUST PREVENT WAR IN SUBCONTINENT

SELIG S. HARRISON

ISLAMIC fundamentalists in Pakistan and Hindu chauvinists in India are pushing their countries towards war.

The Bush Administration should immediately suspend its burgeoning shipments of sophisticated military equipment to Pakistan, and should make clear to Islamabad that it would cut off ammunition, spare parts and American controlled petroleum supplies, as it did in 1965, in the event of a new conflict.

Washington should also seek to promote discussions between the two countries designed to end both Pakistani support for insurgents in Kashmir and Punjab and Indian encouragement of Sindhi separatists.

Pakistan has precipitated the present war psychosis by escalating insurgent activity in Indian border areas. But the roots of the crisis lie in Indian insensitivity to legitimate Punjabi and Kashmiri grievance during the past two decades. With Hindu revivalism growing, successive Indian leaders have been afraid to make the concessions that would have been necessary to defuse the growth of separatism.

In Kashmir, New Delhi has undermined its only local ally, the National Conference party, long permitted to operate autonomously, by insisting on its virtual absorption into the Congress party and by helping to keep an increasingly corrupt leadership in power.

Pakistani stimulation of the Punjab insurgency goes back to the beginnings of the Zia-ul-Haq regime in 1978. By 1984, the Pakistan Army's Field Intelligence Unit was helping to organise the Liberation Front in the Kashmir Valley. By 1988, the Inter-Services Intelligence (ISI) Directorate in Islamabad had begun to set up training camps in Pakistan-held *Azad Kashmir* manned by retired Pakistan army officers.

Evidence obtained in Pakistan as well as from Indian and American intelligence sources indicates that some 63 Pakistan-operated camps have been functioning at various times during the past two years, roughly half located in *Azad Kashmir* and half in Pakistan. At least 11 have operated continuously.

Captured agents and guerrillas have provided detailed evidence that Pakistan has trained hundreds of guerrillas leaders and has smuggled more than 600 weapons into the valley, including rocket launches and Kalashnikov rifles from US supplied Afghan aid stockpiles. Some of the captured guerrillas include Afghans who are members of the ISI-supported Hezbi-i-Islami.

India and Pakistan have already fought three wars. As in 1965 and 1971, the United States now finds itself positioned on one side as a result of short-sighted military aid policies. The 1965 conflict came after Washington had provided \$ 1.5 billion in military hardware to Pakistan for the ostensible purpose of deterring Soviet and Chinese aggression.

This time, Pakistan has been emboldened by \$ 1.5 billion in renewed aid provided since 1981 and by another \$ 1.4 billion scheduled for delivery by 1991, including 60 F-16 fighter aircraft in addition to 40 already supplied. Nominally for use against Soviet forces in Afghanistan, the weaponry has almost all been deployed along the Indian frontier. Instead of decreasing since the Soviet withdrawal, the flow has increased.

Pakistani use of American weaponry against India once again would reverse the hopeful trend towards improve Indo-US relations that has developed in recent years as memories of 1965 have faded. Recognising India's emergence as a major military and industrial power, the Reagan and Bush administrations have liberalised exports of high technology to India while continuing to expand military aid links to Pakistan.

New Delhi, anxious to encourage the technology flow, has officially muted its official expressions of anger about the US build up in Pakistan despite the outcry from growing hardline Hindu

forces. This anger could quickly harden into anti-American xenophobia if a war erupted.

Spearheaded by military hardliners and Islamic fundamentalist groups, opponents of Prime Minister Benazir Bhutto are seeking to use the Kashmir issue to drive her from power. If she even questions the ISI support for the insurgents, she is reviled as betraying Muslim freedom fighters. But if she joins the holy war chorus, as she has begun to do, she fans the fires of a war in which military leaders would quickly demand full control.

Some may argue that the United States should not suspend its military aid to Pakistan unless the Soviet Union agrees to a similar freeze of military sales to India. Clearly, Washington should not be given a veto over American policy. The overriding American interest lies in preventing a South Asian war that could escalate to the nuclear level.

To play a credible moderating role, however, the United States must first send an unambiguous signal to Pakistan clarifying American intentions in the event of a conflict. Should war come, it would be folly for the United States to find itself arrayed against India, which has an increasingly powerful naval reach extending throughout the Indian Ocean and the Gulf.

Apart from freezing its military aid deliveries and urging both sides to stop covert cross-border operations, the United States should join with other powers in promoting a direct dialogue between New Delhi and Islamabad based on the Simla Agreement of 1972. Ruling out the use of force, both sides agreed at Simla to "respect" the *de facto* boundary between the two sectors of Kashmir fixed in the 1971 cease-fire. They pledged to "prevent the organisation, assistance or encouragement of any act detrimental to the maintenance of peaceful relations."

Even if Islamabad terminates its support for the insurgency, a stable peace will not return to Kashmir unless India gives greater autonomy to the Muslim majority there. At present, the Valley is linked with Hindu-majority Jammu and Buddhist-majority Ladakh in the unified State of Jammu and Kashmir. While designed to uphold the principle of secularism, this arrangement has served, in practice, to fan Hindu-Muslim tensions. A possible way out would be for Jammu and Ladakh to become fullfledged Indian States while the Valley acquires special confederated status within the Indian defense and foreign policy sphere.

In Kashmir and Punjab, as in other Third World areas torn by insurgence, military repression will only make matters worse, inviting continued foreign intervention.

Courtesy : Washington Post

REPORT ON KASHMIR SITUATION

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Report on Kashmir

The People's Union for Civil Liberties (PUCL), the Citizens For Democracy, the Radical Humanist Association and the Manav Ekta Abhiyan had appointed a joint team to visit Kashmir and make a first-hand assessment of the situation there. The team comprised of S/Shri V.M. Tarkunde, Rajinder Sachhar, Amrik Singh, Balraj Puri, Inder Mohan, Rajan Dwivedi, N.D.Pancholi and T.S.Ahuja. The first visit was from 9th to 13th March and the second from 28th March to 3rd April, 1990. Both Srinagar and Jammu were visited as also a few outlying towns.

Our team members able to meet cross sections of people in large numbers wherever we went.

The team members covered certain areas together and also in groups of two and three according to their arrivals in Jammu, Srinagar and Anantnag.

Groups of individuals from all walks of life such as lawyers, businessmen, retired officers, government employees, journalists,

intellectuals and other well known citizens met us on their own initiative. Simultaneously, we visited quite a number of areas with their co-operation. The places where we went included Gow Kadal, Zakura, Sonawar, Pir Bagh, Nadargunj, Chhanpura, Basant Bagh, Chhota Bazar, Zaina Kadal, Zero Bridge Mosque, Raj Bag Mosque, Betamalu, Khrew Bones and Joints Hospital at Burzula, S.M.H.S.Hospital, Institute of Medical Sciences and Saura, also Shah Hamdam Mosque and Id-Ghah. Everywhere large crowd awaited us varying homes 350 to 5000 in numbers. They included women, adults and youth. We were also able to visit homes of Kashmiri Pandits and a few Sikh families who had decided to stay on in the valley. One third of non-Muslim population is still in Srinagar. Shri Balraj Puri and Shri Inder Mohan met Shri Jagmohan, Governor of Jammu and Kashmir. Other team members met CRPF chief of the valley. The team members had requested the offices of the Advisers to the Governor of arranging a meeting of the team members with the said advisers but there was no response inspite of repeated reminders.

Communal Allegations

Though there were no overt threats held out to the minorities from local Muslims, it is likely they are apprehensive of developing that in the valley.

Mr. N.D.Pancholi, who had on his own initiative met some individuals, could find no trace of the communal antagonism between Muslims and Hindus. A Hindu businessman was staying in the same hotel where we had stayed. Being a dealer in wheat, he told Mr. Pancholi on 29th March, 1990 that he was from Jandiala, Amritsar and that he had been there for more than 10 days from 19th March, 1990 onwards. He had come to realise his payments from the local dealers. He was unable to do so because of continuing curfew and closure of banks. His business colleagues at Srinagar were sorry for not being able to clear his dues and they were all very friendly. Similarly, several other non-Muslims who met Mr. Pancholi told him that there was no communal animosity among the Muslims. The militants chose to kill irrespective of community (in fact, more Muslims have been killed than Hindus). S. Rajinder Singh, a taxi-driver from Jammu said that Kashmiri Muslims were friendly and posed no danger to him or other members of his community anywhere. At Khanka Maulla located in old city of Srinagar, we visited a few Hindu family homes and a temple. Team

members met half a dozen representatives of Hindu Community and others living there with the majority of Muslim population. They also confirmed that there was no communal hostility. We saw a beautiful temple which had following words written on its inner gate in Hindi:--

*"NAMAH SHIVAIH SARVA SHAKTIMAN. NAMAMI RAM
SARVA LOK NATH JAGANNATH SHAHBADI KI BHAINT"*

The temple priest Shri Mantu Das, told us that all Hindus in the locality were receiving full co-operation from the local Muslims. Because of curfew and blockade of Jammu-Srinagar Road, the local Muslims shared their rations and other items of day-to-day requirements with them. Although our Hotel proprietor was a Muslim he had employed a Hindu named Gautam of 22 years age hailing from Darjeeling. Gautam felt absolutely safe. In the words of Mr. Pancholi, Pt. Jagan Nath, a Kashmiri Pandit a resident of Srinagar had met two of us in Delhi on 25-3-90. Pt. Jagan Nath told us that there was communal harmony in the valley and those who were coming out had either over reacted to the situation or because of certain other reasons which could be winter, curfew and also closure of all institutes like banks, schools, post offices etc. The Muslims of Kashmir genuinely wanted Kashmiri Pandits to return to the valley. Not a single case of looting or arson of non-Muslim property had taken place. Regarding himself, Pt. Jagannath said that he would be returning to the valley in the second week of April, 90.

One of us however met a number of Non-Muslim businessmen at Delhi who had come from Srinagar and who complained that they had to close their shop and had come away. Some doctors also said to have come away. This matter needs further investigation.

Rajinder Singh, the taxi driver told the members of the team that certain interested elements were propagating that all those non-Muslims who migrated to Jammu or else-where would be provided with free plots, cash and other facilities. There was a deliberate attempt to communalise the situation by setting up relief camps outside the valley. According to Rajinder Singh when thousands of Sikhs were massacred in Delhi in November 1984 and hundreds of Muslims were killed due to communal riots in U.P. and Bihar, no relief camps were ever established in areas outside their

towns, where they had been living. While there is not a single case of communal rioting in the valley, how come that the Governor, Mr. Jagmohan has preferred to set-up relief camps at a distance of 300 miles in Jammu!

The members of the team were also told of the grievance that while the non-Muslim those who were in relief camps, were getting their salaries but Muslim employees who were in the valley and could not attend their duties because of curfew were not receiving any payment. Similarly, the Governor has preferred to pay compensation to families of non Muslims victims who were considered to be informers, but so far not a single penny had been paid to many more such Muslims -families of the victims.

On 29th March, 1990 Mr. Pancholi himself heard on the Srinagar T.V. (which is relayed from Jammu) that curfew in Srinagar was relaxed only between 5-00 to 9-00 a.m. but on the same evening, he heard from the National Programme News relayed from New Delhi that curfew was also relaxed in Srinagar between 6-00 and 10-00 p.m. which was wholly incorrect. Similarly, the local people maintained that news relayed regarding killing of terrorists by the para-military forces were either false or distorted. In events of indiscriminate firings by para-military forces, when a pregnant woman, her 8 year old son, and the driver of the three-wheeler in which they were travelling on the morning of 29th March, 90 during curfew relaxation, were killed, they were deliberately combined with the news of terrorists being killed without mentioning the death of woman and her son etc. on the T.V. That is how Indian media has lost its credibility.

One thing about which the local people are particularly sore is the permission granted to non-Muslims employees to leave duty and draw their minimum salary even when they are not on duty.

The exodus of non-Muslims is widely regretted by the common man in Kashmir. But there have been some unexplained killings both of Muslims and non-Muslims. This coupled with the overall atmosphere of violence and insecurity has led to the exodus of large number of people and intensified the atmosphere of insecurity.

Another significant demand which came from one and all was that they wanted Kashmiri Pandit families to return to their homes. "We are all Kashmiris and we can guarantee better security to them than all the so-called security forces they maintain. The Kashmiri Muslim's contention is that their brethren Kashmiri Pandits are being evacuated under a conspiracy to communalise the situation

in the valley in particular and outside too. According to them Jagemohan Administration was creating panic among Pandits that there was going to be a massive house hunting in combing operations of Pro-Pak militants, that Security forces will have to shoot down offenders and in such a melee it will be impossible to distinguish between Pandits and Muslims. For all this the people blame RSS, Vishwa Hindu Parishad (VHP) and BJP. It is necessary to mention that whenever local papers appear, there is always an appeal on behalf of the Mujahideen, particularly in Urdu press, on the front page, requesting the Kashmiri Pandits to return to their valley. In this appeal the Muslims are warned against occupying, tampering with or selling of any movable or immovable property belonging to Kashmiri Pandits. So far the local Muslims have lived upto what they say in this regard, and in quite a few cases, the keys of the houses belonging to Kashmiri Pandits are also left with them (The Muslim-neighbours).

There are authentic reports from Jammu region as well that the local people i.e. Dogras are getting restive by the presence of Kashmiri Pandits among them for such a long time. They resented fomentation of communal riots in Jammu city and blame the administration for not controlling the same in time, particularly, when the Governor himself was there. Large sections of Jammu Hindus feel that Kashmiri Pandits can continue to live in the valley peacefully provided the Government wants it. The Jammu Hindus feel hurt by the escalating prices of essential items and also of land and property by the arrival of Kashmiri Pandits in the city. Another factor to be taken into account is that of such news that there has been no repression in the valley or that steps taken by the Governor's administration are showing positive results are doctored news and cannot be taken even with a pinch of salt. All claims made by the Governor during his visits to Delhi and broadcast by the media to the effect that he is handling the difficult situation with utmost "love and compassion" are far from truth.

Attocities by the Security Forces

A large number of excesses were brought to our notice. Some of them are heart-rending.

In Anantnag which was visited by one member of the team, it was alleged that an injured person was brought to the door-step of the doctor for medical attention. Neither was the injured person

allowed to enter the clinic nor was the doctor allowed to come out to attend to him with the result that he died.

On 29.3.90 at about 8.30 A.M. (at a time when curfew was not in force) security forces fired without any provocation upto a three-wheeler and a Matador van. This led to several deaths including that of a pregnant woman and her eight year old son. We visited the injured husband in the hospital and got the full story from him.

On 31.3.90, a group of children in the age group 11-12 assembled at the house of a teacher to have tuition from him in Vicharnag locality of Srinagar. The teacher was non-Muslim and all students except one were also non-Muslims. There was an incident in the vicinity and the CRPF men burst into a house. The CRPF men asked the identity of the pupils with their names. Only the Muslim-boy was shot and killed.

Again on 1.4.90 after a CRPF Jawan of 77 Battalion was killed, some of them sought revenge on uninvolved persons far away from where the incident had occurred. At 7.30 AM on 1.4.90 (when curfew had been relaxed) a CRP ambulance fired in the locality of Navpura injuring five persons including two women. Subsequently one woman died. The other persons were three boys aged 15 to 17. The persons who tried to take injured to the hospital were beaten and arrested. One of them Mr. Latif Ahmad showed us the marks of beating all over his body, which he had received for helping the injured. We reached the scene of incident within three hours of its happening. We also found a 25 year old Fida Hussain with a bullet in his thigh but afraid to go to the hospital on account of being arrested or killed by the army. We ourselves took him to the hospital where we saw many people lying with bullet injuries.

On the same day when we were returning from Navpura to go to other area of incident we were stopped on the way in Gojwara Tulwara Mohalla where barely 15 minutes before the jawans of the 77 Battalion had gone berserk, entered various houses and had beaten and manhandled the local people. We saw several persons lying in the houses with fresh injuries and were told that besides beating them, their cash was also looted by the security forces. The 69th Battalion attached to that area did not even know what was happening. However, it did interfere later and prevented further violence on the local people.

The reports of such incidents were pouring in and we were asked to visit several places in order to see the continuous rampage

going on. But due to paucity of time it was not possible for us to visit each and every place.

We met several injured persons in the hospitals. Gulam Kadar from Brij Behera, a 20 year old person, while he has closing his shop during curfew relaxation at 8.30 AM on 24.3.90 was fired upon by the security forces injuring his right hand. Shri Bashir Ahmed, from the same place, a gardener in the state govt. garden department was shot on 26.2.90 at the main market. Nazir Ahmad was lying with an amputated leg from bullet injuries. He a student of 9th class, was going to join a peaceful procession to be held at Charani Sharif, about 35 KM from Pampur in a truck with 40 persons on 22.2.90. There was no curfew at that time. He told that he alongwith others was asked to get down by the security forces on the way, and despite "our pleas of being innocent, we were fired upon". Three persons, Farukh Ahmed (driver), Manjur Ahmed and Gulam Mustafa died on the spot. Five boys were injured.

Mr. Shahzada Mehmood from Saharanpur and working as a hawker in Gurwari Mohalla, Srinagar nearly for the 15 years told us that he was shot at 9.30 p.m. in the waist by the CRPF without any provocation or warning.

Two victims of Anantnag were lying injured in the emergency ward. We also saw victims of mini bus shooting. Shri Shakil Ahmad, a second year student of S.B college had bullet injury in his thigh.

In fact the hospitals were full of the injured persons and we were pressed by numerous relative and friends of the said injured ones to come to the relevant bed and listen to the story of horror perpetrated by the security forces on them. However, we were told that neither any compensation was provided to any of the victims of the firing by the para-military forces nor the government had taken any care to investigate such incidents and reasons for such injuries. Nor any compensation was given to the families of those Muslims who were killed in firing by the security forces.

When some of these incidents were brought to the notice of senior officers, in certain cases they were acknowledged and in several other cases they did not even know. There appears to be no system whereby individuals who suffer can lodge complaints and seek redress.

Instances regarding molestation on women in Chhanpura were brought to the notice of the team members Mr. Balraj Puri and Inder Mohan who were taken to the house where two young girls were said to have been raped by the security forces. This was

confirmed by the victimized girls themselves. The team members Mr. Balraj Puri and Inder Mohan were moved by the feelings of the family members and neighbours who were showing full respect and consideration to the girls.

It is not possible to list all the cases which were brought to our notice. But the broad pattern is clear. The militants stage stray incidents and the security forces retaliate. In this process large number of innocent people get manhandled, beaten up, molested and killed. In some cases the victims were caught in cross-fire and in many more cases they were totally uninvolved and there was no crossfiring. This tends to alienate people further. The Muslims allege that they are being killed and destroyed because they are Muslims.

Everywhere the people gave heart-rending accounts of how security forces were gunning down the innocent Muslims of the valley. During the seven or eight days the curfew had been relaxed, the unprecedented huge processions- peaceful and disciplined, were blocked by para-military forces at particular points by putting heavy vehicles on both ends. They resorted to merciless firings at random and killed many innocent persons. These accounts were given to us by the participants in all such localities where processions had been taken out and were brutally attacked by the security forces.

Unparalleled Curfew

For more than three and half months now, except for a break for few days, the Srinagar city and other major towns have been under curfew by and large. It used to be relaxed at very odd hours i.e. between 5 to 8 or 9 in the morning. Since 7th April to 19th April, 90 there was practically no relaxation at all. Result is that the civil life is totally disrupted. Shops hardly open, banks, schools, courts etc. remain closed and no mail is delivered, nor are the government treasuries functioning. Traders cannot transport the essential commodities and medical drugs due to curfew. The people in the valley neither have the cash nor the opportunity to be able to purchase anything. Mobility of people in the valley is almost at a standstill. Even during the curfew relaxation period for few hours since 20th April, 90, the vehicles are not permitted on the road. The people are not allowed even to carry their sick brethren to the hospitals in most of the cases. Wherever we went, slogans used to be raised : "We want anti-people curfew raj to be ended. What to say our day-

to-day necessities of life, we cannot purchase even white shroud for our dead victims." We did not find any government machinery involved in the supply of medicines or essential commodities to the people to mitigate the rigorous of curfew. In fact we found many persons reluctant to come out of their houses during curfew relaxation hours as they feared unprovoked firing on unarmed people by the security forces. People in the valley say: "There is more terrorism in Punjab than in Kashmir and a large number of people are killed there in comparison of Kashmir, yet the government do not impose such a continuous curfew there! But the government is imposing this continuous curfew here because they want to punish the entire population and wishes to starve them."

Mr. Jagmohan in his Press Conference on 2nd April, is reported to have said that the present continuous curfew is imposed in order to provide safety to the people from the militants. Nothing can be further from the truth. Rightly or wrongly, the militants have become heroes of the Kashmiri Muslims and the people have no reason to be afraid of them. The continuous curfew has been imposed in order to prevent the people from coming together for organising peaceful processions and demonstrations, and also to tame them by reducing them to starvation level. The people bitterly resent the curfew and look upon it as a method of keeping them in virtual house-arrest.

Without meaning any disrespect to Jagmohan it is a fact (which he too must realise) that today he is the most despised person in the valley. All the journalists, eminent or otherwise, who have been showering high praises upon Jagmohan for his well 'deserved popularity' in the valley are totally cutoff from reality.

Total Alienation

Mr. Jagmohan, Governor of Jammu and Kashmir, in the Press Conference at New Delhi on 2nd April, 1990 is reported to have asserted that the story of the alienation of the Kashmir valley people is "not correct" and that the people are 'terrified', presumably by the militants. This indicates that he is either out of touch with the Kashmir valley, which is hardly possible, or that he does not want the Indian people to know the truth. The fact is that the entire Muslim population of the Kashmir valley is wholly alienated from India and due to highly repressive policy pursued by the administration in recent months, especially since the advent of Shri Jagmohan in January 1990, their alienation has now turned

into bitterness and anger. It would be very difficult to find the majority community of the Kashmir valley anyone who does not passionately desire complete independence from India. Even local J & K police and the local administration stand completely alienated from the para-military forces on the one hand and the Government of Jaggmohan on the other. The local government servants talked harshly about India having 'enslaved' Kashmir.

"We want freedom", "we want independence for ourselves", we will never accept domination from Pakistan or India" These slogans raised by women, youth and men conveyed their message loudly and clearly. Though deafening slogans were dinned into our ears wherever we went, yet we did not hear a single pro- Pakistani slogan. The reasons given for this alienation are: "India has not fulfilled its promise given to Kashmiri people-has not honoured its commitment regarding UN resolution of 1948 by which it had agreed to the right of the Kashmiri people for 'plebiscite'. 'Why did Nehru agree to all this?" they ask. "Indian governments had always rigged elections in Kashmir except in 1977 and had imposed pliable Chief Ministers of Jammu & Kashmir", and as to how the Indian army has become the "army of occupation" and has been committing inhuman atrocities on the common people. Regarding the large amount of subsidies given to the Kashmir by the Central Government, they (the people) told us that large sums of Indian money and subsidies were cornered by corrupt administration planted over them. They further add, "Why does India spend crores and crores of rupees on the defence and subsidies? Indian government should rather divert this money to mitigate poverty and starvation prevailing in various parts of India like Bihar, UP and Madhya Pradesh."

As regarding dissolution of State Assembly, the people are not only indifferent but react with derision even at its mention. For from the assembly was a fraud played on them.

Jammu and Kashmir Liberation Front, one of the leading organisation who have been spearheading the people's movement in the valley stands for independent Kashmir. It wants non-Muslim people of the State to join hands in the struggle for independence of the State as a whole unit (with Pakistan occupied Kashmir included). Other leading groups is Hizbul Muzahideen. It is reported that this organisation wants Kashmir to be merged with Pakistan. There are several other groups also. All these groups are now united in their fight against Indian government, and do not

wish to discuss the question as to what would happen, if Kashmir seceded from India i.e. whether it would be an independent Kashmir or it would merge in Pakistan. However, majority of the people desire neither India nor Pakistan.

Militants' Violence and Human Rights

The human rights organisations represented through our team maintain that the cruelty and violence on the part of the militants in the valley must be condemned by one and all. The kidnappings and killings of innocent persons like Prof. Mushirul Haque, Vice-Chancellor of the Kashmir University, his secretary Mr. Abdul Ghani, and Shri H.L. Khera, General Manager, H.M.T. must be denounced by all. The militants by their violent activities are not only depriving the innocent persons of their civil liberties but also harming the cause of freedom and democracy in the valley. In fact the militants are strengthening the repressive machinery of the state of their activities and are providing a semblance of justification to the government to assume more and more arbitrary powers. Ultimately the peaceful democratic people's movement alone can emerge victorious. When pointed out by some of our members that by and large all the people's movements in Soviet Republic, including Lithuania and in other Eastern European countries including Romania (where the previous government unleashed most barbaric repression) have been peaceful and non-violent and that could be considered as one major factor for their success, the people in the valley listened to this observation carefully. But they say that the government was not allowing peaceful processions and demonstrations and therefore the militants were gaining respectability in the eyes of the common people. They criticised violence on the part of the state which they said must come to end to bring about non-violence. However, in our opinion there is no justification for the militants to take the law into their own hands and we condemn all such attempts.

While we strongly condemn the murders of innocent persons, both of Hindus and Muslims, committed by the militants, we are entirely against any policy of combating private terrorism by recourse to state terrorism. Such a policy is both undemocratic as well as counter productive. It results in alienating the entire people from the Government and in adding to the number of militants. In opposing private terrorism, the State must always act within the

law. It has ample powers to combat terrorism without transgressing the law.

Conclusions

1. One of the main causes for the extreme bitterness of the Kashmir valley against India is the almost continuous curfew which has been imposed in cities like Srinagar for the last 3¹/₂ months. Because of the curfew the people are not able to follow their normal occupations, are deprived of essential supplies and are virtually subjected to house arrest. In order to establish normalcy in the Kashmir valley and reduce the bitterness of the people, the curfew should be lifted in quick stages, so that within a few days there will be no curfew at all. After the curfew is removed, there should be no objection to people taking out processions and making demonstrations, but the government should inform the people that no violence by anybody in processions or demonstrations would be tolerated.

2. The excesses committed by para-military forces- the CRPF and the BSF (i.e. the Central Reserve Police Force and Border Security Force)- are the other major source of popular discontent and bitterness. The highest officers of these forces should be called upon to take strict measures for the punishment of the para-military personnel who kill or attack innocent persons or commit robbery or rape. The personnel should also be instructed that they should behave politely with the people when they enter their houses during the search.

3. Due to the complete closure of Jammu-Srinagar road for a fortnight in March and also due to almost continuous curfew in cities like Srinagar, there is an acute shortage of essential commodities and medicines in the valley. Special efforts should be made to ensure that adequate supplies of the essential commodities and medicines are made available to the people.

4. The free flow of correct news within the Kashmir State and outside should be guaranteed. Mr. Jagmohan's recent action banning certain local newspapers in the valley is harmful, as it leads to the spread of wild rumours. Attempts to put ugly realities under the carpet or to thwart and distort news have always been and will continue to be counter-productive.

5. It is necessary to replace the present repressive policy by a policy of reconciliation with the people of the valley. At present there is hardly any contact between the people of the valley on the

one hand and the Government of Jammu and the Heads of the para-military forces on the other. It appears that there is no intelligence machinery which would enable the Governor or the heads of the C.R.P.F. and the B.S.F. to know what is happening in the valley, what excesses are committed by the paramilitary personnel and what the grievance of the people are. As a part of the new policy of reconciliation, an attempt should be made to approach responsible elements in Srinagar and other towns to form committees for the removal of the people's grievances. These committees should be encouraged to convey to the Governor the grievances of the people and to heads of the para-military forces the excesses committed by the police personnel.

6. The families of Hindus as well as Muslims which have left Kashmir because of the uncertain conditions in the valley and for other reasons should be encouraged to go back to the valley as soon as possible.

7. As soon as normalcy is established and a liaison is created between the people on one hand and the Governor and the heads of the paramilitary forces on the other, it should be announced that the people of the State of Jammu & Kashmir will be able to form their own government through a free and fair election in accordance with the Constitution of the State. The Govt. of India should guarantee that, unlike in the past, future elections will be entirely free from coercion and other undemocratic practices. Non-governmental organisations in India will also co-operate in the effort to see that elections in Jammu and Kashmir, if they take place, will be entirely free and fair. The Government of India should announce in advance that the newly elected assembly of Jammu and Kashmir will act under the Constitution of that State and that it will have the rights guaranteed by Article 370 of the Indian Constitution.

Signed by :

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INDIA'S KASHMIR WAR

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March 1990

INTRODUCTION

The National Front Government's plan to check terrorism in Kashmir has, in practice, turned out to be an exercise directed against the vast masses of the Kashmiri common people, who are being denied the fundamental rights guaranteed under the Indian Constitution, and enshrined in the Universal Declaration of Human Rights to which the Indian Government is a signatory.

A four-member team on behalf of the Committee for Initiative on Kashmir, during a visit to Jammu & Kashmir from March 12-16, 1990, obtained detailed information from a large number of sources, including victims, eye-witnesses as well as senior government officials, about indiscriminate killings, arbitrary arrests, unlawful searches, unprovoked assaults on peaceful demonstrators and a complete dislocation of normal life due to imposition of indefinite curfew for months together with rare breaks of a few hours. *The team found, in the course of investigation, that these abuses have been carried out by the official law enforcement personnel - the CRPF (Central Reserve Police Force), the BSF (Border Security Force) and in certain cases, by the Indian Army. That these cases of*

blatant violation of human rights were not isolated instances of aberrations, but operative extensions of an official policy was evident to the team members when they met senior administrators who justified such actions on the grounds that they were necessary to contain "terrorism".

While the team condemns as a matter of principle any form of "terrorism" (in the sense of the use of violence and intimidation by a handful of decision-makers - whether among the rulers or the forces of the opposition), it believes that such terroristic actions do not absolve the Indian state of its responsibility to respect and protect fundamental rights of the rest of the citizens in any part of the Indian Union. The findings of the team reveal that the representatives of the Indian state in Kashmir—both the civil administration and the para-military forces—have failed so far to contain 'terrorism', and are instead trying to compensate for that failure by wreaking vengeance on the innocent masses of the valley. The team's talk with officials (in charge of tackling terrorism) indicated that they suffered from the paranoiac feeling that the entire population of the valley are pro-Pakistani 'terrorism'. Dictated by such suspicious feelings, operations to maintain law and order have invariably led to the alienation of the common people who are subjected to humiliation, discrimination and firings by the security forces. As a result, *ironically, the government's plan to suppress 'terrorism' is ending up in a situation where the hitherto non-committed masses are being pushed to a position where they feel that 'independence' from New Delhi—as demanded by the assortment of secessionist militant groups—is the only way of escape from state repression.* This feeling was eloquently summed up by a Kashmiri government officer. "Till January 19, I was against the militants. Today, I am for them."

The team also met Hindu refugees who had migrated from the Kashmir valley and had taken shelter in Jammu. They said in one voice that they had been persecuted and threatened by militants and that the Indian government was not doing enough to suppress the militants. The feelings can be summed up by the comment made by one of their leaders. "It is now a question of recapturing and reconquering Kashmir by the Indian Government."

This difference is the perception of the current situation by the two communities—the Kashmiri Muslims and the Hindus—has been aggravated to a large extent by the policies and the actions of the government. As the following report will indicate, *these policies*

and actions are increasingly driving a wedge between the Muslim and Hindu residents of the valley, which has sinister implications for the future of communal harmony in the rest of the country.

Along with the information gathered during the tour, the team is also presenting in this report the stated feelings and perceptions of the Kashmiri Muslims and Hindus. As outline of the historical and economic background to these events is also being provided. The report suggests measures which the team believes are necessary to stop the persistent human rights abuses against the people of Kashmir.

Historical Background

The accession of Jammu and Kashmir to the Indian Union in 1947, though temporary, was the culmination of a social and historical process. Ideologically, the National Conference did not find anything common with the concept of Pakistan. On the other hand, the National Conference leadership was convinced that the Kashmir identity could be best protected and even nourished in the Indian secular and democratic polity. Ironically, in 1947, the Dogra ruler of Jammu and Kashmir State, Hari Singh, and his Kashmiri Pandit Prime Minister Ram Chand Kak favoured Independence—the demand being voiced today by the militants. They did not even disfavour accession with Pakistan under certain conditions. However, the people of Kashmir did just the opposite. It is yet another matter that the people of Kashmir were betrayed, as events reveal, the political leadership of India, bruising their personality, in the post-1947 era. It is a story of a series of betrayals.

The removal of Sheikh Abdullah in 1953, August 9, his arrest on the charges yet to be made public to the world, was preceded by a campaign unleashed by the Jana Sangh formed in 1952 and its ally, the Jammu Praja Parishad. The campaign of "Ek Vidhan, Ek Pradhan" coupled with the demand to dislodge Abdullah reached its peak by June 1953, when in connivance with the Ministry of Defence (which alone would issue permits to enter the State), Shyama Prasad Mookerji entered Jammu accompanied by officials of Punjab. His death due to natural causes in jail was just the ruse which the RSS zealots needed for their demand of complete merger of J & K state in the Indian Union.

Elections held after Sheikh Abdullah's arrest blatantly fixed to prevent pro-Abdullah candidates from winning that even Nehru was constrained to point out in 1962 to Bakshi Ghulam Mohamad that "it would strengthen your position much more if you lost

a few seats to bona fide opponents". Far more significant was when in January 1957 the J & K Constituent Assembly adopted the new Constitution. The Nehru government declared that J & K accession to India had been decided once and for all.

On May 21, 1958, Sheikh Abdullah went on trial after having been in detention for nearly five years on the charge of conspiracy to overthrow the J & K government by 'means of criminal force'. Six years later, on April 5, 1964, the case against Sheikh Abdullah was withdrawn. (See Appendix I for more details).

The mistrust harboured by the Central Government towards the NC, and forcing J & K's merger into India, went on side-by-side with an erosion of the state's internal autonomy. The extension of jurisdiction of the Supreme Court, Election Commission, and scores of other Central laws took pace in 1965. To add insult to injury, the special nomenclature used in Kashmir for various designation in 1965 was done away with.

Very recently, in January 1990, Kashmiri language was divested of the terms like Sadr-i-Riyasat, Wazir-e-Azam, etc. to be replaced by Sanskritic Rashtrapati, Pradhan Mantri, etc. The Plebiscite Front, which wanted to contest the elections and take the oath under the Indian Constitution, was banned to prevent it from contesting. The upshot of all this was that an accession which took place with Kashmir's conviction in India secular democracy gave way to disillusionment. If forty-two years of experience saw the erosion of J & K's "special status" it is accompanied by denial by democracy in the valley where, the Centre interfered and replaced heads of government, in order to enforce its will in the valley. The Indian Government, without any hesitation, declared Sheikh now as pro-Indian the next moment as pro- Pakistani, depending on its temporary expedience.

On October 25, 1947, when tribal infiltrator from Pakistan entered the valley, it was Nehru and Patel who insisted that India had inherited paramouncy from the British and exercised suzerainty over the entire sub-continent. With Hari Singh signing the Instrument of Accession next day, this was formalised. Significantly, it was Kashmiri nationals who, led by the National Conference, helped the Indian Army contain the infiltrators. This was repeated in the Kashmir 1965 Indo-Pak war once again. If today the people in the vast valley see the same Indian Army as an occupation force and desire independence, the least we can do is to ask ourselves why and how this has come about.

Major Incidents

The date January 19, 1990, when Jagmohan took over as Governor of Jammu and Kashmir, is regarded as a watershed by many Kashmiris. It is not as if there were no police firings or curfews before Jagmohan's arrival. During Farooq Abdullah's Chief Ministership, there were many occasions when in anti-terrorist operations, unarmed and peaceful people became targets of the security forces, following attacks on them by the militants. On January 8, for instance, 17 people were killed in the police firing. Imposition of curfew at frequent intervals was also becoming a regular feature.

But Jagmohan's return to Jammu as Governor signalled the unleashing of state repression on a massive scale. Widespread searches and raids by the security forces have brought about untold misery and sufferings for the common people. Since his taking over, *there have been at least three major incidents of firings on unarmed demonstrators leading to death and injuries to hundreds including women and children.*

Jagmohan's first day in office was marked by raids and searches conducted by security forces (with the ostensible objective of flushing out terrorists) in the Habbakadal area of Srinagar from the midnight of January 19 till the morning of January 20. About 400 young people—both Muslims and Hindus—were dragged out from their houses, mercilessly beaten and taken away. It is significant that the local civil authorities of Srinagar were never consulted before the raids were conducted. The CRPF and other para-military forces which carried out the raids were on their own, unaccompanied by the local police. The Divisional Commissioner of Srinagar later told protesting demonstrators that he had no knowledge of the raids and searches.

On January 20, when a group of people were proceeding to express solidarity with others who had gathered outside the Divisional Commissioner's office to protest against the atrocities of the para-military forces, they were tear-gassed. The same night—January 20—curfew was clamped down on the city.

On the 21st a 20,000-strong procession including people from the city's outskirts passed through the street of Srinagar, defying curfew and protesting against the illegal searches and arrests. When the procession reached Basant Bagh, in the Gow Kadal area, the para-military forces started firing upon them. According to the local police, at least 60 dead bodies were recovered from the spot and taken to the

police control room, while unofficial sources claim that more than 200 were killed. We met a survivor whose experiences on that day as narrated to us, indicated not only the ruthlessness of the para-military forces, but also their anti-Muslim bias. The survivor, Farooq Ahmed Wani, is an assistant executive engineer in the Public Health (Engineering), Water Supply Department of the J & K Government. Listen to his experiences in his own words: "My house is in the Rajbagh area. On the day of incident-21st-I was told by a water tanker driver that due to curfew, water tankers were not being allowed to move about and reach water to the citizens. I contacted the Superintendent Engineer who told me to go to the Police Control Room and collect curfew passes for the water tanker and distribute them to the drivers. I went with my curfew pass and identity card. When I reached Jehangir Chowk (near the High Court Complex), I saw a procession coming the other side of the Amirakadal Bridge. A CRPF man asked me to go away, and when I showed him my curfew pass and told him that I was on my way to the Police Control Room, he snatched away my curfew pass and tore it. I then decided to go to my sister's house in Badshahchawk. I saw another procession moving towards Gow Kadal. I joined the women who were marching in the procession, hoping that I be safe in their company. As we were just about to cross the Gow Kadal bridge, there were two shots. Then the security forces opened fire. I saw several people in Army uniform behind me. I wanted to jump into the river to save myself, but fell down on the road. When I started getting up, I saw small boys being shot and falling down into the river. I remained lying for some time, till I saw a para-military officer coming, when I lifted my head. I saw him pumping bullets into bodies of the injured who were lying on the road. A boy who was trying to hide was killed under the platform of the bridge. As I lifted my head, a CRPF man shouted: "He still alive!" I pleaded: "I am a Government officer. Please don't shoot!" The officer shouted abuses at me and said: "Islam mangta hai?" (Do you want Islam?) and fired at me. My back and my hands were injured as I turned to run. I fell down. When the officer left, a few JKAP (Jammu and Kashmir Armed Police) men came and watched me. They were, however, soon chased away by the para-military men. Another para-military moved up to me and shouted: "Tum sala zinda hai-mara nahin hai?" (You are still alive-not yet dead?), and aimed his sten gun at my chest. At this stage, the officer who had earlier fired at me, came up and dissuaded the other officer,

saying: "Don't waste bullets on him. I have pumped enough bullets and he'll die soon." He left after kicking my back. Soon after this a truck was brought, and all of us—both the dead and the injured—were piled into it. As I was dragging myself up, that officer came over and shouted at me: "You are not yet dead?" The other officer said: "He will die soon." I kept on pleading to a constable: "Save me!" The truck had many bed rolls of CRPF men. They loaded about 30-35 dead bodies. As there was no space for more, the officer ordered the driver: "Baki ko nale mein phenk do" (throw away the rest into the river). A tarpaulin cover was thrown over us, and two security forces people sat upon it. After some time we stopped at a place, where I heard voices speaking Kashmiri. One of the injured among us cried out. The tarpaulin cover was lifted and we saw a Kashmiri constable, who discovering us alive, said: "My God! There are living bodies here....." Those of us who were still alive pleaded: "Please save us!" The doctor on duty in the Police Control Room identified three other people who were still alive, put us in the ambulance and rushed us to the Bone and Joint Hospital. We later heard that the Head Constable who saw us—the living piled up with the dead in the truck—had later suffered a heart attack."

Farooq Ahmed Wani showed us his arms and back where six bullets were pumped in. He had been released from hospital after operation. But there are other victims of the January 21st firing who are still recuperating in the Bone and Joint Hospital in Srinagar, whom we interviewed during our trip. Kasim Rashid (32) who is lying in the hospital with his legs in plaster told us that he was coming out of his home in Srinagar, the CRPF fired at him and he received two shots in his legs. He was then beaten up for hours by the CRPF jawans when he tried to complain to the CRPF officer about the misbehaviour of the jawans, the officer put a revolver at his head, and asked him to say that he was injured in "cross firing". He was later thrown at the gate of the hospital.

Doctors at the Bone and Joint Hospital told us that Kasim's case was not an isolated one. They were getting daily 300 cases at the OPD after January 20, as against the earlier number of thirty per day. Dr. Najib, Medical Officer in the hospital, told us that the hospital staff who were used to treat normal bone injuries were not equipped to treat injuries caused by high velocity bullets. It was the victims of such injuries who were being brought to the hospital now. "They are like was casualties," he said. Dr. Najib added that many among the injured were left unattended for hours in the

streets, and lost a lot of blood before they reached the hospital. Due to the curfew, many could not reach the hospital.

The second major incident occurred on January 22, when people came out in a large numbers from all parts of the valley and congregated at Srinagar to protest against the killings of the previous day. The procession was allowed to proceed till it reached Alamgari Bazar in the Hawal area of the town. Here the demonstrators were trapped between a CRPF force in the front, and another behind. They were fired upon by the CRPF and according to unofficial sources, again, about 100 people were killed. The injured were taken to the nearby Sher-e-Kashmir Institute of Medical Sciences in Soura by the people, who complained that the para-military forces tried to prevent them from moving the injured to the hospital. One of those killed was 32 year old Ajalal Hasan, a well known Kashmiri research scholar, author of four books, including one on Gandhi's non violence. We interviewed one among the injured—24 year old Merajuddin Najar— at the Bone and Joint Hospital. He was shot at Tankipora, where the CRPF fired upon demonstrators protesting against searches and raids. We learnt that the CRPF also fired upon local policemen, as a result of which the JKAP personal raised protest slogans in Police Lines and many of them deserted their posts.

Although all through February, police firings and pitched battles with anti-Indian militants continued, there was a brief respite from curfew during which time huge processions came out on the streets protesting against the Indian Government's deployment of security forces. Almost every day, surging crowds demonstrated before the office of the UN Military Observers Group in Srinagar to submit a plethora of memoranda demanding the implementation of the UN resolution providing for plebiscite in Jammu and Kashmir.

The third major incident took place on March 1, when reportedly more than half a million people converged on the streets of Srinagar demanding independence. At three different places—Zakura, Tengpura-Bemina bypass and Shalimar—the Indian para-military forces opened fire on people, killing and injuring a large number. The injured whom we interviewed in hospital claimed that their procession was peaceful and that firings were unprovoked. At Tengpura, the demonstrators were returning home in buses, when the military forces stopped them and asked them to disembark. As they were climbing down, they were shot dead. One of the survivors,

Md. Aslam (30), gave us an eye witness account of how army vehicles stopped their bus, brushed aside all pleadings by the passengers, and fired indiscriminately. Aslam escaped death by jumping down and got injured in his left ankle. He saw scores of people with bullet injuries in their throats and blood gushing out.

Following widespread protests against the killing of bus passengers at Tengpura, the army conducted an inquiry into the incident under the directions of the government. The report of the inquiry sought to justify the killings on the ground that the people had pelted stones at an army vehicle carrying school children of military personnel. Local people whom we interviewed dismissed the inquiry report as blatant false, since all the schools in the valley were closed at the time for winter holidays. Besides, there was no army school anywhere near the spot where the firing took place. Incidentally the J & K government issued an order on February 20th asking schools, colleges and other educational institutions to remain closed till March 15. Surprisingly enough, the government has now ordered for registration of cases against the erring military personnel involved in the incident at Tengpura.

The same day, army jawans opened fire on a procession of 10,000 to 15,000 people at the Zakura crossing, killing and injuring several people. Bashir Ahmed (22), one of the injured, told us that army vehicles forced their way into procession and fired from sub-machine-guns. His right arm was shattered around the elbow.

According to an FIR filed by the Srinagar city SSP, M. A. Chowdhury, four army vehicles came towards the procession as it was passing through the Zakura crossing. A police constable Abdul Rehman (No.1497/S) advised the army people to stop or change their route. They did not comply and forced their way into the procession, which according to the FIR was "peaceful". An Army personnel snatched away a flag from the hands of an old man at the front of the procession. The Army personnel then started to fire indiscriminately, killing two on the spot. Others from among the Army people also started firing. About 100 rounds were fired in all, resulting in innumerable deaths. (FIR filed at Zakura Police Station on March 1, 1990 in the presence of Mr. M. A. Abbas, Deputy Commissioner, Srinagar. ARC-Police No. 89. 899204- Register No.2.Roznamcha, March 1, 1990. Thana, Police Chowki Zakura).

By all indications, it appears that the killings on March 1, in which Army personnel were involved, were on a massive scale. Doctors at the Sher-e Kashmir Institute of Medical Sciences told

us that they saw more dead people than injured on that day. A large number of them were children and boys in their early teens. Among the survivors we saw a number of boys whose legs had to be amputated.

From our investigations into these three major incidents, we found that the para-military forces and the Army jawans had no excuse of self-defence (as normally given when dealing with riotous mobs) when they fired indiscriminately upon what were crowds of unarmed demonstrators. A savage thirst for blood seemed to have gripped the CRPF, as evident from the calculated manner in which they went about pumping bullets into bodies of injured people in the Gow Kadal area on January 21. The brutalities perpetrated by the Army jawans on March 1, call for serious disciplinary action against them. Attempts by the Army authorities to justify their killing of bus passengers at Tenggura on that day by inventing a false story, are further blot on the country's defence forces who are required to be highly disciplined cadre dedicated to the task of protecting our people. We urge upon the government to institute judicial inquiries into the three major incidents and punish the personnel of the para-military forces and the Army who were responsible for the killings.

Atrocities

While the major incidents described above, accounted for the largest number of casualties, there have been *innumerable cases of daily raids on houses, assaults on peaceful demonstrations (often resulting in deaths and injuries), firings on innocent bystanders, indiscriminate arrests and harassment of ordinary citizens at the hands of the security forces.* We are giving a few instances.

On March 7, 1990, at Chhanpora, following firing by militants on the CRPF the latter raided the houses in the locality. We visited the area on March 14, and interviewed the victims—mainly women who were molested and raped by the para-military forces. Noora (24) wife of Abdul Rehman Khan, told us that she was working in the kitchen in the morning that day, when she heard sounds of firing outside. She claims that some twenty CRPF personnel walked in, dragged her out and beat her. As she tried to escape from them, two of them followed her into the kitchen, she was raped by these two CRPF policemen. She added that her sister-in-law (Zaina) was also raped.. Later she saw two girls—Gulshan(14) and Fatima(16)—molested by the CRPF. An elderly lady, Ayesha, wife of Samad Ganai, told us that when the CRPF assaulted her son, the daughter-in-law Maymoona tried to rescue him. The CRPF threw her down,

but she managed to escape by getting up and jumping out of the first floor window. The male members of the affected families in Chhanpora told us that they had sent away their womenfolk to the places outside the area to escape humiliation by the CRPF personnel, who still came to the locality every day harassing the inhabitants. At least 15 families had left their homes. We were told that two of the residents—Abdul Majid and his father Ghulam Mohammad Sheikh—had been taken away by the CRPF. Their whereabouts are not known till now. The Residents took us around their locality and invited us to their houses, where we saw household goods destroyed by the CRPF—broken TV sets, radios, glass panes, cupboards, utensils and mirrors strewn all over the place.

On March 14, when our team was present in Srinagar, curfew was lifted for a few hours in the morning. We saw women—some with their faces veiled by 'borkha', others with 'chadar' on their heads—coming out in processions in the streets. They were members of a women's organisation called "Dukhtaran-i-Millat", carrying banners demanding 'independence' and the withdrawal of Indian security forces from Kashmir. The immediate reason for their demonstration that day—they told us was to protest against the CRPF atrocities on women in Chhanpora on March 7. We found the demonstration peaceful. But when they were moving towards the office of the UN Military Observers Group, they were stopped by the police, who lathicharged and teargassed them. They ran helter-skelter, and took refuge in mosque nearby. They were not spared by the CRPF jawans who entered the mosque, beat them up and smashed up the furniture in the mosque. Incidentally, as the women were marching towards the UN office, we heard the police announcing over loudspeakers that the curfew was being reimposed even before it was due.

It is not only peaceful demonstrators who are being attacked by the para-military forces, *we found that even doctors, going around in normal course of their duties, are not spared.* During our visit to the Sher-e-Kashmir Institute of Medical Sciences on March 14, senior doctors narrated their experience at the hands of the para-military forces. Body searches have become a regular affair. On March 2, as the doctors were coming to the hospital in an ambulance, when they were stopped by the para-military forces who pointed guns at their heads. Although they showed their curfew passes and identity cards, each one of them was frisked. Two women

doctors—Dr. Surva Kaul and Dr. Vijayati Kaul—were humiliated to such an extent that they had stopped coming to the hospital to escape humiliating body searches by male police. Within the hospital complex, doctors and attendants are searched every time they move out to collect medical equipment from the stores. Packets of sterilised linen and surgical instruments, among other things, are the main targets of the para-military personnel, who, on suspicion that they contain explosives, prise them open, thus exposing them to contamination.

At the Bone and Joint Hospital, a nurse complained to us that she and her colleague were insulted by CRPF patients in the hospital, apart from being searched by the para-military forces when outside. She also told us that most of the doctors and the nursing staff who stay in the hospital have to go without food most of the time as they have not got their salaries for about two months. This perhaps explains why the staff in the hospitals in the valley refuse to take patients from among the Indian para-military forces.

It is the common patient who suffers the most due to the harassment of the para-military forces. We were told about people taken seriously ill, and pregnant women being turned back from the hospitals by the security forces who man the roads leading of the hospitals. The height of cruelty was demonstrated by the para-military forces on January 22, when doctors of the institute of Medical Sciences sent four Ambulance vans to a neighboring locality where firing had taken place, to collect the injured victims. All the four drivers who went to the spot, came back as patients after having been severely beaten up by the para-military forces who refused to let them take the injured people to the hospital.

We also came to know about arrests of young people whose whereabouts are not known. Seventeen among those arrested earlier have been transferred to jails in Bhilwara in Rajasthan.

We found that the daily lot of ordinary citizens of the valley—the raids and searches, the threats to their lives even when they come out when curfew is lifted—has hardened their attitudes towards the Indian government in general and the para-military forces and the Army jawans in particular. They regard the latter as an occupation force. We could understand their mood when we heard a pathetic story about a woman with a sick child on her way to the hospital, who was stopped by para-military forces and asked to go back. They were reported to have shouted at her: "Let the child die. There will be one militant less."

The Curfew

Barring a few days in February, when curfew was lifted in Srinagar and people demonstrated in an atmosphere which they describe as a brief "glasnost", the valley had remained under long periods of curfew since January 20. Even when the administration relaxed curfew, the people felt that it was a cruel joke played on them, since the curfew was relaxed for a few hours only in the morning from 5 a.m. They found it difficult to come out to shop in the cold mornings. Besides, in many areas, the para-military forces were the first to buy off entire supplies from the shops, leaving very little for the consumers.

What is even more disturbing *is the disruption in the supply of essential commodities because of the curfew*. Banks have remained closed for a long period leading to a virtual stoppage in wholesale trade. Even when they open, they refuse to release more than Rs. 1000/- per person, making it difficult for businessmen to operate. *The worst to be hit is the supply of medicines and medical goods*. We met representatives of Ranbaxy and Sandoz. The former told us that the Indian Airlines were not accepting consignments for Srinagar, as a result of which stocks of medicines were not arriving in the city. The latter complained that although the Union Railways Minister, George Fernandez during his last visit to Srinagar assured him that medicines will be sent immediately ("tatkal"), nothing had come till the day of our departure from Srinagar (March 15).

Hospitals, as a result, are facing a crisis. Anesthetic gases like nitrous oxide (necessary in operations) which are not manufactured in Jammu and Kashmir and are imported from outside, are in short supply. Although oxygen was closed since January.

The deserted streets of curfew-bound Srinagar with only gun-toting para-military forces moving around, make it look like a city under siege. Almost every establishment is closed—government offices, Indian Airlines office, post and telegraphs office (we were told that about 12,000 telegrams were lying undelivered), shops and markets. There is a virtual breakdown in the administration through out the entire Kashmir valley. People either do not or cannot attend offices or their work in the field out of fear of the harassments by the security forces. All development works and projects are dormant. Contractors have abandoned the sites, and labour, most of which is from outside the state, has fled either to Jammu or to their home states. Doctors at the Sher-e-Kashmir

Institute of Medical Sciences complained us that the officer manning the Treasury had disappeared, and the Governor had pleaded his helplessness when a deputation of the doctors went to him for the release of funds.

Even the law and order administration is severely limited in its movement. Senior officers move around only under heavy security cover. Many senior officers are actually confined to their offices or residences. The newly appointed Special Commissioner in Anantnag is reported to have admitted that he is virtually a prisoner in the Dak Bungalow.

A leading citizen of Srinagar wryly commented to us: "The only visible sign of presence of the Indian administration in the valley is the ubiquitous movement of the CRPF, BSF and Army jawans."

The Administration

We met the Chief Secretary of Jammu and Kashmir Shri R. K. Takkar on the 15th of March at 3.30 p.m. at the Jammu Secretariat.

Shri Takkar agreed with Governor Jagmohan's observation that one of the major problems facing the state was very high level of corruption in the state's administration. He felt that during the last three years under Dr. Farooq Abdullah the state administration had become excessively corrupt. He however pointed out that the All India Services personnel in the state were the only people who were not corrupt. In other words, except the IAS, most of whom were outsiders, according to Shri Takkar all Kashmiri employees and politicians were corrupt.

We told him that during our visits to the hospitals in Srinagar we were informed of acute shortage of life saving drugs in the valley. We wanted to know what steps were being taken by the State Government to reach the required supplies. Shri Takkar told us that Commissioner of Health had just visited the valley and reported that most of the hospitals had about a month's supply in store. He tended to ignore the assertions of the senior doctors as "overreaction". We pointed out that there was no oxygen as the only factor that produced oxygen had been closed for three months. Nitrous oxide required for special surgery at the Bone and Joint Hospital used to be imported from Delhi. For the past three months no supply had reached Srinagar. We pointed out that all the hospitals in the valley were receiving more than three times their average load of patients, with gun shot wounds and injuries and in consequence they were in urgent need of large supplies of

antibiotics, anti-coagulant and other drugs which were never provided for in the normal budget. However Shri Takkar was not impressed. He dismissed our arguments with the comment that some of the hospitals had turned into "dens of militants" and we had become victims of their deliberate disinformation.

About the FIR filed by the State under Section 302 and 307 of CRPF against the Army in the Zakura firing incident of 1st March, 1990, he said that he had full faith in the sense of justice of a disciplined force like the Army and therefore had handed over the matter to the Army authorities. He did not feel that there was any need to follow up with the civil inquiry.

It was clear that Shri R. K. Takkar did not trust the people of Kashmir. But the bias became very clear when we discussed the Chhanpora incident on 7th March. The residents of the working class colony in the outskirts of Srinagar had claimed that CRPF jawans had entered their homes at about 8.30. am on that day broken up their possessions, beaten up men, women and molested and raped about half a dozen of them. (See the section on 'Atrocities') Two cases of rape were registered at the Shergarhi Police Station on the 8th of March by two women of the locality. We told Shri Takkar that we had visited about 15 houses of Chhanpora on 14th of March and had seen the damages caused to the houses and movable properties of these people with our own eyes. Shri Takkar's reply was unbelievable.

He said, "Chhanpora is a trouble spot. The people are with the terrorists. They will do anything to spread disinformation." Obviously Shri Takkar believed that poor daily wagers broke up every single glass pane of their windows, TV sets, radio and utensils in their homes to convince us of the excesses committed by the CRPF. He also believed that women made false complaints of rape and doctors produced false medical records for our benefit.

The last point that we raised was the migration of non-Muslims from the valley. We told him that people of all communities had told us that government transport was provided to Hindu families to leave the valley. He denied it. When confronted with evidence he claimed that it could have been done by individual government officials but it was not the policy of the State-Government. He claimed that according to the State Government sources till the 15th March about thirteen thousand non-Muslims, mostly Hindus and Sikhs, had left the valley. He also admitted that of these about 11,500 families were Kashmiri Pandits. We asked him why

the government was encouraging this exodus by paying salaries to these people in Jammu. He said that not to do so would be inhuman. When we pointed out that due to closure of the treasury and the banks for the last two and a half months, in the valley all the government employees were going without salary he had no comments to offer except that no one left their home and heart for fun. He told us that at a rough estimate about eighty per cent of the Hindu migrants were employees of the State government. When we asked him how many of these people were under real threat he told us that according to the State Intelligence *only twelve of these migrants were under real threat from the militants and the government was going to provide security to those people*. We also met a senior official at the winter secretariat in Srinagar. Tucked inside a lane stood a wooden house. The lane was crawling with para-military force - we counted 11 vehicles with armed soldiers. Among them were three Maruti Gypsies minus number plates with scores of bearded and clean shaven men in plainclothes with machine gun, relaxing or sunning themselves. The main gate was barred. At the side entrance were three JK Armed Police personnel who frisked us, and then apologised for the inconvenience caused. When we reached the portico, we gave our names at the reception and were once again searched.

The ubiquitous presence of the security forces in the city, innumerable check post, the lane crawling with armed guards, strengthened security outside the secretariat and inside the corridor of authority were like the many mental barriers that the administration had created which sanitised their perspective from the ground reality and did not enable them to appreciate the mood of the population. The senior official admitted that "in this (Kashmir) valley they (people) want independence". But the senior official while being candid in discounting usefulness of fake encounters, and sniping at former Punjab Governor's penchant for placing terrorists into A, B, C categories—"there are no A, B, C terrorists here in the valley"—was almost unforthcoming on the administration's approach towards, by his own admission, a popular movement for independence. "There are no simple solutions," He said. Only to add that "while the State has graded response to situations, terrorists have only one-death". When asked if this meant that the administration has to reply in kind, his 'simple' answer was "there is no escape from this". In the very next breath he also said that "our task", implying administration's, is to

do everything in the "interest of the nation and its security", adding "whatever helps national self-interest" has to be done. He admitted that there might be instances of excesses committed by security forces including molestation, etc. He insisted there are no fake encounters or disappearances. But what of several instances of mass-killing? His answer was that his responsibilities were different. Nevertheless, he cautioned us about visiting any locality since militants would get the crowd to shout slogans, even burn flags for our "benefit". He was of the opinion that we must avoid such staged protests because a mob was "unpredictable". However, our actual experience with the 'mob' was different, as evident from the report.

Hindu-Muslim Relations

During our investigations, we made it a point to inquire particularly about Hindu-Muslim relations in the valley. We interviewed the Hindu families who had migrated from the valley and were staying at Geeta Bhavan in Jammu, as well as Hindus who had stayed back and are still living in Srinagar.

In Jammu, the Hindu migrants narrated to us about the threats that they had received from militants in places like Baramulla, sometimes in the shape of letters of warning asking them to leave their homes, and sometimes in the shape of direct abuses, and even assaults. Hindu shops had been looted, they said. They were particularly concerned about their womenfolk. They alleged that girls had been teased and even threatened with dire consequences if they did not marry Muslims.

From our interviews in Jammu, *we felt that the fear among the Hindus had been generated by the killing of some leading Hindus by the militants in the valley from the end of 1989 till the beginning of this year.* Tikalal Tapru, a senior advocate and vice-president of the BJP was killed on October 9, last year, to be followed by the murder of a retire sessions judge, N. K. Ganju, in November. On December 19, Premnath Butt, a journalist and advocate from Anantnag fell a victim to militants' bullets. Anil Bhan of the UCO Bank was killed on February 16, and a week later Ashoke Kazi was murdered.

According to the information supplied to us by the migrants in Geeta Bhavan, about 17,000 families were camping in Jammu. We were also told that 1,500 Sikh families had also migrated. They were asked by the militants to stop "gurvani" from the gurudwaras. According to official sources, however, 13,000 non-Muslim families had been registered so far with the government.

We found in Geeta Bhavan that migrants were being looked after by an organisation called "The Coordination Committee of Social and Cultural Organisation of Jammu and Kashmir State". The spokesmen of this committee were leaders of the state BJP, and the valley's Sanatan Dharam Sabha. They complained that the government relief measure of Rs. 500 per family was not adequate as against the demand for Rs 1000. Claiming that they had demanded the return of Jagmohan as the Governor, the BJP leaders praised Jagmohan for his attempts to curb militants, but complained that the CRPF, BSF and Army jawans were not being given a free hand to crush the terrorists, since they were being accompanied by the local JKAP personnel. The allegation however is not officially corroborated. According to the Chief Secretary, the CRPF are allowed to conduct raids and searches without being accompanied by the local police.

In Srinagar, we met a number of Hindu families who had stayed back. During a visit to Bal Gardens on March 13, we met a cross section of local people including Hindus, Muslims and Sikhs.

We met the Hindus separately, and they all told that they had not faced any threats from the militants, and were on the best of terms with their Muslim neighbours. Bansilal Razdar, a 35-year old hotel employee had been lying in the locality for the last 27 years. He said he had not experienced any communal tensions during this period. Makhn Lal Raina, chief technologist in a hospital - a Hindu in his mid fifties - told us that he never felt the need to leave the city and join his son and daughter who lived outside Kashmir, since neither he nor his wife had faced any problem with their Muslim neighbours. Raina added: "It is the Muslims who feel scared, the way they are being killed by the CRPF. If anyone has to run away from the valley, it will be Muslims."

We interviewed a Hindu lady, Savita Sapru in Narsinghgarh, who has been staying as a tenant for the last five years in the house of a Muslim landlord. Her husband, Makhn Lal Sapru, is a PWD employee posted in Baramula, who visits his wife and children once in a fortnight. In his absence, the wife and children are looked after by the landlord's family. Mrs Sapru and her children told us that they felt perfectly at home in the locality and had never suffered any humiliating experience at the hands of the Muslims. Old women of the Muslim landlord's family told us with pride that they had looked upon Mrs Sapru as their daughter and that come whatever there could be no question of her leaving the family.

The Hindus we interviewed however declined to comment about why the other Hindus had migrated to Jammu and Delhi. They also refused to comment on the demand for 'independence' being made by their Muslim neighbours, saying that it was a matter of concern for the Muslims and that they (Hindu) did not share it.

In the course of our tours of Srinagar, during conversations with individual Muslims, or group of Muslims, or in encounters with Muslim demonstrators, we never found them speaking against Hindus, the main ire being directed solely against the Indian government and the Indian para-military forces. We found Muslims taking great pains to demonstrate their solicitude for the Kashmiri Pandits by reiterating that they would protect them from any attacks. We detected a feeling of anguish and a sense of being insulted among these Muslims, who felt that they were unjustifiably being branded as communalists. They pointed out that there had not been a single communal riot in the valley in the recent times (barring the Anantnag disturbances in 1986). Incidentally, even the militant organisation JKJF (Jammu and Kashmir Liberation Front) had issued an appeal asking the Kashmiri Pandits to stay back in the valley and requesting the migrants to come back.

When asked about the killings of leading Hindu citizens by the militants in the valley, as reported in the press and by the Hindu migrants in Jammu, the Muslim interviewees tended to dismiss such killings as isolated instances of reprisals by militants who regarded those individuals as "police informers" or character responsible for the death of militants (e.g. the sessions judge, N. K. Ganju, who is alleged to have been killed because of his passing the death sentence on the JKLF leader Maqbul Butt). They informed us that the case of the murder of the UCO Bank employee Anil Bhan was that of a mistaken identity, as acknowledged by the militants.

The Muslim interviewees were quick to point out to us that the targets of the militants were not confined to Hindus who are suspected to be 'informers', but also those Muslims who were found out to be intelligence agents. According to a breakdown of those killed by the militants so far, of the total 100, 32 were Hindus (from both the valley and outside), and the rest Muslims. (Official sources informed us that non-Muslims victims of militants attacks numbered six Kashmiri Pandits). As a matter of fact, we observed among the Muslim citizens intense anger against a Muslim police officer—Ali Baksh—who till recently was an SSP, but had been promoted as a

DIG superseding several others, after his notorious role in shooting down unarmed demonstrators.

We also heard that along with Muslims, several non-Muslims had been targets of attacks by the para-military forces. Roop Singh was shot dead by the forces when he was praying inside a gurudwara in his village in Traal on January 29 of this year. A Kashmiri Pandit, Pyarelal Fotedar was shot dead by Army men while he was working in his paddy field in Anantnag district on February 27. As reports of his death spread in Anantnag town, people were reported to have taken to the streets and shouted "Hindu-Muslim Bhai Bhai! Bharti Fouj Kahan Se Aiey?" (Hindus and Muslims are brothers! From where has Indian army come?) This was reported in a Jammu-based newspaper -KASHMIR TIMES on March 1, 1990. Like the Muslim inhabitants of the valley, Hindus have also suffered harassment like raids on their houses (on January 19-20 midnight) and humiliating body searches (like those faced by the two Hindu women doctors at the Sher-e-Kashmir Institute of Medical Sciences, mentioned earlier in the report).

When we asked our Muslim interviewees why in spite of their assurances of protection to their Hindu neighbours, the latter were leaving the valley, they came out with an explanation which needs to be gone into. We were told that the administration, and Jagmohan in particular, had encouraged the migrants by advising the Hindus to leave and by arranging government transport for their departure. Muslim neighbours of Hindu residents in Partap Park told us that although there had been a single instance of communal tensions in their neighbourhood, government vehicles were sent there to evacuate Hindu residents along with their belongings. In spite of pleadings by the Muslim neighbours, the Hindus left their homes. In some places, these Hindus left their keys with their Muslim neighbours who are looking after their houses.

When we tried to check the authenticity of the report of government vehicles been used to evacuate the Hindus from the valley, the Chief Secretary told us that the government was not involved in such evacuation, although he did not rule out the possibility of individual government officials arranging such transport. He asserted that the policy of the government was to encourage the Hindu migrants to go back to the valley barring those cases of individuals who had been directly threatened by the militants. Their number was twelve.

But the government's policy in practice seems to be sowing further divisions between the valley's Muslim and Hindu inhabitants. While the Muslim government employees in the valley are facing an uncertain future, what with the virtual standstill in administrative functioning resulting in the non-payment of their salaries, the government employees among the Hindu migrants in Jammu (who form 90 per cent of the migrants) have been assured by the Governor Jagmohan of disbursement of one month's salary immediately. The Chief Secretary told us that he could not force the 'threatened' Hindu government employees to go back and join their duties in the valley on "humanitarian grounds". But at the same time, we found that 66 Muslim government employees, who could not attend to their duties because of curfew, had been served dismissal notices. While the Hindu refugees in Jammu are getting some relief - although considered inadequate by them - in the shape of rations and cash, the Muslims in the curfew bound valley, hardly have any chance of providing themselves with their daily needs.

While we certainly agree with the government's decision to provide relief to the Hindu migrants from the valley, we at the same time feel compelled to draw the attention of the administration to the plight of the Muslim inhabitants of the valley, who in the absence of similar relief measures by the administration, are increasingly feeling that they are being discriminated against. We noted with alarm the first signs of a growing resentment against the Hindus who have migrated, and who, they feel, are being pampered by a biased administration. In fact, Governor Jagmohan is getting identified with Hindu communalist forces, thanks to the widely circulated reports of BJP backing for his reappointment. The contrast between his crackdown on the valley's masses (predominantly Muslim) with his demonstrative concern for the Hindus by encouraging their migration and providing them with relief, is reinforcing among the common people in the valley a distrust in the administration's professions of fair play, and a suspicion about their Hindu neighbours - with whom they had been living in harmony all these years. This has ominous implications for Hindu-Muslim relations in the valley, since it can provide a ready handle to the Muslim communal fundamentalist forces who are out to thrive on a permanent division between Hindus and Muslims.

From our assessment of the present relations between Hindus and Muslims in Kashmir, we feel that it has reached a precarious point. We would like to make two observations in this connection.

First, we detected a feeling of panic among the Hindu migrants from the valley - a feeling which cannot be dismissed as mere imaginary. In spite of the assurances of protection given by their well-meaning Muslim neighbours. A rational understanding about targets of militant attacks (whether the Hindus are being killed because they are 'informers' like their Muslim counterparts) is not possible among a minority community which has to live in a highly surcharged environment where the movement for Kashmir's 'independence' is dominated by Islamic slogans. The rise of extremist pro-Pakistan groups like Allah Tigers (as distinct from the pro-Independence JKLF) has reinforced the threat perceived by the Hindus in the valley. Despite the professed desires of the common Muslims of the valley to keep the Pandits in their ranks in their struggle for 'independence', the overtly religious character of the movement marked by Islamic slogans like "Allah-ho-Akbar" hardly provides any space for the non-Muslim resident of the valley, even if the latter agreed to share their urge for 'independence'. We must also understand the increasing role of the mosque in the politics of the valley, where the pro-independence movement is getting identified with Islam. Normal political channels for redressal of grievances have eroded due to a long and bitter process of politicking indulged in by unscrupulous politicians both in Kashmir and the Centre. Democratic platforms for a political discourse on the future of Kashmir have suffered the same fate. The vacuum has now been filled up by the mosque, which has become the central rallying point for the disgruntled masses. During our stay in Srinagar, almost every night we heard slogans and speeches from the mosque calling upon the people to protest against repression. The failure of democratic and secular forces to solve the long standing grievances of the people seems to have paved the way for the emergence of Islam as an alternative source of inspiration and motivation for the disgruntled masses. Judging by the display of pictures of Khomeini in the streets of Srinagar, we felt that the impact of the Iranian type militant Islamic fundamentalism also could not be ruled out.

Secondly, while we do not share the view expressed by many Muslims in the valley that the migration of Hindus was purely sponsored by the administration, we at the same time cannot absolve the administration of its responsibility to ensure the continuity of the traditional fraternal between Hindus and Muslims. Instead of taking them into confidence and setting up 'mohalla'

committees consisting of both Muslim and non-Muslim residents to ensure communal harmony, or resist possible terrorist attacks on minorities, the administration took recourse to the simple - but dubious - path of evacuating the Hindu residents, and giving credence to rumours and panic. This was a course fraught with dangerous consequences for Hindu-Muslim relations in the valley, since it has initiated a process of divide between the two communities.

The Masses and the Militants

On several occasions we came face to face with crowds of demonstrators shouting anti-India slogans and demanding independence. "We want freedom" is cry that seems to have caught the imagination of the people of the valley. On March 14, as we were coming out from the Sher-e-Kashmir Institute of Medical Sciences, we faced a crowd of several thousand barring our way. Doctors of the Institute helped us to make our way to the spot where our car was parked - a distance of a few yards. But it took us an hour to reach there through the surging masses. The crowd - men, women and young people - shouted: "We want freedom" and "Allah-ho-Akbar". Papers with the words "Indian dogs go back" scrawled upon them, were thrust into our hands. It took another half an hour for our car to inch its way through the crowd to the main gate. All through this, members of the crowd who surged around our car kept assuring us that they had nothing personal against us, but wanted to be free from the Indian Union. They repeatedly said how the security forces had killed their people and molested their women-folk, and reiterated that they would sacrifice their lives for the cause of liberation. Emotions were evidently at fever pitch, but the crowd, we must admit, was never hostile or violent.

We encountered another crowd, which materialized suddenly in the streets of Bal Gardens, as we were talking to the local residents on March 13. They milled around us and shouted the same slogans: "Allah-ho-Akbar", "We want freedom". Little boys came up to us and said: "Sir, we want freedom." Others from among the crowd told us that they would never tolerate Indian domination and would fight and sacrifice their lives till they won freedom. When we talked to them individually, several among them pointed out that the Germanies can think of uniting, what prevented the two parts of Kashmir from doing so. They made it clear that they had no intentions of joining Pakistan. Frequent references to the recent events in Rumania and Azerbaijan by some in the crowd -

as well as in group discussions with people later - indicated that the impact of these events had further reinforced their belief in the possibilities of an 'independent' Kashmir. It also indicated a level of political consciousness capable of being influenced by historically important international trends. The political consciousness was also evident, when talking to us they complained about the erosion of the electoral process in Kashmir, about the corrupt Chief Ministers who, they thought, were imposed upon from New Delhi. The strong sense of denial of democratic rights all years came out quite frequently in their angry outbursts while talking to us. On March 14, immediately after the teargassing of women demonstrators (mentioned earlier), one person among the crowd which gathered around us burst: "We Kashmiris were never asked what we wanted - either by Pakistan or India. Are we mulis' (radish) to be chopped up between the two?"

We want to make an observation here. As human rights activists we have had experiences of facing crowds in emotionally surcharged situations. But unlike the riotous mobs during the communal riots, who resist arguments of any sort and are bent on killing their opponents, the crowds which we encountered in the streets of Srinagar, despite their highly emotional mood, were ready for serious dialogue even with visitors like us who many among them often regarded as representatives of the Indian state which had unleashed repression on them. From this experience of ours we feel that the common people of Kashmir are still prepared for a dialogue with the Indian government, provided they are assured of the sincere intentions of its representatives. On numerous occasions we were reminded by the people of the long history of what they perceived as unfulfilled promises by New Delhi, bitter memories of a hurt psyche - all of which had generated a feeling of distrust in the Indian state. *The sense of anguish and disappointment was eloquently expressed by a Kashmiri Muslim government servant: "Mr. Advani is an Indian by accident of birth. But when Kashmir chose to accede to India, I became an Indian by conviction. After all these years, where is my conviction now?"*

But the Indian government's tendency to treat the mass demonstrations as the handiwork of Pakistani agents and use indiscriminate force against the people has alienated the Kashmiri public completely from India. This alienation has been accompanied by a steady sympathy for the militants, who are seen now as 'our boys' fighting for independence from a repressive regime. in

this symbolic relationship between the masses and the militants, it is significant that the mass demonstration till now have remained by and large non-violent while the action of the militants are off a violent nature armed attacks on the para-military forces, assassinations of individuals, and bomb explosions. From our interviews and observations, *we feel that the failure of the government to discriminate between masses of unarmed demonstrators on the one hand, and groups of armed militants on the other, has been responsible to a large extent for pushing the general public to the anti-Indian position that the militants adopt. It is the government which ironically has provided a handful of secessionist militants with the mass base.* As one Kashmiri citizen said to us: "Jagmohan, by his actions, has reinvigorated the movement for independence. After we gain independence, we shall present him with the "Shahid Maqbul Butt" award (to be name after the JKLF leader who was executed some years ago)."

In their understanding about the militant groups also, Indian government officials seem to suffer from a failure to distinguish between pro-Pakistan groups and those groups which want a separate state of Kashmir, independent of both India and Pakistan. The simplistic decision to paint all the groups with the one colour of 'pro-Pakistan' might help the government to inspire the para-military and Army jawans with the belief that they are fighting Pakistan on the soil of Kashmir. But such a foolhardy decision may prove calamitous for the future of Kashmir.

The pro-Independence JKLF appears to enjoy a wider mass support than the pro-Pakistani groups, judging from the display of their flags and banners in demonstrations. But our sources of information suggested that the JKLF leaders in the valley (as distinct from their counterparts in Pakistan and-London) have not yet been able to chalk out a long term programme for their mass followers. The recent demonstrations have been more spontaneous nature, which have taken the JKLF also by surprise. The JKLF never anticipated the extent to which the masses were ready to face bullets. After their demonstration of support of 'independence', the JKLF leadership now faces the question: What next?

A string of terrorist action - killing of government officials, intelligence agents, and isolated attacks on CRPF and police - cannot withstand for long a full-fledged crackdown by the Indian state. Nor can such sporadic action sustain a mass movement.

Even sympathizers of the JKLF to whom we talked seemed to be at a loose end when asked about the future direction of the movement for 'independence'. Some seemed to be ambivalent in their attitude towards the militants. While they shared their sentiments and goal, they often felt disturbed about their targets of attacks. The killing of the Srinagar Doordarshan Director Lassa Kaul, is a case in point. Highly respected and popular among the valley's Muslims, Lassa Kaul was reported to have been accused by Jagmohan as a 'saboteur' after he had allowed the screening of mass demonstrations on TV. He was later allegedly pressurized by Jagmohan to suppress news of such demonstrations which are supposed to have angered the militants who took it out on Lassa Kaul. The militants were later reported to have explained the killing as a cruel necessity, and accused Jagmohan of being his 'murderer' by forcing him to suppress news and thus putting him on the hit list of the militants. *We found this a rather far-fetched argument which hides the militants failure to confront squarely the Indian state, and which aims at justifying their choice of soft targets.*

Sympathizers of the militants among the intellectuals, professionals and government servants in the valley, seemed to be caught in a dilemma. Angered by the atrocities of the Indian para-military forces and Army jawans, they are steadily being pushed to be an anti-Indian position and identification with the pro-Independence militant JKLF. But they do not appear to have given up hopes of a dialogue with Indian national leaders, provided they can trust them. As long as the Indian government continues to follow a repressive policy towards the masses, pressures from the militants (who are gaining a mass base due to the state's repressive policy) will prevent them from participating in any dialogue that the state might initiate.

We would like to make an observation in this connection. We often hear from liberal-minded, secular intellectuals outside Kashmir arguments which run on the following lines: the para-military forces like the CRPF are known for their brutalities on the common people in different parts of India. Yet, these victims of such repression are trying to resist and protest through normal democratic channels like the legislature, the courts and political movements within the Indian Union. Why are the Kashmiri victims of such repression, in protest, wanting to opt out from the Indian Union and seek 'independence'?

Giving due importance to this argument, we tried to find out an explanation, in the course of our investigations and interviews in Jammu and Kashmir. Without claiming to have found a satisfactory explanation, we can still identify a few factors which might help us to understand the differences in the response of Kashmiris on the one hand, and that of the people in other parts of India on the other, to the same forms of state repression - killings by the police and the para-military forces of innocent people, raping of women, destruction of properties, indiscriminate arrests, etc. - which have become the common lot of the Indian people, whether they live in the 'disturbed areas' of Andhra Pradesh, or the 'dalit' villages in Bihar, or in Meerut. *First*, unlike the rest of the Indian citizens, we found that the Kashmiri Muslims suffered from a feeling of being deprived of their right to establish and institutionalize their separate identity vis-a-vis the Indian state. (See Appendix for the historical background) *Secondly*, even after having acceded to India - under the leadership of Sheikh Abdullah - the popular support for accession has suffered erosion all these years, due to series of foolhardy decisions and action in New Delhi led to the gradual diminution of the internal autonomy guaranteed earlier at the time of accession (See Appendix). *Thirdly*, unlike in other states of India, where the political process had succeeded in throwing up powerful Opposition forces to fight for the state autonomy, in Kashmir the political process had been consistently throttled by the ruling party at the Centre and its proteges in Kashmir (Chief Ministers who, according to popular perceptions today, were thrust upon them through a succession of rigged elections).

As a result of this long history of unfulfilled promises and betrayals by both their own leaders and the Centre, the popular perceptions have taken on an anti-Indian character - India being identified with the central ruling powers in New Delhi. The feeling of utter despair - as well as determination to find an alternative - was aptly expressed to us by a crowd in Srinagar which shouted: "Hamko Aur Badshahi Nahi Chahiye".

We think that political leaders and observers who are sincerely interested in an amicable solutions to the Kashmir tangle should tune their ears sympathetically to the political history of Kashmir of the last four decades.

Meanwhile, the general mood among the common people in the valley right now - which is shared to some extent by intellectuals, professionals and Kashmiri government servants also - is that

come whatever may, they will sacrifice their lives, till they win 'independence'. As one of them put it: "We will win independence one day. The question is: whether India wants to leave Kashmir gracefully, or after a massacre?"

One might argue that this mood of elation and confidence might not last long and could be neutralized by the government's "action plan" announced on March 15. But there are several basic problems with this 'action plan' which is being regarded by observers in the valley as New Delhi's device of 'carrot and stick'. *First*, the aim of reactivising political parties may flounder, given the widespread distrust in the leaders of the established political parties in the valley. *Two*, promises of pumping more money for development purposes may not be accepted gracefully by the people. Almost everyone we talked to told us that development was no longer the priority in their thoughts. "We can't be bought with money," they said, referring to the government's plans. The anti-government sentiments are so strong that relatives of those killed in firings have refused to accept the compensation offered by the administration. This leaves us with the *third* part of the 'action plan' - namely measures to suppress terrorists and those who harbour them. An escalation in the implementation of these measures might temporarily suppress public demonstrations of mass discontent. But it will harden the attitudes of the people in the long run.

As we see it, the demand for 'independence' has acquired a mass character. It will not disappear overnight. Depending on the situation, only the numbers active in the movement will wax and wane.

Conclusion

We do not pretend to have solutions to problems that have accumulated over several decades and have been aggravated by machinations of politicians, which have led to a situation where a completely alienated people of a state are today threatening to secede from the Indian Union.

No matter what one's perspective on the crisis is, we should be clear about one thing: coercion and brute forces by the state can never create conditions for generating confidence and loyalty among the people. Battering an entire people into submission will not result in restoring confidence.

We feel that if the National Front government is serious, it may still have a chance - this may be the last chance - to salvage the situation. If any plan of restoration of normalcy is to succeed, it will

have to precede by certain major decisions that could demonstrate to the Kashmiri people the government's genuine concern for their immediate plight.

We are convinced that unless gross violation of the rights of people by the state machinery is condemned, we cannot even begin to expect the population to consider any dialogue. In denying the people of Kashmir their fundamental rights we are actually demeaning and denying ourselves the same. We therefore demand:

- immediate recall of Governor Jagmohan, who in the perception of the common people of Kashmir has become a symbol of state repression;
- withdrawal of all para-military forces;
- discontinuances of 'curfew raj';
- exemplary punishment to those security forces personnel and Army jawans who are found guilty of killing innocent people, allegedly raping women and destruction of public and private property.

While making the above demands, we are aware of the counter-argument which is quite often voiced by some. They argue that in the present situation in Kashmir, punishment of erring personnel of the para-military forces and Army will 'demoralize' them and hamper their anti-terrorist operations. We would like to point out in this connection that the anti-terrorist operations so far have failed to curb 'terrorism', but have been directed against the masses of innocent people leading to demoralization among them. *The government today will have to choose between the 'demoralization' of its armed personnel, and the 'demoralization' of the common people of Kashmir.*

As a note of caution, we must add that the continuation of the present state of affairs in Kashmir would jeopardize the secular credentials of the Indian state. As we have noted before, the masses of the valley, who are predominantly Muslims, are made targets by the state's para-military forces who happen to be predominantly non-Muslims. Governor Jagmohan's actions are again being perceived by the valley people as highly discriminatory against them, and biased in favour of the Pandit migrants. Apart from disrupting communal harmony in Jammu and Kashmir, these trends can erode the confidence of the minorities in the Indian state and provide a handle to communal fundamentalist forces.

We would further remind the political parties - both national and regional - that on several occasions in the recent past they themselves had raised questions about the future of Centre-state relations, about the encroachment by the Centre into domain of states, and about the need for more autonomy of the states. The erosion of autonomy in Jammu and Kashmir is also a matter that needs to be considered by them in this general context of Centre-state relations. It is also imperative to keep in mind the recent international developments which have brought to the fore the question of the right of self-determination. The present problem of Kashmir can be recognized as a legitimate subject matter of debate in this broad context of national and international developments. *The initiation of an open debate - instead of setting up a chauvinistic mental blockade - that would include all sections of the people both in Kashmir and the rest of India, could lead to the emergence of an amicable solution that would be acceptable to the people of Jammu and Kashmir.*

APPENDIX - I

Major Constitutional and Political changes in J & K from 1947 till today

1. Instrument of Accession signed by Hari Singh on October 26, 1947. In return Government of India made it clear that "the question of State's accession should be settled by a reference to the people". Sheikh Abdullah sets up an interim Government.

2. India invoked Article 35 of the Charter of UN and appealed to Security Council to stop Pakistan from hostilities in J & K.

3. In October 1950 General Council of the National Conference (NC) formally demanded elections to create a Constituent Assembly. Elections held in September 1951, in which NC wins all 45 seats *unopposed*.

The Constituent Assembly was set four tasks by Abdullah in his address to the Constituent Assembly on November 5, 1951:

- a. Devising a Constitution for the future of Kashmir;
- b. Deciding the future of monarchy;
- c. Considering the problem former landowners who demanded compensation for forfeiting their hereditary claims;
- d. and deciding on accession to India.

5. In 1952 newly formed Janasangh begins campaign for merger of J & K into India and characterises NC as anti-Indian. Shyama Prasad Mookerjee despite Nehru's protests crosses into Jammu accompanied by officials of Punjab Government. Mookerjee detained only to die of natural cause. Moves to dislodge Abdullah receive boost.

6. With Sheikh Abdullah's arrest on August 9, 1953 the Constituent Assembly lost its representative character totally. A pliable Bakshi Ghulam Mohammad allowed the Centre to usurp authority through two key mechanisms:

A. The J & K Constitution (Amendment) Act 1954 deleted Section 75 of the J & K Constitution Act 1939 which had made the Council of Ministers the final interpreters of the Constitution.

B. Constitution (Application to J & K) Order 1954 was issued by the President of India whereby the jurisdiction of the Centre was extended from the original three subjects of 'Defence, Foreign Affairs and Communication' to all subjects on the Union list.

The two were passed on the same day May 14, 1954. And both went against the very first para of the Delhi Agreement 1952 that "sovereignty in all matters other than those specified in the Instrument of Accession continues to reside in the State."

In the sense the arrest of Sheikh Abdullah on August 9, 1953 by "Karan Singh, Sadar-i-Riyasat functioning in the interests of the people of the State" was a grotesque drama. From then on the faith reposed by Kashmiris in Indian democracy for ensuring "maximum autonomy for the local organs of the State Power" was decisively eroded.

In 1958 All-India Services were extended to J & K through an amendment in Article 312.

7. Subsequent times saw the Centre directly replacing the head of Government in Kashmir with the aid of Governor.

8. Bakshi Ghulam Md. was dismissed in 1963 and arrested under Defence of India Act.

9. Shamsuddin elected by his party then was dismissed in few months and Sadiq brought in. Under Sadiq Article 249 of Indian Constitution was extended to J & K whereby Centre can legislate on any matter enumerated in the State list.

Also on March 30, 1965 the special nomenclature in J & K for different designations were changed dropping Sadar-i-Riyasat and Wazir-i-Azam to Governor and Chief Minister.

10. With the signing of the Shimla Pact in 1972 after the break up of Pakistan as a consequence of the Indo-Pak war in 1971 the two countries described J & K as a "disrupted territory" but agreed to respect the "line of control" until such time as "final settlement" is reached. Thereby Kashmir's division into Indian and Pakistan zone recognised.

11. Under Syed Mir Qasam who was brought in 1971 onwards Central Services Cadres came to dominate J & K administration and continue to dominate till date.

12. On February 25, 1975 as part of Sheikh Abdullah-Indira Gandhi Accord signed on February 24, 1975 J & K now was made "a constituent Unit" of India and Parliament now retained the power to legislate on any matter concerning the territorial integrity of the Country. Thereby legitimising the usurpation of the right of self-determination and thereby made India and Pakistan the arbiters of Kashmir's destiny.

13. In 1977 Congress withdrew its support from National Conference. But Assembly was dissolved and elections were held in which NC won convincingly defeating Congress.

14. In 1982 Sheikh Abdullah nominated Farooq Abdullah as his successor.

15. Farooq Abdullah's parleys with opposition in 1983-84 first in removal of Governor B.K. Nehru with Jagmohan who was seen as a faithful tool of the Centre unlike his predecessor who was seen as an obstacle in the way of imposing Centre's authority.

16. In 1984 Farooq's government was dismissed to be replaced by G. M. Shah.

17. In 1986 G. M. Shah was removed by engineering communal conflict in Anantnag district in the Kashmir valley.

18. After a brief period of Governor's Rule Farooq was once again brought back in an alliance with Congress discrediting and substantially eroding the support base of NC.

19. In 1987 elections MUF was defeated but after a series of incidents of rigging.

20. Between 1987-Jan 18, 1990 Farooq government faced dissidence and mounting discontent with strong-arm measures and branding opponents of being communal and pro-Pakistani.

APPENDIX - II

Major incidents of State Violence between June'88 & March'90**June 10, 1988**

The Srinagar City Traders and Manufacturers' Federation had given a call for bandh against the "arbitrary and unjustified" rise in the power tariff. All through the day the youth and the police clashed all over the city. The police repeatedly used teargas and baton to disperse unruly mobs.

The youths stoned passing vehicles, hurled rocks on policemen, put road blocks and later tried to set the old Zaina Kadal wooden bridge on fire. To control the situation the police opened fire on the crowd in which three persons were killed.

Mirwaiz Maulvi Farooq, Chairman of the People's Action Committee and one time ally of Chief Minister Dr. Farooq Abdullah condemned the police firing as unprovoked and demanded a judicial enquiry. Six demonstrators were arrested and about 80 people were injured.

June 14, 1988

The agitation against the proposed rise in the power tariff continued all over the valley. Till the evening of 13th June the police had arrested 52 persons for alleged rioting. On 14th June in a pre-dawn swoop on opposition party activists the police arrested 39 persons, mainly youth from their homes.

At dawn the anti-rioting police assisted by the BSF cordoned off the old city portions which had been scenes of street battles between the police and the demonstrating mobs.

Mirwaiz Maulvi Farooq in statement claimed that the police had actually arrested 70 people in the pre-dawn swoop. The opposition parties in statement accused the police of restoring to excess use of force and inflicting atrocities on citizens.

August 25, 1989

The Jama Masjid of Srinagar was raided by the J & K police in an attempt to flush out militants and to seize illegal arms and ammunition which according to the police was being stored in the Jama Masjid by militants.

In the raid 250 persons were arrested which included minors under the J & K Detention Act. Later 198 persons were released.

However 52 of those arrested that day continue to be detained till date without trial.

December 8, 1989

Members of Jamu and Kashmir Liberation Front kidnapped Rubaiya Sayeed, daughter of the Union Home Minister, Mufti Mohammad Sayeed in Srinagar. They demanded release of five alleged militants being held in police custody. After prolonged negotiations, the government gave in and she was released in exchange of the militants on 14th December '89.

December 15, 1989

At least five people died in incidents of police firing across the Kashmir valley while the entire valley was placed under indefinite curfew.

Three died in Anantnag and two in Shopian town in south Kashmir when police opened fire. With this the death toll in police firing has risen to seven. On the 13th December 1989 two persons were killed in Baramulla and Sopor townships in north western Kashmir. In the town of Bojbehara (the home of Union Home Minister Mufti Mohammad Syeed), the police had also opened fire on a demonstrating mob. No casualty was however, reported.

December 17, 1989

Para-military forces began "combing" operations in the valley. The youth had come out on the streets of Srinagar protesting against the "combing" operations. This led to clashes and the mob had resorted to stone throwing. When the para-military (CRPF) forces chased the youth, one boy had fallen into the Jhelum river near Chattabal in the outskirts of the city. Eye witness accounts say that the boy could not swim and his cries for help were not listened to by the CRPF jawans. Whenever the boy tried to get to the shore the gun wielding cops pushed him into the river as a result he drowned. The police however, denied the allegation saying that the CRPF did not realise the boy could not swim.

December 20, 1989

At Pandach in the outskirts of Srinagar a scooter borne youth was shot dead by the security forces as he was trying to run away from a check-post.

According to eye witness accounts, the youth who had belonged to the local area had panicked on being challenged by the security forces at the check-post. The scooter had skidded and he

had fallen down. The youth had tried to run away when one of the jawans opened fire and shot him dead.

On the same day a group of youth alleged that CRPF personnel had forced into their homes in Nawab Bazar area and beaten up the people without any provocation.

January 4, 1990

Indefinite curfew was clamped on Srinagar after various militant organisations gave a call for massive rally at Lal Chowk to observe "The Right of Self Determination Day". On this day in 1949 the UN Security Council had adopted the "Plebiscite" resolution.

January 5, 1990

One 13 year old boy Abid Wani was killed and three others injured in CRPF firing on a defiant crowd outside the Kani Mazar Mosque in downtown Srinagar.

Indefinite curfew was extended to 11 townships of the Kashmir valley.

January 7, 1990

The day was marked by pitched battles between crowds of people, J & K police and the CRPF in Srinagar and other places in the valley. At least 50 people were reported to have been seriously injured in the city and 20 people in Anantnag.

January 8, 1990

At least 12 people in the Kashmir valley in different incidents of firing of para-military forces were killed. The firings took place in Srinagar, Anantnag, Sopore and Baramulla. Ten persons including a woman died in Srinagar and two were killed in Sopore. Indefinite curfew was reimposed on Sopore, Srinagar, Anantnag and Baramulla.

January 10, 1990

In the Chotta Bazar area of Srinagar about 803 people, youth, women and children had come out on the streets to protest against the alleged atrocities of the para-military forces. The security forces opened fire as curfew was still on. One demonstrator Mushtaf Ahmed Khan was killed in the firing.

January 19, 1990

Shri Jagmohan is appointed Governor of Jammu and Kashmir. Dr. Farooq Abdullah resigns from Chief Ministership.

Incidents after Jagmohan's Take over

Within two days of Jagmohan being appointed and Farooq Abdullah being forced to resign, on January 20, "security forces" were given the power to search, seize and arrest. Power hitherto enjoyed only by the state police. Security forces arrested 256 "terrorists" only to release them within two days. When protest erupted against the coercive manner in which raid and searches was conducted by the security forces, unarmed men, women and children were killed. Between 21 & 22 January up to 100 persons were killed, several more injured of these scores have lost both or one of their limbs, these included minors. On January 22, 1990 J & K police protest at security forces' strong-arm measures against their colleagues including killing one. By end of January entire state administration and J & K police sidelined became suspect in the eyes of the Centre.

With media pushed out, and imposition of news blackout Governor and his advisors became the main source of information. So much so that in a show of xenophobia a senior journalist in Times of India wrote on January 29 that "secessionists" were planning to stage, for the benefit of "foreign media" declaration of independence on the Republic Day. Those who, had protested against Farooq's bill on press censorship in August 1989 now support governor's news-management under the plea of "National interest".

Assembly dissolved on 19th February, 1990. Curfew Raj was relaxed for a week in February (21-28) which saw massive demonstrations with nearly half a million people petitioning the UN through its office at Srinagar. But suddenly on March 1st without any reason military personnel opened fire on processionists travelling in buses. As an after thought Army justified this by claiming that stones were pelted at Army School bus carrying children.

A delegation of Parliamentary parties visits Srinagar on March 9, fails to meet Kashmiris after Jagmohan cautions them about their well-being. Meanwhile the delegation informed even by Governor's own appointments as not listening to any advice."

George Fernandez appointed special minister in-charge of J & K on March 12. Advisory Committee meets Kashmiri Pandits in Delhi and then in Jammu.

Pakistan's foreign minister makes it clear on March 13, that the Security Council resolution of 1948 & 1956 "offers a choice

between two courses Kashmir's accession to India or Pakistan. The third option (of independence) is not mentioned".

Governor Jagmohan tells Kashmiri Pandits at Jammu on March 14 that his government would soon release the salaries of government employees who have left the valley. In the valley employees not paid salaries but 60 government employees dismissed for "dereliction of duty". The difference in response could not be more glaring.

All India Kashmiri Pandit Conference says on March 15 that around 65,000 Hindus (including KPs) have fled the valley since September 1989 and that in the past seven months 32 KPs were killed by militants. Forgets to mention that several times more Kashmiri Muslims have been killed by militants.

Same day an all party motion passed in the Rajya Sabha which calls for revival of political activity in J & K but also says it is Pakistan which is aiding terrorism. It calls on "Indian patriots to set aside their ideological and political differences and act unitedly for defending the unity and integrity of the country". It declares that "secessionism and subversion against the rule of law will at no cost be allowed". There is neither any regret at killing of peaceful unarmed people nor anything on giving exemplary punishment to those members of security forces and administration who have been engaged in the use of brute force.

APPENDIX - III

Representation of Kashmiri Muslim in State Administration

All India services were imposed on J & K in 1958 by extending Article 312. The said Article states that if it is found "necessary and expedient in the national interest" Parliament can "provide for the creation of one or more all-India service (including an all-India judicial service) common to the Union and the States....regulate the recruitment and conditions of service of persons". These includes IAS, IPS. And by repealing Article 314 through twenty eighth Amendment Act 1972 protection for existing officers of services was withdrawn and Centre's writ in the administration of the states was allowed unhindered.

However, in 1958 it was agreed between J & K and Indian Government that while extending all India Services(IAS) to J & K they would ensure that 50% of the personnel would be recruited directly from UPSC and rest 50% would be promoted from the State Service. But promotions did not take place till 1968, full ten years later. As of date only 25% of the IAS personnel are from the State and out of the 22 Secretaries only 5 are Kashmiri Muslims. The tables given below show representations of different communities in the state government services as well as in State owned enterprises etc.

A brief summary of the figures of the employees working in Government Department as on 1.7.87 is given as under.

1.

S.No.	Category of Service	HINDUS	MUSLIMS	SIKHS	OTHERS	TOTAL
1	Gazetted	6307	5140	717	159	12323
2	Non-Gazetted	49705	73780	5555	2136	131176
3	Inferior	14370	32011	1010	1469	48860
	Total	70382	110931	7282	3764	192359

The percentage of each community in the employment of the Government Department of the State as on 1.7.1987. (Category-wise) has been worked out as under.

2.

S.No.	Category of Service	HINDUS	MUSLIMS	SIKHS	OTHERS	TOTAL
1	Gazetted	6307	5140	717	159	12323
	%age	51.18%	41.71%	5.82%	1.29%	100%
2	Non-Gazetted	49705	73780	5555	2136	131176
	%age	37.89%	56.24%	4.23%	1.64%	100%
3	Inferior	14370	32011	1010	1469	48860
	%age	29.42%	65.52%	2.06%	3.00%	100%

The percentage of employment and the percentage of population of each community is as under:

3.

Name of the Community	No. of employees in Govt. Service	%age in employment	%Age in population
Hindus	70382	36.59%	32.24%
Muslims	110931	57.67%	64.16%
Sikhs	7282	3.79%	2.23%
Others	3764	1.95%	1.34%
Total	192359	100.00%	100.00%

The employment position in respect of Sch. Castes/Gujjar & Bakerwal and Ex-Serviceman employees as on 1.7.1987. is as under:

4.

Name of Class	No. of employees	%age in employment	%Age in population
Sch. Castes	6765	3.52%	8%
Ex-Serviceman	3145	1.63%	5% in Non-Gazetted and 10% in Class IV
Gujjar & Bakerwa	1071	0.56%	No reservation

Besides the above number of employees working in the State-owned Corporations/Undertakings/Autonomous Bodies and Banks as on 1.7.1987 is as under:

5.

S.No.	Category of Service	HINDUS	MUSLIMS	SIKHS	OTHERS	TOTAL
1	Gazetted	1115	1160	104	2	2381
2	Non-Gazetted	6201	11065	1123	110	18499
3	Class-IV	3082	6508	272	66	9928
Total		10398	18733	1499	178	30808

The percentage of employment and the percentage of population is as under:

6.

Name of the Community	No. of employees	%age of employees	%age in population
Hindus	10398	33.75%	32.24%
Muslims	18733	60.80%	64.19%
Sikhs	1499	4.87	2.23%
Others	178	0.58%	1.34%
Total	30808	100.00%	100.00%

The community-wise and category-wise percentage and the number of employees is as under:

7.

Category of Service	HINDUS	MUSLIMS	SIKHS	OTHERS	TOTAL
Gazetted	1115	1160	104	2	2381
%age	46.83%	48.72%	4.37%	0.08%	100%
Non-Gazetted	6201	11065	1123	110	18499
%age	33.51%	59.82%	6.08%	0.59%	100%
Class IV	3082	6508	272	66	9928
%age	31.04%	65.55%	2.75%	0.66%	100.00%

The percentage of reserved category and the number of employees belonging to these categories working in these State-owned Corporations/Undertakings/Banks as under:

8.

Name of Class	No. of employees	%age in employment	%age in population
Sch. Caste	1014	3.29%	8%
Ex-Serviceman	237	0.77%	5% in Non-Gazetted and 10% in Class IV
Gujjar & Bakerwal	249	0.80%	No reservation

There are about 67 Central Government establishments in Kashmir valley including subordinates offices and corporations. As on 1st January 1989 a total of 14,743 persons were employed in these establishments. A community-wise breakdown of the employees in these establishments will reveal the reasons for the Kashmiri Muslim's claim that they are discriminated even in their home state.

1.

Employment of different communities in Officer's Category in the Central Government establishments in Kashmir as on 1.1.1989:

S. No.	Category of Service	Community	Nos.	Percentage
1.	Officer	Hindus	1613	83.66%
2.	Officer	Muslims	133	6.89%
3.	Officer	Sikhs	161	8.35%
4.	Officer	Others	21	1.10%
Total			1928	100.00%

2.

Employment of different communities in the clerical and non-gazetted services of the Central Government establishments in Kashmir as on 1.1.1989:

S. No.	Category of Service	Community	Nos.	Percentage
1.	Clerical	Hindu	4043	79.27%
2.	Non-Gazetted	Muslim	662	12.98%
3.	Staff	Sikh	320	6.28%
4.		Others	75	1.47%
Total			5100	100.00%

Employment of different communities in the Class IV category of service in the Central Government establishments in Kashmir as on 1.1.1989:

S. No.	Category of Service	Community	Nos.	Percentage
1.	Class IV	Hindu	5622	72.87%
2.	"	Muslim	1212	15.70%
3.	"	Sikh	550	7.14%
4.	"	Others	331	4.29%
Total			7715	100.00%

A study of the officer's category of employees in the nationalised banks in Kashmir revealed that of the total number of persons employed in this category only 1.50% were Kashmiri Muslims.

Note:

These tables have been prepared on the basis of information provided to us by Prof. Saifuddin Soz, Member of Parliament from Jammu & Kashmir.

APPENDIX - IV

The Media and Kashmir

On January 26 P. Upendra Minister of State for information and Broadcasting said that his government took a "serious" note of "exaggerated" reports being filed by foreign journalists but he claimed that no foreign journalist had been asked to leave J & K. And yet as the Hindu reported on January 26 and 28, not only were all Indian and Foreign journalists confined for three days in their hotel under armed guard, their film rolls and notes seized at the Srinagar Airport and the foreign journalists were served expulsion orders on January 24. Officials claimed that it was for their own safety and in any case press was being given "authentic accounts" became clear very soon.

A delegation of editors of the local press was told by Jagmohan that government was opposed to curbing the freedom of press but could not remain a mere spectator to the "sordid game of the local newspaper playing in the hands of the terrorists". He told the editors that local newspapers "would not permitted to operate as a platform to carry the calls and views of the terrorists". (HT 10/2/90)

Little later on 15.2.1990. P. Upendra, who till recently was waxing eloquent on his government's commitment to right to information, made an about turn by justifying censorship in Kashmir in view of the "special circumstances, and the delicate situation there". The result has been that barring few honourable exceptions the news flowing out of Kashmir Valley are the officially released accounts whose authenticity is suspect. There are some reports which go overboard in their zeal. In a news despatch militants planned to declare Nizam-i-Mustafa on Republic Day, burn flags and stage demonstrations for the benefit of foreign media. There are two untruths. It is Jamat-i-Islami which believes in setting up Islamic Republic. The militants JKLF had no plans to declare Nizam-i-Mustafa on January 26, question of burning flags did not arise; and there was no attempt to do all this for the benefit of foreign media. In another case the report from Kashmir in the February 15 issue of India Today (p.40-41) does even better. While this purports to be a first-hand account we're told that the author has not even visited the Kashmir Valley in the period in question. Worse the photograph showing Jagmohan's meeting with citizens

of Srinagar shows in the background Chinar trees in bloom which is possible only in summer. We were informed by local journalists that in fact the photo was not from Srinagar but taken in around April 1986 at Anantnag.

A repetition of anti-Sikh type scenario is evident from a report in I.Express 19.02.1990. where Bombay Police is reported to have been put on alert by the continued influx of "Kashmiri Muslim refugees" into Bombay. It also attributes, citing "informed officials", to the nexus between recent criminal activities in the city with Kashmiri Muslims. What is worse Gujjar Muslims from J & K known as Bakerwals are said to be linked with "subversive and reactionary elements". As a matter of fact Bakerwals do not support the movements in Kashmir and some of their community leaders are reported to be on the hit list of a militant organisation.

What compounds the erroneous news reporting is the shifting of AIR (Kashmir) broadcasts from Srinagar to Jammu and Door-darshan to New Delhi after the killing of Lassa Kaul on February 13, 1990. Significantly mourners carried placards of their blaming Jgmohan for Lassa Kaul's killing.

The complete blackout imposed on news from Kashmir Valley in official media while frequent shots of Kashmiri Pandit demonstrations demanding strong-arm measures with slogans such as "Agar Bharat Mein Rehna Hai To Ram Ram Kaheyina Hoga" etc. have helped create a serious imbalance in news coverage of developments in Kashmir Valley. If one top of this Governor has, in the name of safety, alleged to have transported some of the local journalists from Srinagar including one who reportedly took all furniture and fixtures which are the property of the J & K state it should not surprise us that Kashmiris are ambivalent about Indian journalists' commitment to give information without fear or favour which depict the ground reality.

P. S. This report was released at a press conference in New Delhi on 23rd March 1990. About 60 press reporters attended. However, to the best of our knowledge, only Times of India, Indian Express, The Hindu and Patriot published brief summaries the next day. We were told that some editors did not consider the report as factual while others thought that it was not in national interest. Such self censorship is bound to convince Kashmiris that the national press is not fair in India.

APPENDIX - V

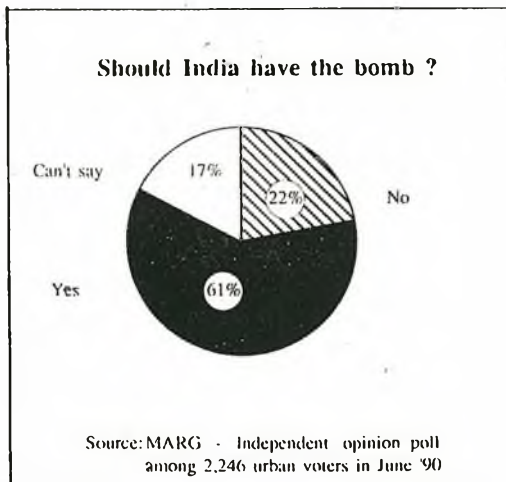
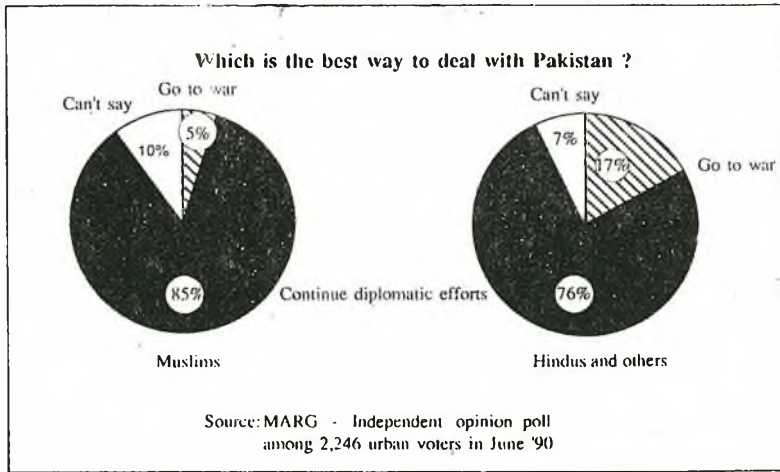
The Final Check Post

To get an idea of the distrust towards local population one has to only visit Srinagar airport. On our way back from Srinagar to New Delhi, after crossing numerable check posts we reached the airport. We went to the window where airline tickets were being sold. We needed security clearance from across the road after filling in what appeared to be an embarkation slip. After purchasing the tickets at the entrance into the departure lounge, we were checked by the security. While waiting to book our reservation, our luggage was X'rayed. We crossed the security gate where luggage was once again X'rayed.

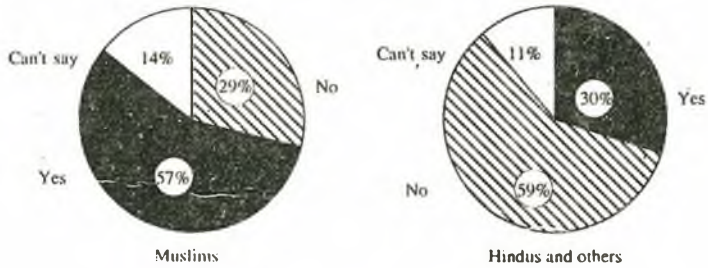
We were searched on the tarmac on our way to the aircraft. At the bottom of the suitcase we found that there was a row of tables behind which stood policemen and women who opened the hand luggage, took out every article and inspected them once again. Finally it was time to board the aircraft. Before this could be done our bodies were frisked by seedy looking characters, wearing dark glasses and crumpled overcoats who we were told, were specially deputed by New Delhi and who came in the morning and went back every evening to New Delhi. The final check point was like a frontier of distrust. We felt we were aliens beyond this point.

BOMB 'YES,' WAR 'NO': OPINION POLL

Presented below are the main findings of the MARG-Independent opinion poll in urban India on issues related to Indo-Pakistan relations.

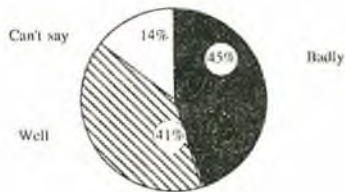


In the interests of long-term peace, should India and Pakistan unite ?



Source: MARG - Independent opinion poll among 2,246 urban voters in June '90

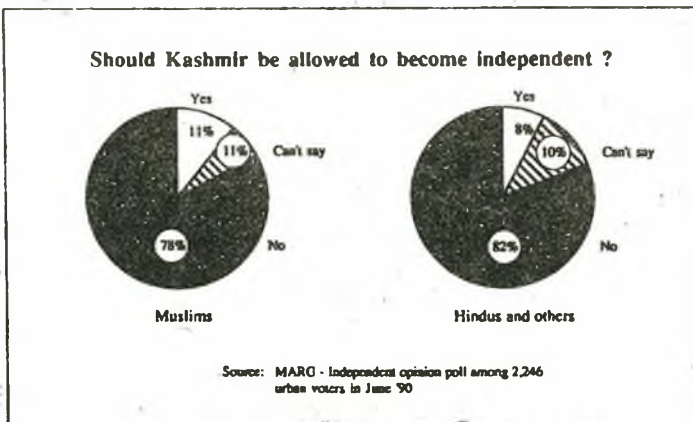
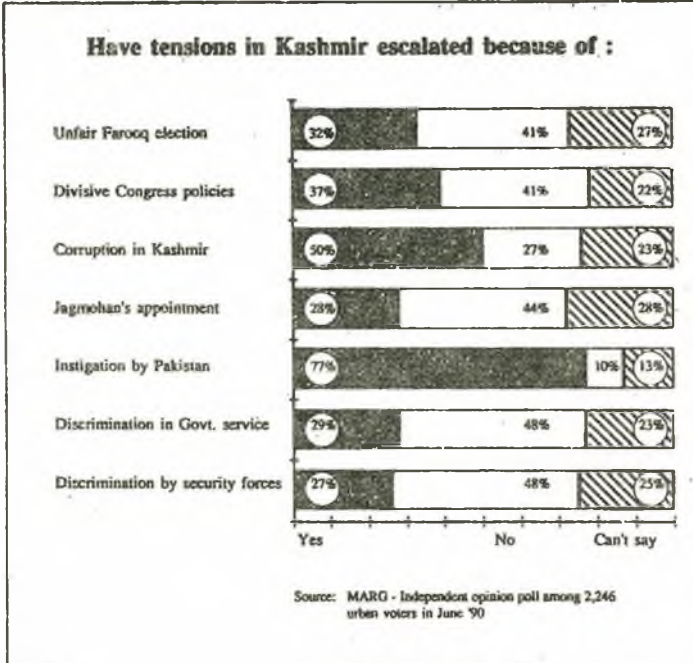
How has the Govt. handled the Indo-Pak relations ?



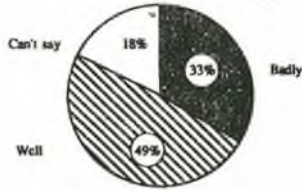
Source: MARG - Independent opinion poll among 2,246 urban voters in June '90

HINDUS, MUSLIMS AGREE ON KEY ISSUES

The findings of the MARG-Independent opinion poll on the Kashmir situation conducted in the four metropolitan cities and two small towns.

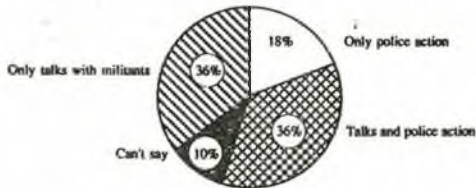


How has the Govt. handled the Kashmir situation ?



Source: MARG - Independent opinion poll among 2,246 urban voters in June '90

Which is the best method to bring peace to Kashmir ?



Source: MARG - Independent opinion poll among 2,246 urban voters in June '90

Should Article 370 be repealed ?



Source: MARG - Independent opinion poll among 2,246 urban voters in June '90

WHAT FAMOUS INDIAN MUSLIMS THINK ABOUT KASHMIR

The greatest challenge to India's secular credentials today comes from Kashmir.

The only Muslim-majority state in the country where communalism was rarely a problem is today wanting to desperately to opt out of the Indian Union. And is willing to employ the most violent means to do so.

The Weekly invited some eminent Muslim opinion-makers to air their views on this subject. Many of them have taken exception to being singled out as Muslims to comment on a situation that they feel concerns all Indians. Some of them are convinced that the problem in the Valley not communal, that what the Kashmiris are expressing is simply the urge for self-determination that other ethnic groups in the country and the round the globe are clamouring for.

They are all agreed though on one thing: that the problem must be tackled in a statesmanlike manner and on a priority basis if the situation is to be reclaimed at all. And that while insurrection and violence must be dealt with firmly, the bullet is not the only answer to the problem.

We present here a spectrum of opinions - of politicians, activists, writers, academicians. Somewhere in the analyses and suggestions they prefer may lie the solution to the tragedy that has engulfed the state.

Arif Mohammad Khan - Politician

Kashmir is an issue that involves the entire nation. I don't think that I, or for that matter anyone else, will view it from a Muslim standpoint but as an Indian. When it comes to the unity and integrity of the country, Indians as a whole have always been

able to demonstrate total unity to meet the challenge regardless of their caste, creed and religion. My point is that one can approach the Kashmir question only as an Indian and not merely as a Muslim.

It is a fact that in the last four to five months the situation has definitely not improved. But the process of deterioration has started much earlier. During the last two or three years there were frequent announcements in various papers from various individuals particularly those belong to the National Conference that they had left politics and had nothing to do with any sort of political activity. In the last election, the call was given to the people to boycott elections. There were many instances where the people who chose to vote were killed. Violence and threats were used to terrorise Kashmiris into submission as the militants gained control. The government writ did not run at all and anti-India elements were allowed to free run of the valley.

After the new government took over, the activities of the militants were sought to be curbed, which has led to some violence in a state as against the earlier total surrender by the then government to secessionists. They had turned a Nelson's eye.

I know many people refer to Rubaiya Sayeed's kidnapping as a turning point - all I can say is that under the Constitution of India, law and order is a state subject and at the time of Rubaiya's kidnapping, there was a National Conference-Congress-I coalition government in Jammu and Kashmir. And whatever decisions were taken they were taken by the state government. The Centre was merely giving the state government whatever assistance they were asking for.

We have a map of this country, we have a Constitution and we have laws of the land. So, if anyone violates the sanctity of the Constitution and violates the laws, then we have a duty to deal firmly with the violators.

A number of terrorists have been nabbed during the last one-and-a-half months. Also, they are losing support among the ordinary people. The valley had been terrorised into submission-threats of violence and actual violence had succeeded in doing that during the last three years. But now the government has succeeded effectively sending the message that they cannot have a free run of the valley, that they cannot terrorise the people and that it is the government and not the terrorists who is in charge of the situation in the valley.

What has happened this time in Kashmir may be unprecedented but, then, the activities of the terrorist this time was also on an unprecedented scale. They have never had the upper hand as they have had during the last three years.

Definitely communal elements are also active, but the problem may not be communal. Communalism is being interjected to make the situation more tense, more explosive, to make it more intractable to an amicable solution. I do not subscribe to the view that happenings in Kashmir are going to contribute to communal happenings in other parts of the country. Yes, people all over are feeling concerned, and that is natural, but it is not a communal problem.

Kashmir is one part of India where the Sufi tradition is very strong. This tradition doesn't teach exclusiveness in religion. You must have seen that Sufi shrines are open to everyone. It is there in other parts of the country but in Kashmir this tradition is strongest. Suddenly one jail which never had more than 60 inmates is now full. Suddenly Kashmiris have become murderers, have become robbers. I think this is the handiwork of those who are infiltrating from the other side. They get their funds and arms from the other side. A good number of these terrorists cannot speak the Kashmiri language. But the common man in the valley could not dare challenge the intruders and the militants and submitted to them. That is what we in the new government have tried to undo. Surely, when you try to ensure a return of the law of the land the desperadoes who have had a free run of the valley these last few years are going to resist and make a fight of it. The earlier government had abdicated in Kashmir before the militants, before the secessionists. We are reclaiming Kashmir for the Indians and we have virtually done it.

Stability is returning to the valley. In the last month the situation has become almost normal. The indications are very positive.

Syed Shahabuddin - Politician

I don't think that the perspective of the Muslim Indians on the Kashmir situation is in any material sense different from that of the rest of the Indians. I think every Muslim Indian would like Kashmir to be a part of India. His motivation may be slightly different - arising primarily from the feeling that Jammu and Kashmir being a Muslim-majority state would be a source of strength for the Muslim community, which, in a national sense, is a minority - so

that in a federal setup you have at least one state in the Union with a Muslim majority.

Most of the militant elements in Kashmir today were the political workers of the various parties which participated in that infamous election (of 1987). They went back and told their leaders "You told us that the sandook (ballot box) is the way. We think that the sandook is no longer the way, only the bandook (gun) is the way." Today the militant is not the traditional Kashmir youth, he is the man with the gun. It is difficult to talk to him. It is impossible to persuade him. And he represents in a way our national failure. The same valley which, in 1947, reverberated with the slogan '*Hamla-avar Khabardar, hum Kashmiri hain bedar*' is today resounding with slogans like '*Hum chahte hain azadi*'. How did we lose this goodwill? Who is responsible for it? How did this crisis come about.

The crisis has not been brought about by V P Singh's government, but his government has committed in my view three basic blunders. The first was the release of the militants in exchange for Rubaiya Sayeed. And that too not in a silent manner, but through a series of protracted negotiations. This allowed the militancy in the valley to get an aura of legitimacy. In my view, nothing would have happened to Rubaiya Sayeed. And if unfortunately something did happen, that would have completely discredited the militants in the valley. Touching a woman would have been a sin. But we succumbed.

The second blunder was imposing Jagmohan as the Governor. Of course, the government has the right to choose its governors, but Jagmohan is a man with a reputation. He faces a psychological hurdle and this is an understatement. With him are associated the horrors of emergency, the forced sterilization drive and the events at Delhi's Turkman gate. His image among the Indian Muslims, and I dare say, among the Kashmiri Muslims, is a negative image. It is the image of a man with an RSS mentality. And newspaper reports, it may be recalled, said his appointment suggested by the BJP. It is my firm conviction that Jagmohan is not carrying out the orders of the Government of India. He is the chosen instrument for implementing the grand strategy of the BJP vis-a-vis Kashmir. And all that has happened during the last four months- the terror, the brutality, the killings, the indiscriminate arrests and searches - all add up to a total alienation of the Kashmiri masses.

The third blunder, in my opinion, was to create a constitutionally impossible situation. What shall we do after the six months of the governor's raj comes to an end? Under the constitution of Jammu and Kashmir there is no provision for an extension or renewal. I think the only way out for the government will be to immediately impose President's rule under the Constitution of India as soon as the governor's rule under the Jammu and Kashmir constitution lapses. It will be like re-arresting a man under NSA immediately after releasing him from his previous detention.

I have no doubt about the fact that the Kashmir situation today is a heaven-sent opportunity for the BJP. After having milked the Ayodhya cow dry, what shall they do next? And this time it's much more explosive mixture. In Ayodhya there was no question of patriotism. Here it is a situation involving the integrity of the country, and therefore of patriotism.

Contrary to what the BJP would have us believe, there is no communal crisis in Kashmir at all. I have been there and met the people, and they asked me 'Why did our brothers go away? What did we do to them? You talk about the rape of Hindu women. Has anyone even rubbed off the bindiya off a Hindu woman? They locked their houses and went away, but they left their keys with us. We could have looted their homes, but have we?' Not a single place of worship has been touched. Hindus have been killed, but many more Muslims have been killed. But the terrorists have not killed anyone just because he is a Hindu. They explain the killings in their own political language.

The 'Kashmiriyat', the sense of being a Kashmiri is basically ethnic not religious.

I place the Kashmir situation not in the context of the partition of India. Today the situation can be understood in terms of this ethnic upsurge that you see the world over. That every self-conscious, self defined group of people want to establish their identity. Want to have some measure of autonomy. Want a homeland.

And in the context of restructuring India we also talk about decentralisation and autonomy. We have given a homeland to the Mizos, and Nagas and to the Gorkhas. We have given a homeland to the various linguistic minorities. And today we are prepared to give a homeland to the Jharkhandis. The Kashmiris do ask me this, "The pandits went away. They can cross the Banihal tunnel. Where shall we go?"

The pandits were asked to leave, were encouraged to leave, were helped to leave, and they are in a sense being paid to stay out. Most of them are government servants and are getting their salaries without doing a spot of work. They were told "terrible things are going to happen in the valley. You should be out of the cross-fire". That is where the Kashmiri boils over. But he is still waiting for them with open arms. I have seen advertisements in the press by militants inviting the pandits to come back and promising them total security.

I feel very sorry that the Indian Muslims (non-Kashmiris) are not in a position to play any role in Kashmir. I wish they could. But they are helpless, every deviation from the norms of secularism south of the Banihal tunnel affects the mental prospective of the Kashmiri Muslim. He lives in a world of his own and does not share our concerns—for him the ruler of Delhi was the conqueror of Kashmir. An average Indian Muslim who takes pride in the glories of the Mughal empire does not share this perspective with the Kashmiri. Since Kashmir joined its destiny with us primarily for the sake of democracy and that of secularism - in democracy he feels cheated, in secularism he just looks across the Banihal and sees it going up in smoke. Every Ayodhya dispute, every Bhagalpur massacre, every Hashimpura killing naturally creates doubts in his mind and adds to his apprehension.

I think George Fernandes was appointed as minister for J&K affairs by the Prime Minister in a moment of absent-mindedness and having appointed him he has forgotten who is the minister for J&K affairs. In my view George's credibility has received a great shock all over the country. Nobody questions his bona fides. His sense of the occasion, his innate courage, his convictions, but here is a man who is a part of a government whose survival is at stake, he cannot force the issue and the government is sailing in two boats, or riding on two horses and always banking on the wrong horse and always pedalling the boat which is moving in the direction. Instead of the minister of J&K affairs having a veto over the governor of J&K, just the converse is true. How do you run a government like this?

There is no doubt that the long-term future of Kashmir still lies with India. But sometimes it occurs to me that we are going downhill very fast. In my view, the state of J & K was an accident of history. It has no inherent unity. The compulsions and aspirations of Jammu and Ladhakh are totally different from that of the

rest of the valley and if the country is not in a mood to give a very special status, let us limit it to the valley. Which will mean then that the state of J&K can be trifurcated. Jammu can broadly be part of a Vishal Himachal Pradesh or be a separate state. Ladakh can be a Union Territory. The problem then is limited to the valley, and finding out what will finally be acceptable to the people of the valley, short of independence.*

We as a nation cannot accept self-determination, and shall not concede independence to the valley, why can't Kashmir enjoy a degree of autonomy which its people can never hope to have in a Muslim Pakistan? In a Muslim Pakistan they will be absorbed. Their identity and ethnicity will not be respected. It must be noted that a very clear contradiction exists between what the people of the valley want, and what Pakistan wants. Pakistan wants territorial annexation of Kashmir with or without plebiscite. The people of Kashmir want self-determination, and they define self-determination today as independence. There was a time when the entire valley was bedecked with Pakistani flags; today they are nowhere to be seen, and therefore if we have something to offer to them which is much more than they can hope to get from across the border and if it finally goes into their head that given the international configuration of forces, independence to Kashmir is an impossible concept, then perhaps through a political dialogue one can set the limits of an agreement. But that calls for statesmanship. The day you abrogate Article 370, you would have cut off the last ray of hope, and the day you promise full autonomy short of independence- perhaps you can come to the negotiation table.

Shabana Azmi - Activist

The development in Kashmir should be a matter of extreme concern for all Indians. There can be no two opinions on the need to deal very firmly with the militants. People who murder innocents and spread communal hatred deserve no sympathy. But it is crucial to make a clear demarcation between the militants and the common people of Kashmir. The security forces should be directed exclusively towards the extremists and in no case should they be allowed to harass and harm the common man who has nothing to do with violence in the valley. The problem gets much worse when the security personnel go about their jobs in a ham-handed manner and treat everyone as a troublemaker. They do not discriminate between the actual culprits and the ordinary person. This is what is happening now in Kashmir. This should be stopped

immediately if the common man is to be won over and the problem of curbing militancy is handled with tact and maturity.

The government should also not succumb to pressure from the BJP which is demanding the immediate scrapping of the Article 370. If this is done then it will be like pouring petrol over a raging fire. This is hardly the time to scrap the Article.

What needs to be done, rather, is to speedup developmental activities and also to enlarge their scope. As regards the Pakistani threat off war to liberate Kashmir I think it is an empty boast. That country knows the heavy price that it is required to pay and I would like to believe that it will not actually embark upon any adventurist exercise.

Sahi Imam - Religious Leader

Today Kashmir is burning. It is in flames. Is it for this, for such a situation in Kashmir that we threw out the Congress government and toppled a repressive regime? Was the previous government ousted so that we would have riots in Ahmedabad, or clashes in Baroda and Kanpur? In fact we had thrown out the Congress government because our community was suffering, bleeding, innumerable communal clashes had taken place, several of our women had been widowed. Thousands of children made orphans and many of our young men killed. That is why we threw out the previous government. And we did it not through the strength of guns or bullets but on the strength of our integrity.

We did not change the government so that we should have such a mess in Kashmir. Or that Jagmohan, a heartless man who was responsible for the excesses against us during the Emergency be sent there, so that people could be killed, the bodies of our Kashmiri brothers be interned in that paradisaical land, house to house searches be conducted, our Hindu brothers be made to leave the valley and the Muslim population discredited. Was it for such inhumanity that we issued an appeal to the people to vote for change of government and a new regime.

We urge Raja Saab not to leave the problem of Kashmir in Jagmohan's hands. Let V P Singh create a congenial atmosphere and talk to the people who are called terrorists. Otherwise Kashmir will continue to burn and country continue to simmer. I don't think the Kashmir issue has been dealt with from a national perspective.

We like V. P. Singh. We wish him well. We would like his image to improve. We are ready to applaud every good step that he takes just as we will criticise every wrong move of his.

We made him Prime Minister. As a sincere and sympathetic friend we will keenly monitor each and every action and activity of his. If we keep quiet, it would not be fair on him. We want the Raja Saab to increase his strength and see that the strength of the communal forces decreases.

V. P. Singh has promised us certain things in manifesto. He is tackling big and serious problems. Does he not have time to implement these promises ? Please find some time. It must be remembered that elections do not come just once. It is possible that when Raja Saab faces the people again he will have to answer them when they ask him which promises he has fulfilled. If all he has to show is Kashmir, Kanpur, Ahmedabad and Baroda, then he must realise that it would be the last time he is occupying this chair. But there is still time.

The Janata Dal/National Front had assured us through their manifesto that they would ensure that communal riots did not occur and that strict measures would be taken against those fomenting such clashes. Why then have there been clashes in Ahmedabad, Kanpur or Baroda ? Can't the government put a stop to them ?

Let not people think that we Muslims are weak. We know how to die. But we also know how to kill. In Kanpur, the Vishwa Hindu Parishad, the Bajrang Dal and the Bharatiya Janata Party - they are one and the same- came out with swords and trishuls. But we did not bring out daggers against these swords or wield trishuls against trishuls. Does Raja Saab want us also to bring trishuls? If this happens, there will be a confrontation. Is he prepared for it.

When the parliamentary elections took place, Muslims were not given adequate ticket representation. We were told justice would be done in the assembly elections. Where was this justice? There were elections to the Rajya Sabha and the state councils. Has justice been done to us there? How many Muslims were given tickets in the Gujarat or Bihar assembly? Perhaps Raja Saab does not know that there is no Muslim MLA in Gujarat. The question of a Muslim Minister does not arise.

No doubt, every man makes a mistake. Even I made a mistake when I asked him for one seat for the Rajya Sabha. There was a propaganda against it. What is at issue here is not the policy of

ticket distribution but the question of giving adequate representation to the Muslims of the country in proportion to their numbers.

I did not think that I would have used such strong words against the V P Singh's government. But then I do not spare my children also when they make a mistake. I cannot say a thing is right if it is wrong or describe a wrong thing as right. It is a harsh truth that VP Singh is standing on crutches and that he is being pushed from behind and he is being forced to take action suggested by them.

My appeal to him is to put these crutches aside. Let there be a mid-term poll if necessary. Let him break the crutches of communalism on which he is leaning to govern the country. We don't want a government which leans on such crutches. Did these communalists - whether they are the BJP, the VHP or the Bajrang Dal - not take out a demonstration in Kanpur. Did they not rise slogans against Muslims and Islam? Did they not prod from behind to force the Raja to send Jagmohan to Kashmir? V P Singh must beware of this crutches which push him from behind and compel him to take wrong steps. If he has to govern this country with such props we suggest that he give up this government which requires crutches for survival. We don't want a government with props.

Amjad Ali Khan - Musician

Even though my forefathers hail from Afghanistan, I have a special attachment to Kashmir because the instrument which I play, the Sarod, is a descendent of the Rhabab, popular in that state and in the central Asian region. I am extremely pained to hear of all the bloodshed and violence in Kashmir. People used to go there in search of peace, harmony and beauty, but now it has become a hotbed of hatred and fanaticism.

I fail to understand how the Kashmiris can expect to solve their problems as an independent entity outside of the Indian Union or as a part of Pakistan. They are part of the Indian family and it should be possible to remove their grievances democratically and as a part of national effort. If they think that Pakistan genuinely has their welfare at heart, then they should only recall that country's record in protecting civil liberties. The whole world knows how brutally Islamabad treated fellow Muslims in erstwhile East Pakistan.

What is really happening is that some maulvis and their political masters are fanning the flames of fanaticism and using the people for their own purposes. This priestly class does not have the welfare of the people at heart, it never had, for that matter. All religions and their prophets speak the language of love and humanity. But, these priests teach the very antithesis of this.

I am a Muslim myself but I have no difficulty in playing Indian classical music which shows the deep influence of Hinduism. I am able to do this because music speaks the language that religion teaches us.

Saifuddin Choudhury - Marxist

I strongly object to the idea of speaking as a Muslim on the Kashmir issue. I do not consider myself as a Muslim leader. I don't think we have a 'Hindu' or a 'Muslim' leader in our country. We get our votes from different kinds of people. It cuts across religious lines. If we reduce the Kashmir issue to a Hindu-Muslim question, or a viewpoint, we deliberately and consciously blur the idea of secularism in this country.

In Kashmir, we find that the killings which take place are indiscriminate. If people are being killed here it is not because they are Hindus or Muslims, but because they are pro-India. No pro-India person can remain there if not properly organised and protected. Due to the absence of this many have left the valley.

There are two aspects to this. There was growing suspicion over majority communalism which demanded a Hindu Rashtra and a kind of aggressive attitude the fundamentalists were taking in the new situation. Muslim fundamentalists are equally responsible for the aggravation of the situation and emboldening Hindu fundamentalism. They have also taken aggressive postures. It is in this context I dare to say that if Pakistan and Muslim fundamentalists were taking Muslims away from India, the BJP and Shiv Sena were taking Hindus away from Kashmir.

What the Muslim fundamentalists are doing is nothing but foolish and suicidal. What Pakistan backed by imperialist forces is doing with regard to Kashmir is bound to recoil on them very heavily. In case of a war, hysteria for which Pakistan is creating and India as a big country is trying to avoid, Pakistan will be trounced as before. But that will claim a lot of lives and blood and the whole of the region will become rife with animosity and tension.

Even if Pakistan's or the Islamic fundamentalists' encouragement of secessionism is viewed on the grounds of religion, there are more people of that religion in other parts of India. What will happen to them? In fact, the Islamic fundamentalists are helping Hindu fundamentalism to sway the majority population of the country.

How does one then tackle the problem in Kashmir? Certainly not by looking at it through Hindu or Muslim eyes. That would only exacerbate it further. There are two sets of action that need to be taken to meet the situation. First, a tough line is required against those indulging in killings and going around with guns. The government has to come down heavily on them. Along with this it is necessary to take measures which address themselves to the masses like relaxing curfew and helping ease their hardships, generating employment and encouraging investment or development in the state. Political parties and forces need to organise themselves well at the grass-roots level to face this challenge of secessionism and militarism in the state. This, however, is not taking place. There is a political vacuum which needs to be urgently filled through interaction with the people.

A M Khusro - Academician

The current focus of the Kashmir policy is on short-term measures to contain and to eliminate insurgency, subversion, terrorism, extremism and fanaticism and to establish law and order without being clear about long-term objectives. But the long-term objectives of crucial importance and short-term policy measures have to work towards fulfilment of long-term objectives. The result of neglecting or being unclear about the long-term objectives is that short-term measures are becoming the enemies of long-term goals, long-term goals are receding, the policy is becoming muddled and counter-productive and people in Kashmir sympathetic to the long-term settlement, are unnecessarily being pushed into opposing them. Communities hitherto considered to be soft and meek are becoming tough and resistant, and pro-Indian elements are becoming needlessly anti-Indian.

The current emphasis on fire-fighting measures lead to a pre-occupation with such secondary issues as: whether governor should or should not be changed. Whether the Durbar should or should not shift from Jammu to Srinagar. Whether medical supplies are enough and whether property in Kashmir should or should not be owned by people other than Kashmiris. It also raises such basic

questions as whether Dr. Rubaiya Sayeed, Prof Mushir-ul-Haq, HL Khera and Abdul Ghani should or should not be sacrificed in resisting or non-resisting the demands of the terrorists. It leaves to administration for the sake of administration and to administration totally devoid of politics, when the issues are really and purely of a political nature. Hundreds of such short-run issues can multiply and administration and policy can tie itself into knots and become either self-contradictory or impotent or both unless sights are lifted and focussed on long-term objectives.

But what are the long-term goals towards the achievement of which both the long-term and short-term policies should move?

The basic cause of the recent turn-about in Kashmiri opinion must be attributed to a terrible mishandling of Kashmir affairs by the Central Government and the party in power at the Centre from 1983 onwards. This fact is not mentioned openly these days but in truth provides the real basis for understanding the Kashmir problem. The elections of the 1983 were perhaps rigged to a considerable extent. The Kashmiris noted it and hated the phenomenon. To top it all, it is alleged that some members of the assembly were brought over and provided berths in the state cabinet. A chief minister and a government was installed which the Kashmiris saw as a stooge of the Centre. Here what matters is not so much the fact, but the feeling, and the feeling was perhaps based on facts. The Kashmiris utterly disliked that the government which they perceived to be illegitimate and they also began to hate the party at the Centre that brought it about.

Then came another state election after which a coalition again perceived to be illegitimate, was set up with the same person who had caused the previous muddles. The Kashmiris began to believe with conviction that they were not being allowed to govern their state. The Maharashtrians and Biharis can govern themselves, it was felt, but the Kashmiris cannot.

This bitter unhappiness over politics led on the one hand to separatist tendencies and on the other to the emergence of terrorism and insurgency. The development perhaps suited the Pakistani regime which was going through a phase in which, in order to survive, it was essential to raise the Kashmir issue. But the clear reason for Kashmiri antagonism is a total dissatisfaction with interference and intervention in Kashmiris freedom to govern itself.

It follows that the clear objective of the Kashmir policy in India has to be to generate among the Kashmiris a strong feeling that they will be able to govern themselves without let or hindrance. The generation of such a feeling is a clue to all long-term and short-term policies regarding Kashmir. From the prime minister downwards through important policy makers, strong signals must go: (a) regretting the interventions and interferences in the past; (b) announcing with clarity that the Kashmiris, as anyone else, in this country, will be allowed to govern themselves as they desire, (c) announcing that free and fair elections will be held soon, (d) stating, and quickly implementing the statement that in all the central organisation in Kashmir and government establishments like All India Radio and Doordarshan, the same proportion of Kashmiris can obtain jobs, as say, Biharis in Bihar and Maharashtrians in Maharashtra; (e) assuring that training programmes will be launched to train people from the valley within a year or so to obtain jobs, big and small in the rest of India in central public and private sector establishments; and (f) proclaiming that in the healthy traditions of the valley, the Kashmiri pandits will be encouraged to return to their homes and hearths and a spirit of tolerance and brotherhood will be fostered.

The Kashmir problem is solvable but can be solved not by mere fire-fighting measures but by a casual analysis of the malaise and developing a vision about the future of Kashmir in a free, democratic Indian society.

M J Akbar - Politician

If you talk to, or listen to anyone in this government or, perhaps more important to its rather anxious allies, you would tend to get the impression that the Kashmir problem did not exist before the arrival of Rajiv Gandhi on to the Indian political scene. Mention Kashmir you will get a standard parrot-like a reply: "Rajiv Gandhi is responsible." When the people say that the Kashmir problem is much older than this government they are, of course, a hundred per cent right. But it is absolutely critical to our understanding to realise that the Kashmir problem is exactly as old as modern India. The Kashmir problem, in every manifestation or dimension - as a secessionist movement and as a movement supported by Pakistan - has existed since 1947. It is not something which has suddenly descended on Viswanath Pratap Singh. Every prime minister has had to face it. Every prime minister had to find

short-term answers to volatile situation on the ground even as the long-term battle continues.

Today Pakistan is only abetting terrorists from camps on territory under its control - in 1947 and 1965 it was direct, open and declared involvement. But what then is the difference between the situation at it existed for 40 years and in the way in which it has evolved over the last 5 months?

The difference is between the secessionists and the ordinary people. Just today comes the news that Mohammad Din has been shot dead. It is said that no one remembers Mohammad Din. Nobody in parliament even thought of mentioning his name. He was the first one to come and tell the Indian forces of the arrival of the Pakistani troops in 1965. He was a Kashmiri who was genuinely committed to India; he was the kind of Kashmir who fought bravely against Pakistan in 1947 and 1965. The daily message, incidentally, now coming from Kashmir over the last five months is this, that no Indian is safe in the valley whether that Indian be called Lassa Kaul or Mohammad Din or Mir Mustafa.

The qualitative change that has taken place in Kashmir with the arrival of the National Front government is that for the first time in four decades the policy enunciated by Jawahar Lal Nehru for Kashmir has been subverted. This basic Jawaharlal model for Kashmir was maintained even by the Janata Party government in 1977 despite the pressures from the Jan Sangh elements within the party. Both Morarji Desai and Sheikh Abdulla stuck to it. In fact, what is happening today could have happened in 1977 if Morarji Desai and Sheikh Sahab had not been both careful and wise.

The policy was that Kashmir, like the rest of India, can be run only by a deep adherence. The government of Viswanath Pratap Singh has thrown both these principles overboard in its Kashmir policy. The first, secularism, has been destroyed by handing over the key elements of decision-making to the openly communal party called BJP.

The evidence that the BJP is the real power behind the V P Singh throne is growing every day. The latest is the admission by George Fernandes that when the government was deciding what to do about the kidnapping of Khera and Professor Mushir-*ul*-Haq, he (George) was forced to phone Atal Behari Vajpayee in Calcutta to check what the BJP wanted. The masters of this government gave simple order 'Do not negotiate'. And they dropped negotiations. The BJP gave the orders and George Fernandes obeyed.

This surrender of Kashmir problem to an avowedly communal party like the BJP which has made the abolition of Article 370 its key demand, had an inevitable fallout on the mood of the people. This was compounded by the manner in which Delhi dealt with the Farooq Abdulla government. By imposing Jagmohan it destroyed all principles of federalism.

On the subject of governors, it is necessary to look at the example of a leader like Jyoti Basu. Why does Jyoti Basu refused to accept just anybody as governor of West Bengal? Not because he has any personal animosity towards anybody in particular, but because Jyoti Basu is committed to protecting the principle of federalism.

Farooq Abdulla asked for the same thing but this government refused. That was a very costly error made in an atmosphere of panic. And Delhi panicked because in the very first test to which it was put - the kidnapping of Dr. Rubaiya Sayeed - it betrayed a weakness. It displayed the kind of weak-kneed capitulation which damaged both its own credibility and Kashmir in very major way.

What actually happened in the Rubaiya kidnap? That episode was more than just another kidnapping. It was essentially, the first salvo in a psychological battle. The terrorists were checking out the nerve of this government. The moment they discovered that Delhi was willing to surrender, they received a tremendous impetus.

In fact, those were also the days where V P Singh was hugging and kissing Simranjit Singh Maan. The signals that were emanating at that time were an open invitation to all secessionists and neo-secessionists. We witnessed surrender in Kashmir and appeasement in Punjab. And when there was a public outcry, the VP Singh government somersaulted in the other direction. Suddenly, they wanted a 'tough' image. Kashmir was selected for the image switch. And so Mr. Tough, Jagmohan, was imposed by the Centre.

Delhi after surrendering before terrorists began terrorising innocents, and then, Jagmohan arbitrarily destroyed the elected government of Kashmir and later on went to the extent of actually dissolving the assembly. Today, the home minister and prime minister actually tried to absolve themselves of responsibility for the dissolution of the assembly saying that Jagmohan did it without consulting Delhi. This is either a lie or a pathetic escape from responsibility. It is a combination of these measures and the destruction of the two principles of secularism and federalism, plus

wavering governance, misunderstanding and mismanagement that suddenly created a situation in which the terrorists and secessionists began to feel that they could mobilise the people on their side, which has never happened before. Excesses brought popular anger to a boiling point and now we have had five months of curfew.

Kashmir has had many ups and downs in four decades. The year 1947 was a great up: that year, under the inspiring leadership of Sheikh Abdullah, the people stood with the Indian army and drove off the raiders. The year 1953 was a down, when Sheikh saheb was arrested. Then 1965 was another great up, when the people of Kashmir once again stood behind the Indian army and once again repelled the raiders from Pakistan.

The Kashmiri people have displayed their nationalism like very few people in India have. They have stood the test of time. The year 1975 was the greatest up possible; it was the year of Mrs. Gandhi's accord with Sheikh Abdullah which was perhaps the greatest achievement. From that emerged an unprecedented amity and movement towards the integration of the Kashmiri people with the national mainstream. But the 1980s saw the growth of terrorism and secessionism in Punjab and this had to have a carry-over effect in Kashmir. But never, never until this government came to power was there ever mass participation.

Whatever his other faults may have been Farooq Abdullah was a powerful voice for India in the valley; he mobilised the people behind the tricolour. Now, suddenly, even the home minister of India discovers Farooq Abdullah to have been patriotic which is a belated recognition of virtue after having landed the country in such a mess. If Farooq had these virtues, then why did you destroy the one voice that was fighting powerfully for India?

The current establishment is also engaged in denigrating the 1987 elections. Do you realise what happened in the 1987 elections? For the first time in our democratic history the two sides that were ranged against each other represented crystal-clear positions. On one side the forces of democracy and secularism and on the other was the Muslim United Front- fundamentalists who were arguing for the theocratic state. It was a straight contest and the forces of democracy and secularism won. They did not win by rigging, but because the people of Kashmir elected them. The charge of rigging in any case never went beyond four or five constituencies, that's all, and in Srinagar.

It is perhaps pertinent to ask, in this context, that if rigging alone can cause secessionism why isn't there a secessionist movement in Meham today? Why isn't there a secessionist movement in those places in Bihar where criminals have openly rigged the elections on behalf of the Janata Dal and won? Let us not fall into the trap of simplistic answers. The real message of the 1987 election, unfortunately, is being deliberately clouded. A fundamentalist coalition was defeated in a straight contest by the forces of secularism and democracy.

The situation has deteriorated in Kashmir due to mismanagement and misunderstanding. But the greatest reason is the BJP hand. The BJP had decided that it needs Kashmir as an issue on which it can generate a momentum for itself in the rest of the country. The BJP wants to make Article 370 and war with Pakistan into issues which can create the environment for its next leap forward in electoral terms. And it has sent its nominee, Jagmohan, to do so while it chokes that the voices of any challenge to its views in Delhi.

But the leaders of the BJP should remember just one thing—India is far bigger than the BJP.

Rasheeduddin Khan - Academician

The crisis in Kashmir is basically the crisis of national integration, made more complicated by externally induced subversion. Factors contributing to this crisis can be identified both in the accumulated domestic defaults and continuous manipulation by Pakistan and Pakistan-based agencies and groups that have become a stable establishment of destabilisation in the valley.

National integration is anyhow a slow process in a plural society of India's diversity and continental size. Of the three major engines of building a new identity, namely political democracy, planned development and national integration, the process of national integration has been the slowest and beset with innumerable problems. And for this many reasons, which have been different in different regions. Given the peculiar insularity of the Kashmiri Muslim mind and psyche, which does not find full identification even with the mainstream Indian Muslims, the problem has always been a shade more intractable.

An inadequacy of socio-economic transformation have made the task of integration more difficult. A disgruntled populace does not provide the material for integration. And if this is accom-

panied by a real or imaginary fear of losing their specific socio-cultural and religious identity due to neglect, mismanagement and exploitation - subtle or blatant- then the problem acquires greater complexity.

To take honest stock of the situation, there have been misperceptions in policy and its operation, on the part of the central government, in different phases. There have been manifest inefficiencies, corruption and ineffectiveness of the successive state administrations. There has been palpable lack of enthusiasm and absence of deeper involvement and commitment of the relevant political segments of the Kashmiri people in taking advantage of the democratic process for redressing their grievances, articulating their demands and in exercising corrective vigilance against functionaries.

With the wisdom of hindsight it can now be realised that the long incarceration of the only tall leader, Sheikh Abdullah, for controversial and dubious political reasons, was probably the first major case of misperception by the Centre. But anyhow, even if the reasons are valid, it did contribute to the split and weakening of the National Conference, which created a vacuum that was never effectively filled by the credible political alternative. The decline and eclipse of the original National Conference, imbued as it was with idealism to serve the people and change their miserable lot, and which exhibited time and again in the struggle for freedom its patriotic zeal for a united India and for secular democratic orientation, resulted in a situation in which political opportunism, sycophancy of the Delhi durbar and power-and-patronage inclined politics attracted the aspirants in the political field. A major portion of the blame for this must lie at the door of the Congress leadership at the Centre, who sought to transform an autonomous political formation like the National Conference, into a subordinate ally and a camp follower. Short-term gains were achieved by compromising on long-term national objectives.

In this atmosphere, it was widely known for years that massive central aid and subsidy, instead of percolating down to the people for generating development and change, got deflected into the coffers of the unholy alliance of the politician, the contractor and the bureaucrat. As a result, a parasitic middle class emerged, becoming the incidental beneficiary of the Indian dole.

While no one should minimise the failure on the domestic front which indeed created opportunities for the interested exter-

nal elements in playing their own game, no one should also overlook or underestimate the rather continuous existence of the Pakistan connection, which like a vicious ghost haunts the valley of Kashmir.

Indeed the crises today —the crisis of integration of Kashmir is very much due to the massive support, part clandestine part open, provided by the Pakistani connection.

It is not fortuitous that the end of Pakistan's misadventure in Afghanistan last year —with its package deal of a fake call for Islamic solidarity, supply of American acquired weaponry and financial aid together with a generous portion of the hashish trade—has synchronised this year in the valley with the added malevolent vigour shown in Pakistan's latest indulgence in the Kashmir affair. Religious communalism (call it fundamentalism if you please), terrorism and subversion have been harnessed in Kashmir today, in a measure that has shaken the foundations of our national integration.

In this dismal scenario, the rise, spread and increasing appeal of militant Hindu chauvinism, spearheaded most virulently by the VHP, Shiv Sena and RSS, and coordinated skilfully by the politically shrewd and well-organised BJP, provides a reference-point for the sustenance of minority communalism both in Kashmir and Punjab.

In this background then, what is to be done to salvage the situation? What should be an effective policy?

1. Despite our righteous indignation against Pakistan, nothing would be gained by military confrontation or war, as the experience of the past conclusively proves. It could further complicate matters, apart from involving loss of life, destruction of property, with disastrous dislocation of our developmental activity. The situation this time is more than merely an Indo-Pak tussle. In fact, it is a people's revolt, even if encouraged by others.

2. All diplomatic efforts, including our leverage both with the Soviet Union and United Nations and with NAM members especially the Arabs (most of who are not anti-Indians), should be utilised to check and stop Pakistan's covert and overt interference in the valley.

3. The creation of the post of minister for Kashmir affairs has been a right decision, and George Fernandes's silent and patient work, from all accounts is already revealing a healing touch and

hesitant, timid, but positive response from some elements. This process should be encouraged in order to shift the focus from the law and order approach marked by ruthless suppression and over-reaction by the terrified administration, to systematic political dialogue and negotiation.

4. A national consensus of major parties is urgently called for to jointly initiate political moves to win over the disgruntled and misguided people and bring them back to the path of democratic secular federal nation-building.

5. Plans for reconstruction of the economy and rehabilitation of people in Kashmir should be worked out in a time-bound framework.

6. As the major power in the South Asian region, India must play a more creative role both in pursuing the goals of regional cooperation as envisaged in the SAARC documents, and in taking initiatives for the eventual formation of a Indo-Pak confederal arrangement.

Dr. Rahi Masoom Raza - Writer

The people of India and the government in Delhi should make it loud and clear to all concerned, that Jammu and Kashmir is an integral part of this country and will continue to remain so. The national integrity of India is not negotiable and cannot be made a subject matter of bargain and that its sovereignty is indivisible. Under no circumstance should the demand for the so-called self-determination be conceded to the Kashmiris or to any other group of people be conceded.

I feel that the Kashmir problem would not have arisen at all in the first place had the Indian government under the leadership of Pandit Nehru not referred it to the United Nations. It was a Himalayan blunder. India had yet another golden opportunity to solve this problem on a permanent basis in 1971. Our government should have utilised this chance to liberate Pakistan Occupied Kashmir and integrated it with J & K. This opportunity was also missed.

As far as the Pakistani dimension is concerned, I am of the firm opinion that there can be no talk with that country so long as Islamabad does not stop its aggression in so-called Azad Kashmir. I, however, feel that this is not the appropriate time to scrap Article 370. It should be scrapped only after the liberation of POK.

As for a war with Pakistan, I think it will not be in the interest of the people of both the countries. But since the money-order economy of Pakistan is already doddering and since a hate-India policy is the only way for a government to survive in Islamabad, we should be prepared for the worst. All this is sad as there is much in common between the people of the two nations and they have been divided politically, not culturally.

Shahid Siddiqui - Editor

How are the Muslims in India reacting to the current situation in the Kashmir valley? This is a very important and crucial question for the future of India's secularism and unity. The future of secular India is directly linked today with the future of Kashmir. I believe that for the survival of secular India, Kashmir must remain an integral part of India, at the same time to keep Kashmir with us we have to strive towards a genuinely secular society in our country. Happenings in Moradabad, Ahmedabad, Meerut and Bhagalpur have shaken the faith of the Kashmiri Muslims in Indian secularism and the political system more than anything else. Kashmiris rejected Jinnah and embraced Gandhi and Nehru for two reasons. They wanted to be a part of a secular and democratic India. Their traditions, culture and ethos could not allow them to associate with Jinnah's feudal and theocratic Pakistan. Unfortunately, in the last 40 years, we could neither give them genuine democracy nor could we build a secular society and State of India.

There is no doubt that Muslims in other parts of the country sympathise with the Muslims of Kashmir. They also believe that the people in the valley have been given a raw deal in the last 40 years. Their genuine cultural, social, economic and political aspirations have been crushed in the name of curbing the pro-Pakistan elements. It is true that there has always been a pro-Pakistan section among the people and politicians of Kashmir, but various corrupt governments in Kashmir and the attitude of ultra-nationalists in India are also responsible for pushing a very large section of the Kashmiri people into the hold of anti-Indian elements in the last 40 years. However, the silver lining today is that by and large Indian Muslims do not sympathise with those who want to secede from India.

Muslim ulema and general Muslim masses are against using strongarm administrative measures to crush the present mass movement in Kashmir. Muslims believe that the Kashmiris have been denied their socio-economic rights and a share in power for

too long. One after the other chief ministers have been imposed on Kashmir from the Centre, elections have been rigged, popular leaders have been humiliated and pushed into toeing the line of the Centre. In spite of this sympathetic understanding of the grievances of the Kashmiri people, Indian Muslims are clear in their mind that Kashmir has to remain a part of India, whatever may be the price. Muslims in villages and mohallas, are aware of the consequences of the breaking away of Kashmir from India. They are not ready to pay this price with their bold once again as they had to do for the follies of their leaders in 1947. This may sound a negative argument to some but it is a reality which semi educated and uneducated Muslims understand more than some of the so-called intellectuals.

Some Kashmiri Muslims argue that the people in Kashmir cannot be held hostage to Indian secularism. Denial of their freedom cannot be a guarantee for the survival of Muslims in India. They say that they should not be expected to sacrifice their freedom for the sake of Indian Muslims. They argue that while the Kashmiri Muslims have an opportunity to get out of India, Indian Muslims had a choice in 1947 and they chose to secular, democratic India. It is a false notion that the Kashmiris have no option but to remain in India, whether they realise it today or meaningless bloodshed in the valley and the sub-continent. Any reorganisation in the sub-continent will now lead to terrible consequences for all. Neither will the Kashmiris benefit nor would it be in the interest of Pakistan.

Kashmir is a national problem and not a communal problem. Both Hindus and Muslims are suffering there. Therefore, to turn Kashmir into a communal issue would be playing into the hands of enemies of our unity.

MISTRUST BEHIND J & K TERRORISM : FAROOQ

M D NALAPAT

The institute of naturopathy and yogic science on the outskirts of Bangalore exercises a strange fascination for politicians, who probably find its rigid dietary rules and relative prohibition of visitors a welcome relief from the freestyled 'akhara' that Indian politics has become.

The latest to immerse himself within its walls for a fortnight's stay is the former chief minister of Jammu and Kashmir, Dr. Farooq Abdullah. Although initially reluctant to publicly air any views about his troubled state, he finally relented to go on the record in an exclusive 80-minute interview to "The Times of India" News Service.

Why has terrorism taken such deep root in Kashmir ?

For three reasons. The first cause is the mistrust that Delhi has for the people of Kashmir, even though these very people freely acceded to India in 1947. This mistrust resulted in a series of rigged elections in the State. Do you know that there was, for instance, a divisional commissioner named Kaliq, who rigged election so effectively that many legislators were called "Khaliq MLAs" ? Are you aware that in many elections candidates who secured a lower number of votes than others were nevertheless declared by officials acting at the behest of Delhi? That in so many elections, because of illegal voiding of nominations, dozens of candidates were declared elected "unopposed" in election after election ?

But you too have been accused of rigging elections, in 1986 for instance.

I can only laugh when those people who rigged elections for years some of whom are in power even now accuse me of rigging. I once asked (home minister) Mufti how many seats we were supposed to have rigged? Five? Ten? Even if they were taken away, we would still have had a two-third majority, and yet the assembly was dissolved behind the back of the prime minister Mr. VP Singh.

Why is it that when Kashmiris, demand the same rights, the same freedoms, that are enjoyed by other Indian states, they are condemned as "anti-national" and their elected government toppled, as happened in 1983 ?

What happened in 1983 ?

My MLAs were purchased, some for Rs. 5 lakhs, some for Rs. 10 lakhs, and I lost majority. This toppling operation was openly done by individuals who are today waxing eloquent on morals and values.

Unless the people of Kashmir are allowed to exercise their democratic right to elect a government of their choice, there will always be resentment, there will always be a feeling that we are treated differently from other Indians.

What is the second reason you adduce for terrorism in Kashmir?

Economic stagnation, the economy of my state depends heavily on tourism, on industry that functions only for four months in a year. In these four months our people have to make enough to carry them through the eight lean months. And if tourism is affected - as it is now - because of geographical reasons, then heaven help us.

But what about the massive Central investment in Kashmir?

Massive ! Do you know how backward our infrastructure is when compared with other states ? Despite so many rivers, our power generation is below 250 MW. There is virtually no industry. There is no railway line for the valley, why, even so important a link as the bridge over the Tawi at Jammu was a mere single-lane bridge till it got doubled in the 1970.

Tell me, how many Kashmiris have jobs outside the state? How many have been selected for the IAS and the IPS? No, forget that how many have been selected as clerks in the Central secretariat? Almost nobody. That is how backward we are after 43 years after freedom.

But what about Central grants?

Do you know that Kashmir is one of the nine poorest states in India? and that while for the other eight states, 90 per cent of the money came as grant and only ten per cent as a loan, for Kashmir only 30 per cent of the money was a grant? We have to pay heavy interest on the remaining 70 per cent that is given, with the result that almost nothing is left over for development. And this is despite the fact that the topography of the state makes it much more costly to develop infrastructure.

If laying a kilometre of road costs Rs.100,000 in Karnataka, it costs 3 lakhs and more to construct in my state.

In Kashmir, we made education free in both the schools as well as the colleges and universities. But because of the lack of employment opportunities, every year tens of thousands of unemployed graduates are coming out. Many of them are turning to terrorism out of frustration.

And the third reason for terrorism in State ?

Pakistan. It is no secret that our boys go across the border even up to Afghanistan, get trained in handling bombs and weapons, then infiltrate back.

We in India have a fine army. But despite this we have not been able to seal the border with Pakistan. Unless this is done, the country's assistance to terrorists will continue.

There were reports that George Fernandes, when he was minister for Kashmir Affairs, was negotiating with some terrorist groups.

Yes he was. And good for him. We must start negotiations with some of the terrorist groups, because not all of them are pro-Pakistan. Many people have turned to terrorism because they feel wronged by the government.

Even your government ?

Yes, even my government. Perhaps even my government too went wrong in certain ways.

One of them was surely the release of five terrorists in exchange for Rubaiya Sayeed ?

That was not my doing. The abduction of Rubaiya was such an anti-Islamic act that even the Muslim countries condemned it. In fact, we had definite information that the kidnappers were ready to release her unconditionally.

Then why were the terrorists released?

It was one of the biggest mistakes ever made in Kashmir, and the instructions came straight from the Central government. It was

not on my initiative at all, and there is recorded evidence to prove this.

What about Jagmohan?

It was because he was again appointed that I quit. A known anti-Muslim was appointed the governor of a Muslim-majority state. What better example of Central insensitivity to Kashmir proclivities do you need.

But there are those who say that he was effective in checking terrorism?

Look, so long as you don't realise that there can never be a substitute for the vote, the Kashmir problem will continue. Jagmohan introduced, I am sorry to say, a reign of terror in the valley. Innocent people were shot dead, women were molested. It is because of him that the Kashmiri youth are at present alienated from the rest of India.

Why did you have an alliance with Congress in 1986?

Because I felt that as we are a small state, we have no future unless we have the support of the party that rules at the Centre. That unless I was friendly to that party, we would not be given the means we needed for development.

And I must admit that though there were individuals who did not abide by the spirit of the Congress and National Conference alliance - I will not name them as some are in power even today - and tried to sabotage it, the Congress president, Mr. Rajiv Gandhi, always played a constructive role. Even today he is ready to help in any step that can bring back peace in the state.

I would like to emphasize here that events in the rest of India have their impact on Kashmir. For example I had a lot of problems controlling passions when there were anti-Muslim riots in Moradabad.

I am, therefore, very worried about the effect of the Ram Janmabhoomi-Babri Masjid controversy. It should not be allowed to affect Hindu-Muslim unit.

How can this be done?

By both sides agreeing to abide by the verdict of the court. This is the only sensible solution. Look, Kashmiris are not a communal people. During the Pakistani invasions, Hindu deities were removed from temples and kept in the homes of Muslims for protection. We have a long tradition of tolerance. It is not impossible to restore peace in our state.

What are you doing towards this goal ?

I am in touch with the Prime Minister, who I know is very keen on a settlement. It would be premature to disclose the details. But I can say there is reason for hope.

Inshalla !

Courtesy : Times of India 5-8-90

JAGMOHAN

'I had not gone to Kashmir to get a certificate of popularity'

Wherever he is, Jagmohan is news. Ever since his meteoric rise from the Delhi Development Authority's stewardship, he has never looked back. He was the natural choice for Srinagar Raj Bhawan, when insurgency broke out in Kashmir last December for he had established an awesome reputation as the state's governor during his earlier stint there. But the choice was controversial, as were his methods of dealing with the uprising. His detractors gunned for him from day one. They finally got him after Black Monday (May 21) when the CRPF ran amuck on the Mirwaiz's funeral procession. An unrepentant, but bitter Jagmohan, present his case to Chandan Mitra. Excerpts :

What do you attribute your dismissal to ?

It was the result of the disinformation campaign launched against me. Take for example, the so-called interview published by a weekly. In that they wrote I had said "Every Kashmiri Muslim is a militant ." or some such thing. But no body from that weekly had ever met me. In fact, I did not even know which weekly people were talking about till I came to Delhi. Yet, people got up and shouted in Parliament. A letter was written to President saying Jagmohan is communal. All these years they said I was a capable executive. They all praised my record in Kashmir earlier. All those years I was secular. Suddenly I have become communal, Is it?

But you can't escape the responsibility for what happened in Srinagar on May 21, can you?

Tell me, how can you hold the Governor responsible for that? Yes, the Mirwaiz was attacked in his home and he unfortunately died. Then they came, took away his body and started a procession. The additional director-general of police, Sabharwal who was sup-

posed to be there, virtually ran away. The whole thing happened within an hour. The mob attacked the CRPF, the CRPF reacted. Tell me, how is the Governor responsible?

But wasn't it your moral responsibility ?

Even before an enquiry is conducted? I needed to know the exact details from the policemen on the spot, their seniors, before coming to any conclusion. But everybody got up in Parliament and started shouting. How unfair ! After I had done so much for Kashmir, having virtually brought it back from a point of absolute no-return to have this kind of thing done to you... it leaves a very bad taste.

Do you think your critics were waiting for an opportunity to get rid of you?

Well, I don't know. That is for you to assess. But whatever it is, it is very unjust. I brought things back on rails. The system had begun to function again. No body had the courage to ban the Jamaat earlier. I did it. I stopped the *madarsas*.

Your methods have been described as unnecessarily harsh....

Take the case of this six-day curfew which I had imposed and which has been criticised so much. But what were the options? People have been kidnapped, they have been killed. I had to find out the culprits. Do house-to-house searches. During those days, a large number of terrorists were arrested from their hideouts because they could not escape. Large quantities of arms were seized. I had no other option. But in the end, the terrorists were badly demoralised. Consequently, most of the terrorist killing cases were solved. The entire pattern of the conspiracy was revealed and we could plan our future strategy accordingly. People do not realise how many innocent lives I have saved by taking such firm action.

Do you seriously believe that these methods were yielding results? If so, why so much criticism ?

Everybody went by so-and-so saw this, 'so-and-so said this'. No body went by facts. All disinformation. They attributed all kinds of orders to me. I say show me those orders I am supposed to have issued. Those people who did nothing about the deteriorating situation, those deserted their assignments they are now trying to run things by planting stories in the press. I ask you, do you want the country to be run through planted stories? That is why I say let there be an inquiry by Supreme Court Judges, let them find

out the roots of this terrorism, how it spread, who were its god-fathers.

How did terrorism spread?

For so many small things, they are doing audits. Let there be an audit of the previous government's financial record. How much money came, how much was spent and on what? After all it was tax payer's money which was being spent. People do not realise the extent of corruption there was. They also do not realise the connection between corruption and subversion. Obviously people who have amassed huge wealth will always dole out some money for subversion, otherwise they will be in trouble. Why not have a CBI inquiry into all these. I have cited specific cases.

You are repeatedly alleging that stories were deliberately planted against you. Who do you suspect was behind all this?

I have an idea but, frankly I don't want to go into it. *Aur controversy badhegi* (The controversy will increase). Anyway, that is not my job to find out. Look, I did not want the job. I was approached and I accepted it in the national interest. I did not take any salary. I thought things are bad and if I can help, I must do so.

How much longer would you have needed accomplish your mission?

Well, I think in one or two months the back of terrorism would have been broken. But one cannot put a definite time frame on these things. The problem these days is if you do something you are removed; if you don't do something, then also you are removed.

You don't agree that attempts at a political solution should have gone hand-in-hand?

What is this political process they are talking about? What could have been a more political step than the dissolution of the state assembly? But they say the dissolution was not properly effected. They get up and shout 'alienation ! alienation!'. What alienation ! When not more than one per cent could be motivated to come out and vote, was that not alienation? What more alienation was left to be achieved ?

In fact, by dissolving the assembly I took out the emotional anger of the people against the previous regime. I should be given credit for avoiding a situation like Operation Bluestar or Tiananmen Square - you know, that type of thing. I was able to achieve the maximum possible results in the minimum possible time with the least bloodshed.

Then also you should not forget that the state is not the valley alone. There is Jammu, there is Ladakh. By my action, I was able to contain trouble there.

What would have happened if trouble had exploded there? Or, if in reaction communal riots had broken out in other parts of the country? This country does not recognise anything which is done invisibly. I managed to bring things under control in four months. Now that they are under control I am no longer needed. They have used me (laughs).

Tell me, if I wasn't doing anything useful, why was the Pakistan Prime Minister only shouting 'Jagmohan ! Jagmohan !' Why wasn't she taking anybody else name. You know, I made life difficult for them. For example, 62 people were shot while trying to cross over from Pakistan. Now that they know that they get shot if they try infiltrate, who will take the risk.

You had become a symbol of hatred in the valley. To that extent your removal may help matters...

This is exactly the kind of thing I was talking about. Let me tell you - I had not gone to Kashmir to get a certificate of popularity from the terrorists and the secessionists. Nobody will get such a certificate. I had gone there in a national interest to safeguard the unity and integrity of the country. And should one not try to find out what kind of symbol I was in the rest of the country? Did they also start hating me. Find out what is the opinion in Jammu, in Ladakh, in parts of the valley outside Srinagar. This is the typical, superficial conclusion of people who just visit Srinagar, talk to some terrorist and their sympathisers because their opponents still do not dare to speak openly. It suited some people to portray me as a symbol of hatred.

Who?

You know very well who they are. Okay, now you have removed Jagmohan. You have removed the symbol of hate. Let's if those terrorists give you a certificates of popularity, if they stop carrying Pakistan Standard Time in the newspapers there.

Why did you accept the Rajya Sabha nomination from a regime you believe has wronged you?

I was in two minds. First, I thought I won't take it. But then, I realised security will be a big problem otherwise. Now they will have to give me a proper house and provide the necessary security.

Will you play a political role hereafter"?

I am basically not a political person. So I would like to concentrate on a socio-cultural reform movement. For instance, during my earlier spell as Governor, I removed the Pandas from the Vaishno Devi temple.

Have you succeeded in reconciling yourself to life after Kashmir?

Oh yes ! My philosophy has always been "Do your best and forget the rest".

Courtesy : Sunday Observer 3-6-90

GIRISH SAXENA

'There have been overtures from militants...It isn't a dialogue, but a line of communication is open'.

It seemed almost an impossible task. But Girish Chandra Saxena - better known as "Gary" - accepted it with alacrity. Few doubt the overwhelming task ahead of him as governor of the turbulent state of Jammu and Kashmir. But the former Research and Analysis Wing (RAW) chief is going about it in a businesslike way. First, he wants to ferret out the militants - at any cost. Second, he wants to win over the hearts and minds of the Kashmiris by initiating a process of reconciliation. Enconced in the now fortress-like Srinagar Raj Bhavan, the governor discusses his priorities in an interview with Mannika Chopra. Excerpts:

What has been the effect of the recent changes in Pakistan on the so called "freedom struggle" of the militants ?

It is difficult to say. Pakistan may step up its involvement with the militants. On the other hand, the army in Pakistan has some other preoccupations, so that could balance out its involvement across the border. But, in a way, developments in Pakistan have had a negative impact on the people here. They used to say that Pakistan is a flourishing democracy, but that statement is no longer valid. The image has got demolished. In fact people are, by and large, disenchanted with Pakistan. They are very angry with India, but the Kashmiri Muslim does not want to be dominated by Kashmiri Pakistanis or, for that matter, by Pakistan.

Don't you think that the situation has got out of hand largely because local resentment against India?

Feelings of resentment in the Valley have always been strong. They were strong emotions after Sheikh Abdullah's ouster in the early 50's. These feelings are not special to Kashmir. Similar

secessionists sentiments have been present in the various parts of India - in Mizoram, Nagaland and Manipur.

Also, note that Kashmir consists of 14 districts, of which six are in the Valley. Out of these, only four are really badly affected. People generally get all their feedback from militant- infested downtown Srinagar and base their perceptions on them. The local feelings of resentment are the product of many factors. Feelings that successive governments have been guilty of misrule, corruption, nepotism and unfair recruitment, besides offering limited job opportunities. Most of all, the feeling lingers that the correct electoral verdict was not allowed to come through the ballot.

These are factors that have to be addressed. As the PM said on Independence Day, if mistakes have been committed in the past, they can be rectified.

I will put it bluntly. Independence is out. And they have to come to terms with it. They must realise it. But having said that, everything else is open. They should have an effective say, through an elected government, in running their own affairs. There can be no argument about this. And Delhi is committed to this.

Among the reasons why the Kashmiris are ranged against your administration are the various cases of alleged rape by the security forces stationed here. For example, in the aftermath of the shooting at Kupwara, where 25 civilians were killed, there were allegations of rape. Why isn't the government taking cognisance of these accusations?

We have taken note of the serious allegations. But, let me tell you, there is a well-entrenched network of disinformation at work. In Kupwara, 15 girls were supposed to have been raped but the report was only registered belatedly. Remember, the whole army action was carried out in the daytime and involved five to six officers and about 100 men. This kind of thing (molestation) does not really happen when firing action is going on. Pictures have also been produced, but they might have been of women generally sorrowing or mourning a death. The director-general of police went there and asked the villagers to produce any of those who had been raped for a medical examination. But no one came forward.

A case has been registered against a para-military man, when it was found that one such allegation was true. Similarly a murder and rape case have already been registered in Anantnag on the basis of evidence. These people will face trial.

Instances of villagers' houses being burnt down by troops, apparently as a deterrent measure, seem to be mounting. For instance, when a Border Security Force battalion was ambushed at Shogam on August 14, at least six to eight houses in the region were set ablaze. Is this part of a concerted effort warn the locals against harbouring terrorists, or is it just a reflex action on the part of the security forces?

This method is not resorted to as part of policy. Though I am not ruling out the possibility that some foolish people may set fire to a house or two and, since the houses are wooden, the flames may spread. Or, during firing some mortar or shells may set alight a house. These are all tinder boxes. If this happened in Shogam, there definitely should be an inquiry. But it would be very foolish to terrorise the people into submission like this. I am not pre-judging the situation. If some person is doing it, then somebody has to be held accountable. But, it cannot be part of any policy. Because we have to first take action against the man, then we pay compensation to the victims and finally we suspend the perpetrators. But we would like to look into this phenomenon. Villagers under terrorist threat may be burning houses to pick up compensation which is in the region of Rs. 2.5 lakh.

You have been here for the last two-and-a-half months. What is your assessment of your situation today ?

We have, in the last two months, had some success and now there is some pressure on the militants. They themselves are feeling it. We have arrested over 400 of them, including 250 Pakistani-trained militants. And we have made some significant arms seizures. That has set them thinking on a new course of action. And though they are resentful when stories of alleged excesses come up, the people, too, have an urge to lead a more normal life and continue routine economic activities. We have tried to lift day-curfew as much as possible, so that daily life can carry on. Today, the people have a vested interest to have things return to normal as soon as possible.

Does that mean that you have crossed the hump?

No, certainly not. Because you see, the other side of the situation does not remain frozen. Arms and people are constantly coming in from across the border. We know that there are at least people who are trained in Pakistan and whom the Pakistanis are pushing over to our side. That is a big number.

The type of weapons we have recovered indicates a potentially explosive situation. For example, in the last six months, we have

recovered over 40 machine guns, 400 AK-47 rifles, 360 revolvers and pistols, 120 rockets, 50 booster rockets, 700 anti-tank mines and over one tonne of explosives and 100 rocket detonators. So you can see that if an equal amount of arms is lying undetected, it is a potentially threatening situation. There can be no complacency, but there are hopeful signs.

You claim terrorists are having second thoughts. How have you arrived at this conclusion?

We have arrested people and talked to them. And there have been overtures of sorts to see what will happen if they come overground. It is not a dialogue as yet, but a line of communication has been opened. There can be no dialogue as yet with the people who can actually deliver (an agreement)), but the process has been initiated with their intermediaries. This was done about a month ago. So, if we keep the pressure on and carry credibility with the people who want to surface and renounce arms, we might get somewhere.

It is too early to say anything more than that. Of course, we've had surrenders in Poonch and Rajori areas. They were from the Jammu and Kashmir Liberation Front (JKLF) and other splinter groups. Also some from Hizbul Mujahideen. But only individual members of these groups are talking like this, the organisations as a whole have yet to take a concerted step.

Do you think some of these groups realign themselves as a result of this new thinking?

It's not easy. There is so much rivalry between them. They even disagree on the extent of support they should be getting from Pakistan. There are differences on objectives. They even suspect each other of betraying fellow-militants.

Was it necessary to deploy this huge para-military and military force?

You wouldn't be sitting here if it wasn't for them. The shops would not be open. Life would come to a standstill. There are about 1500 terrorists sitting in the Valley today and 3000 across the border. This is a very large number and cannot be dealt with by the normal police forces.

Don't you think that the local administration has been demoralised, first by having the para-military and the military forces stationed here and second, by being part of a state that seems to be taking part in alleged excesses? I believe some officials of the J & K

cadre who had sent a memorandum to the UN protesting against the army excesses, have subsequently been transferred?

The bureaucrats who are dissatisfied should leave the service. They should not criticise the government they are a part of. Let them resign, become politicians and then point fingers at the government. Transferring them was too lenient, they should have been dismissed immediately.

Courtesy : Sunday Observer 10-8-90

"EVERYONE HAS EXPLOITED US"

KURBAN ALI KHAN

IN highly Islamised POK, it seems impossible to find someone who blames Pakistan as much as India for Kashmir's present plight and decrees religion to be a private affair. That is, till you meet Kurban Ali Khan, a Lincoln Inn qualified barrister. In Mirpur town, Khan, who heads the People's National Party (PNP) in POK, spoke to Principal Correspondent Kanwar Sandhu. Excerpts:

What is your party's stand on the Kashmir issue?

The PNP is for an independent Kashmir. Both India and Pakistan should withdraw their armies from Kashmir. The Kashmiris don't want to remain slaves of either country.

What is the basis of complete independence?

Every community has a right to decide its future. The UN Charter provides that even the smallest race has a right to be independent.

But can a land-locked state like Kashmir be viable?

That Kashmir can't be viable is a myth created by vested interests. It's the natives who make a place viable.

It means like the JKLF you want an independent Kashmir ?

JKLF is not clear what it wants. Sometimes it talks of independence, at other times of going with Pakistan.

Do you think the Buddhists off Ladhakh or the Hindus of Jammu go along with the call for independence of Kashmir ?

It is not a religious issue. It is a struggle for independence of the Kashmiri people. We are opposed to giving a communal colour to it.

How do you propose to go about achieving your objectives ?

Since we stay in this part (Pakistan). It has to be independent. Only then can we talk of liberating the part with India. First we have to educate the people and then impart arms training.

Do you hold India as a greater enemy or Pakistan?

Both are equal enemies. They have politically and economically exploited Kashmir. Whenever there was a movement in Pakistan, it was quelled. And now we find India doing the same. Though our brethren in Kashmir have arisen now, they are not clear as to what they want.

Which of the two countries has done more for the Kashmiris' welfare?

Neither has developed any part of Kashmir. Only some roads have been built to facilitate troop movements. Here, agriculture has been neglected and there is hardly any industry. In India occupied Kashmir, at least some industries have been established.

Courtesy : India Today 31-3-90

CHRONOLOGY : SITUATION IN JAMMU & KASHMIR

1990

- 1 *January* : Militants try to blow up State Janata Dal Office, damage government office and public bus in Srinagar, 7 killed; enforced closure of cinema houses, video halls, liquor shops and bars in the Valley.
- 2 *January* : Bomb explosion in Badgam and Srinagar; 1 killed.
- 3 *January* : Militants kill an I.B. Officer in Anantnag.
- 4 *January* : Militants order all businessmen to close accounts with Indian banks and have green signboards in Urdu only; advise Door Darshan Srinagar not have objectionable programme.
: Indefinite curfew imposed in all towns of the Valley.
: BJP expresses concern at Hindu exodus from the Valley in letter to Prime Minister.
- 5 *January* : Mobs defy curfew in Srinagar; 1 killed in police firing.
- 6 *January* : Curfew relaxed in some towns; 3 injured.
- 7 *January* : Mobs attack Security forces; 50 injured, 1 hardcore militant captured.
- 8 *January* : Violence escalate in the Valley; army called in; 13 killed in clashes, curfew reimposed.

- 9 *January* : Militants kill 2 Policemen; army called in Srinagar; 2 injured.
79 police officers transferred by new DGP. Sayeed briefs PM on situation; Cabinet Committee meets.
- 10 *January* : Hindu Mahasabha demands imposition of Governor's rule.
Explosion in the Valley; 2 killed 1 injured during police operation.
Un S.G. expresses hope of reduction of tension.
- 11 *January* : A.R. Kabuli, ex-MP, condemns firing and arrests in the Valley.
: Explosion and arson continue; 19 arrested.
: India tells UN that situation in J & K is an internal matter.
- 12 *January* : BJP, J & K, demands dismissal of State Government.
: Explosion injures 12 in the Valley; 7 more towns under curfew.
: J & K Minister of State Ali Mohd. Sagar favours dialogue with militants on the basis of 1947 status.
- 13 *January* : Congress (I) and BJP express concern at Sagar's Statement.
: 12 injured in violent incidents.
- 14 *January* : Pakistan expresses concern at J & K situation.
Farooq Abdullah discusses Sagar's statement as 'personal'.
Explosions kill/and injure 13.
- 15 *January* : India accuses Pakistan of supporting terrorism in J & K.
CPI, CPM, FB and RSB appeal to people to defeat conspiracy in J & K.
Gen. K.V. Krishna Rao quite as Governor J & K.
5 killed in police firing.

- 16 January : Ex-C.M. G.M. Shah appeals to the UN and Muslim States against Indian 'Colonialism' and repression.
 Militants hang a policeman and a priest while arson, explosion and firing continue. C.M., F. Abdullah rules out talks with militants until terrorism and accept acceptance.
- 18 January : Home Minister M.M. Sayeed describes J & K situation as more serious than in Punjab. Jamaat-e-Islami leader S.A.S. Gilani demands right of self-determination for Kashmiris.
 BJP President Advani Submits memorandum to P.M. to demand declaration of the Valley as disturbed area and decides to observe 27 January as Save Kashmir Day.
 Jagmohan appointed Governor J & K; Farooq Abdullah resigns in protest and blames Mufti of playing politics BJP welcomes appointment.
- 19 January : J & K Liberation Front rejects Indo-Pakistan talks without participation of Kashmiris.
- 20 January : 300 youth rounded up in Srinagar leading to protest demonstrations and violent resistance.
- 21 January : 35 killed, 100, including police and paramilitary personnel, injured in police firing on violent mobs. MUF demands withdrawal of forces from the city; Abdullah denies responsibility for planning police action.
 Janata Dal leader Chandrashekhar calls Jagmohan's choice unwise.
 Cong. (I) President R. Gandhi calls on President Venkatarman to express deep concern.
 Pakistan P.M. Benazir rules out compromise on right of self-determination.

- Foreign Minister Gujral calls upon Pakistan to remove irritants and respect Simla Agreement.
- 23 *January* : 7 killed in Srinagar in firing by UN guards/police.
A.G. Lone condemns killing and asks MLA's/MLC's to resign.
Talks held between Gujral and visiting Yakub Khan.
BJP Criticises Benazir and welcomes firm steps in Jammu & Kashmir.
UN Spokeman in New York confirms Kashmir issue on UN Agenda.
- 24 *January* : Army deployed in Srinagar; 5 killed.
National Conference headquarter ransacked.
- 25 *January* : Militants shoot 4 IAF men in Srinagar; 9 killed in Kupwara police firing.
Akali Dal (mann) demands withdrawal of army.
- 26 *January* : Militants impose civil curfew; insult national flag.
- 27 *January* : Ahmed Bukhari explains Abdullah Bukhari's visit to Iran as connected with Iran-Iraq peace talks not with Kashmir.
Shiv Sena leader Bal Thackeray demands martial law in J&K and considers Indo-Pakistan War inevitable.
- 31 *January* : Sikh leader Mann pledges support to Kashmiris.
BJP asks Government to expose Pakistan role in J & K and suggests all party meeting.
- 2 *February* : Awami Action Committee leader Farroq blames India for adopting terror tactics.
4 killed in Valley
- 3 *February* : BJP urges relief for refugees from the Valley

- 4 February : Curfew relaxed in Srinagar.
- 5 February : Strike in Valley; 2 killed, 7 hurt in exchange of firing.
- 8 February : 5 killed including BSF personnel
- 9 February : 30 Muslim leaders led by A.R. Kidwai warn Pakistan in a Memorandum presented to Pakistan High Commission.
National Conference M.P.'s describe situation as grim and explosive.
- 10 February : Explosion and arson in Srinagar.
- 12 February : Jagmohan recommends dissolution of J & K Assembly
3 killed including one Intelligence Bureau inspector; 10 injured in Srinagar.
- 13 February : L. Kant, Director, Srinagar Doordarshan shot dead.
- 14 February : Home Minister Sayeed and Information Minister Upendra visit Srinagar.
- 15 February : Insaf Party President Shahabuddin denounces use of force and calls for dialogue with all concerned.
Ex- C. M. Farooq Abdullah urges humanity to stop genocide.
Valley rocked by explosions; PIB office in Srinagar damaged; several injured.
- 16 February : 5 killed in Srinagar in exchange of fire between militants and security forces.
Curfew relaxed Srinagar for the first time.
- 17 February : J & K Congress (I) President Shafi Qureshi urges all party meeting.
4 killed and 3 injured in Valley in Police firing; demonstration by women in Srinagar; explosion hits S.B.I. branch.
- 18 February : 1 BSF Jawan killed.
- 19 February : Governor Jagmohan dissolves J & K Assembly: CP (M), Cong. (I) and NC criticise move; BJP welcomes.
2 killed, 4 injured in army firing in Bijehra.

- Mir Waiz denounces reimposition of day curfew in Srinagar.
A.G. Lone, People's Conference Leader, urges Centre-JKLF talks.
- 20 *February* : CPI criticises dissolution.
- 21 *February* : Pakistan P.M. Benazir calls for Indo-Pakistan dialogue.
N. C. M. PS Soz seeks reversion to pre-1952 status.
- 23 *February* : Indian spokesman rules out dialogue with Pakistan unless interference ceases.
- 24 *February* : Mammoth march to Dargah Najmuddin Wali, 29 kms from Srinagar 3 killed and 7 injured in army clash with marchers.
BJP hails Home Minister Sayeed's stand: no elections till normalcy restored.
A. I. Shiv Sena demands Martial Law in Valley to protect Hindus and to crush militants.
- 25 *February* : President of Kashmir unit of N. C. dissolves unit and revives Plebiscite Front.
- 26 *February* : Abdullah Bukhari demand recall of Jagmohan.
- :
- Governor briefs P.M. and H.M. and the C. C. P. A.
- 3 explosions in Srinagar; National Insurance Co. damaged.
- JKLF and Azad Kashmir flags hoisted all over Srinagar including government buildings; demonstrations before UN Observers Group by various organisations to demand self-determination.
- Over 8000 Hindu families reported as having migrated from Valley to Jammu, Delhi and other parts of the country.

- 1 *March* : 29 killed, over 100 injured in Anti-India demonstration in Srinagar; militants kill State official; UCB branch and Post Offices bombed.
5 N. C. MPs jointly condemn firing and urge P.M. to visit Srinagar.
- 3 *March* : Governor dismisses 16 state employees; curfew remains in force in Srinagar and some other parts of the Valley.
U.S.A. expresses concern and urges restraint and dialogue.
- 4 *March* : Home Secretary and Defence Secretary visit Srinagar.
- 5 *March* : CCPA reviews situation; P.M. talks with Farooq Abdullah.
Jamaat-e-Islami-Hind condemns firing in Srinagar and use of force.
Governor given control off all Central Government offices in State.
4 killed and 3 security personnel injured.
- 6 *March* : VHP demands reorganisation of J & K, abrogation of Article 370 and sealing of international borders.
BJP leaders allege genocide of Hindus in Valley.
Jamat-Ulema-Hind demands recall of Governor Jagmohan and denounces use of force.
P.M. discusses situation with Con (I) President Rajiv Gandhi and BJP and CPI (M) leaders.
- 7 *March* : All party meeting convened by PM discusses situation.
Indian spokesman expresses surprise at US statement.
Cong (I) leaders in Kashmir Rafiq Sadiq and Peer Husamuddin resign.
3 killed in Srinagar in clashes with security forces.

- EEC shares India's concern at terrorism and urge peaceful resolution of Kashmir dispute.
- 8 March : USA opposes plebiscite in Kashmir
2 killed, 44 hurt in firing in Srinagar.
Migrants from Valley demonstrate in Jammu.
BJP reiterates demand of abrogation of Article 370.
India welcomes US stand.
All party delegation visits Srinagar; gets hostile reception; hints at dialogue with militants.
- 9 March : Militants kidnap 4 intelligence officials in Srinagar.
- 10 March : Bangladesh President expresses concern over oppression in Kashmir Indian High Commissioner expresses dismay.
Central Government names George Fernandes as Minister for J & K affairs and forms 6 men All Parties committee to advise him.
- 12 March : Curfew relaxation cancelled.
J.K.L.F. spurns offer of talks.
Militants execute 2 Muezzims, alleged to be police informers.
- 13 March : P.M. reiterates commitment to Article 370 in Lok Sabha and warns Pakistan against misadventure in Kashmir.
Insaf Party President Shahabuddin deploras use of force in Valley and calls for dialogue.
V.M. Tarkunde pleads for fair polls.
Pakistan P.M. Benazir asks India to concede self-determination.
- 14 March : J & K M.P.S. Soz appeals to Hindu migrants to return to Valley.
RSS Chief Deoras demands full support to Governor.

- 14 *March* : Militants torch Sheikh Abdullah's ancestral house, now a museum.
J & K K.M.P. G.R. Matto resigns from Rajya Sabha.
P.L.O Embassy in Islamabad denies Arafat's statement of support to Indian stand.
3 killed in Srinagar, explosion all over Valley.
- 16 *March* : George Fernandes visits Srinagar. Curfew relaxed for 10 hours in Srinagar; explosion damages SBI branch.
- 17 *March* : All Party Advisory Committee visits refugee camps in Jammu.
- 18 *March* : Militants kill 1 policeman and 1 IB official.
- 20 *March* : Government official Raina killed in his office in Srinagar, 1 policeman and 1 IB official shot dead in Anantnag.
- 21 *March* : Former C.M. F. Abdullah calls for inquiry into police atrocities and appeals to Hindus to return in Valley.
Indefinite curfew reimposed in Srinagar and other towns.
- 22 *March* : Curfew imposed on Indo-Pakistan border; arms dealer's licences suspended.
- 23 *March* : Initiative on Kashmir team accuses Jagmohan of reign of terror and calls for withdrawal of security forces from the Valley.
1 killed by militants;
Hizb-ul-Mujahideen kidnaps Mir Mustafa, ex-MLA.
- 25 *March* : Mustafa & 3 others killed by militants.
- 26 *March* : Home Minister expresses concern at migration of Hindus due to fear psychosis.
- 27 *March* : Communal violence in Jammu; 4 killed. Curfew imposed; army stages flag march.
JKLF rules out talks with Government of India.

- 28 *March* : Home Minister assures Lok Sabha against infiltration.
12 JKLF militants escape from Central Jail, Srinagar.
Former Law Minister Sheikh Mohd. Maqbool resigns from National Conference.
2 Pakistanis reported killed as mob tries to cross border.
- 1 *April* : 20 militants transferred to Jodhpur.
- 2 *April* : Militant leader Abdur Rashid killed
Militant girl Sakina attacks CRPF outpost; arrested.
G. Fernandes visits Srinagar while Jagmohan visits Delhi for consultation.
Lakhs attend funeral of Ashfaq Wani in Srinagar despite restriction.
Jagmohan justifies prolonged curfew to 'protect' people.
- 6 *April* : JKLF kidnaps Prof. Mushirul Haque, V.C. Kashmir University, his P.A., Ghani and HMT Srinagar G.M. H.L. Khera and demands release of 3 militants within 3 days.
- 7 *April* : G. Fernandes visits Srinagar.
Kashmir Pandit's spokesman Jattu Charges forced conversion, rape and looting.
- 8 *April* : Intellectuals and academicians appeal for release of Mushirul Haque.
2 militant leaders including Yasin Malik killed and 3 arrested. Search & detention intensified; total curfew imposed; 4 killed in public demonstration.
- 9 *April* : JKLF President Amanullah Khan justifies violence in Srinagar.
Home Minister assures Lok Sabha of all efforts to recover Haque and Khera.
Haque, Khera and Ghani killed by militants on expiry of deadline.

- 10 April : Mujahideen-Kashmir owns responsibility for 2 bomb blasts in Delhi.
- 12 April : 210 militants arrested; some political leaders including A.G. Lone, A.S. Geelani and Abbas Ansari detained.
Home Minister instructs Governor to relax curfew from time to time.
- 14 April : Abducted Congress (I) ex-MLA released. Amanullah Khan justified execution of hostages.
Search and detention continue with army support; official figure of detention reaches 750.
Curfew relaxed for 2 hours by rotations in some localities of Srinagar.
Mujahideen-Kashmir owns responsibility for bus explosion in Delhi.
- 15 April : JKLF Commanders among 12 arrested.
- 16 April : Home Minister assert break-through and refuses let up in anti-terrorist action in Lok Sabha, JKLF and 8 other organisations banned.
- 18 April : 7 militants shot and 114 arrested; Army stages flagmarch in Jammu and Udhampur.
- 19 April : 6 Kashmiris arrested in Delhi on suspicion of complicity in bomb blast; 55 militants held.
Ex-Minister Sheikh A. Jabbar killed by militants; H.M. praises coordination among various central and state agencies.
- 20 April : 6 militants shot, 17 held; Delhi police denies Kashmir hand in Delhi bomb blasts.
- 23 April : 3 killed by militants; curfew relaxed in Srinagar.
- 24 April : 2 killed by militants, 39 militants held.
- 25 April : 6 killed by militants; so far about 600 militants held. Governor claims visible change.

- 26 *April* : 1 killed by militants; 19 held.
Jagmohan in his Id message blames militants for inconvenience, to the people.
- 27 *April* : Jagmohan claims solution of Rubaiya case.
- 28 *April* : 3 killed by militants.
- 30 *April* : 5 killed by militants.
- 1 *May* : 6 killed including Gujjar leader Md. Din; 54 held
- 4 *May* : 8 militants killed, 5 killed by militant.
5 *May* :
10 militants killed, 6 arrested, 4 killed by militants.
- 6 *May* : 6 militants killed, 10 killed by militants.
- 8 *May* : 3 militants killed, 21 nabbed and 2 killed by militants; Cong. (I) ex-MLA M.S. Taploo arrested.
- 9 *May* : 7 killed in cross-fix in Srinagar, 15 injured; 15 arrested.
- 12 *May* : 1 killed, 1 injured; 2 militants of Al Khomeini group arrested; curfew lifted but bandh observed in Srinagar, 1 officer dismissed, Anantnag under curfew.
- 17 *May* : Medical staff observes strike.
- 19 *May* : 3 killed by militants and 3 militants killed, doctors' strike continues, Editor's Conference announces resumption of publication of 29 dailies and 32 weeklies.
- 23 *May* : Marriage party near Budgam attacked. Governor claims solution for Khera case; 5 militants killed.
- 26 *May* : 5 including 1 militant killed.
- 28 *May* : Telephone Exchange blown up in Srinagar and 6 killed by militants.
- 29 *May* : 6 militants, 1 DSP and 2 others killed, bandh continues in Srinagar and other towns for 8th continuous day.

- 30 May : Former Minister Hakim Mohd. Yaseen escapes attempt on life; 2 militants killed, 4 arrested.
- 31 May : 7 militants arrested.
- 1 June : Procession hands over memorandum to UN observers; flag and effigy of Prime Minister burnt; 2 security personnel killed, 10 critically injured; 2 militants arrested.
- 4 June : 1 killed by militants, 2 by CRPF.
- 5 June : Militants attack BSF vehicle in Srinagar, 1 killed in cross firing.
- 6 June : 1 killed and 14 others injured in attack on security personnel and firing.
Valley rocked by 3 blasts.
- 8 June : 5 killed including Mufti Mohd. Sayeed's uncle, 11 injured.
- 10 June : 3 killed, militants attack security personnel.
- 11 June : 8 killed by militants; 1 militant killed by mine; attacks on security forces continue, 32 lawyers arrested; 100 medical staff go on strike.
- 12 June : 2 policemen among 10 killed; army stages flagmarch in Srinagar.
- 13 June : 7 militants killed, 18 arrested; Mustafa murder solved, Srinagar S.P. escapes attempt.
- 14 June : 8 killed by militant including 3 BSF jawans and 1 bank manager; bandh in Srinagar.
- 17 June : 11 killed, 6 injured by militants; CRPF patrol ambushed; curfew relaxed in parts of Srinagar.
- 19 June : 5 security personnel, 2 militants and 5 others killed, 6 militants arrested; 7 government vehicles destroyed; 4 CRPF men killed and 10 injured in rocket attack by militants; hartal in the Valley and curfew defied as a mark of respect to militants leader Abdullah Burgroo.

- 20 June : 3 security personnel and 6 civilians killed in the Valley while hartal continues for second day.
- 25 June : 14 killed by militants and 6 militants killed in encounter on line of control.
- 26 June : 15 killed including one government official and CRPF personnel and 6 injured in the Valley; doctors and engineers go on token strike; indefinite curfew reimposed in Sopore, whose main market reportedly set on fire by security forces.
Baramulla cordoned house of Sheikh A Rashid, nephew of Shaikh Abdullah damaged in bomb explosion.
- 27 June : 4 killed; several injured in ambush by militants in Anantnag.
- 29 June : 10 including Srinagar ADM killed by militants; 14 militants arrested.
- 1 July : 5 including 3 army jawans killed by militants.
- 2 July : 14 persons including 2 jawans killed, over 13 injured, 50 militants arrested; women's demonstration teargassed and lathi-charged in Srinagar.
- 3 July : 6 killed by militants; 4 nabbed by security forces; girl students block traffic.
- 5 July : 1 CRPF jawan and civilian killed; militants ben light vehicles in Srinagar.
- 6 July : 1 JCO and 6 militants killed along the line of actual control; gunbattles range in Srinagar; militants abducted Farooq Ahmed, son of D.C. Srinagar Abbas.
- 7 July : 4 persons including 2 army men and 7 including 2 constables injured in Valley; Governor appeals for release of Farooq.

- 9 July : 11 militants, 4 security men and 5 others killed; 20 injured in Valley; curfew relaxed for 10 houses in Srinagar; 5 hotels gutted in Srinagar; 2 villages in Magaum area torched by CRPF, third instance in 2 weeks; newspapers stop publication.
- 10 July : 26 people killed, including an IB official and 8 terrorists killed; JKLF calls upon National Conference MPs to resign, Farooq released unconditionally.

ACCESSION OF KASHMIR IS NOT FINAL

When the ruler of Junagadh acceded to Pakistan, India objected on the plea that such accession was not in consonance with the basis of partition—Muslim-majority areas going to Pakistan, Hindu-majority areas to be retained by India.

But, says A.A.A. Fyzee, in this piece he wrote for the Seminar magazine of June 1964, India chose to follow quite a different course with regard to Kashmir, disregarding the facts of partition that she upheld in the case of Junagadh and others.

Fyzee, perusing documents of the transfer of power and after, contends the accession of the Kashmir state to India is neither final nor irrevocable.

A final solution can only be a moral and political one. It should be good for the Kashmiris, have their concurrence, be fair to India and have Pak approval.

THE problem of Kashmir is a problem closely connected with the partition of the Subcontinent which took place in 1947. For proper appreciation and understanding of the problem, therefore, it is essential to analyse the basis of that partition, and to find out on what basis the partition was agreed to mutually by the two parties concerned in the partition.

Here, among other sources, the basic document comprises the term of reference upon which the Radcliffe Commission was appointed by the two parties to draw up and demarcate the boundary lines between the two successor States. According to these terms, so far as the British Indian territories were concerned, the Hindu majority areas were to be retained by India and the Muslim majority areas were to go to Pakistan. Had Kashmir been British-Indian territory, under the terms the partition and in consonance with the agreed basis thereof, the Kashmir Valley would have gone to Pakistan.

But Kashmir was a princely State and not British-Indian territory. Under the terms whereon power was transferred by the then

British government, the day on which the British rule ended, the rulers of princely States attained the status they enjoyed before they entered into treaty relations with the British government as the suzerain power, and they had the option to accede to either of the Unions or to remain independent.

But Lord Mountbatten had made it clear that the princely States in exercising their option must have due regard to the basis of partition.

This is borne out by the fact that when Junagadh acceded to Pakistan, India very justifiably challenged the step taken by the ruler of Junagadh, pointing out that the accession was not in consonance with the basis of partition. On the same basis, India prevented the Hyderabad, Jodhpur and Bhopal rulers from exercising options according to their own will and asked them to accede to India in accordance with the basis of partition.

Turning to Kashmir, however, we find that India chooses to follow, at the present moment, quite a different course, disregarding the facts of partition she herself upheld in the case of Junagadh and others. In Kashmir's case, the ruler at the time of partition did not accede to either of the State. When, however, a part of his own territory was disturbed and overrun by raiders from across the border, he sought India's assistance in clearing them. India made it a condition that such assistance could be granted only if he acceded to the Indian Union. The letter of the ruler in this behalf, and the reply of Lord Mountbatten thereto make it clear as to what actually was the nature of the accession agreed to. From these documents, it is evident that the accession of Kashmir State to India was neither final nor irrevocable.

This is further borne out by the two separate resolutions passed in the U.N. Security Council, with India as the consenting party, on August 13, 1948 and January 5, 1949, respectively. (See Appendix A and B). Part III of the resolution of August 13, 1948 and also Clause 1 of the resolution of the January 5, 1949 make it very clear that India did not consider the accession as final and irrevocable. Rather, India pledged itself to see that the question of the accession of the State of Jammu and Kashmir to India or Pakistan shall be decided 'through the democratic method of a free and impartial plebiscite' (vide Clause 1 of the UN Security Council resolution of the January 5, 1949). In further corroboration of this fact there is the speech of the late Gopalaswami Iyyengar at the meeting of the Security Council, wherein he clarified and ex-

pounded the position of India vis-a- vis the question of accession (see Appendix D).

The main object of this note is to offer the readers of the Seminar facts upon which a wise decision can be based. In considering the question of accession, we must also study Article 370 of the Constitution. It is a long and complicated provision of law, but its last part is as follows:

Notwithstanding anything in the foregoing provision of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify: Provided that the recommendation of the Constituent Assembly of the State referred to in Clause (2) shall be necessary before the President issues such a notification.

The proviso makes it clear that without the concurrence of the Constituent Assembly of the State, no action can be taken by India. Therefore although in a sense there has been an accession of the State of Jammu and Kashmir to the Union of India, such accession is not complete and irrevocable, but is subject to many legal and political conditions.

The final solution of a problem like that of Kashmir can only be a moral and political one. We have to see the first, what would be in all the circumstances of the case good for the people of Kashmir, secondly, it must be solution which must have the concurrence of the people of Kashmir; thirdly, without repudiating important resolutions of the United Nations, the fair name of India should not be besmirched by attacks from the nations of the world; and finally, the solution must also seek to have the approval of Pakistan, who is a party to the dispute.

If all these conditions cannot be satisfied, it is perhaps time to think of international arbitration—a solution which would unite both parts of Kashmir and not create a tragedy of the kind, for instance, of Germany. The warning finger of history points of Alsace and Lorraine as well.

It is the hope of the common man that the leaders on both sides of the border will not make the mistake of allowing an ulcer to remain on the body of the subcontinent which may take half a century of blood and tears and sweat to heal.

APPENDIX A

Reply on 27th October 1947, from Lord Mountbatten to Maharaja Hari Singh. Your Highness's letter dated 26th October 1947 has been delivered to me by Mr. V.P.Menon. In the special circumstances mentioned by Your Highness, my government have decided to accept the accession of Kashmir State to the Dominion of India. In consistence with their policy that in the case of any State where the issue of accession should be decided in accordance with the wishes of the people of the State, it is my Government's wish that, as soon as law and order have been restored in Kashmir and its soil cleared of the invader, *the question of the State's accession should be settled by a reference to the people.*

APPENDIX B

Extracts from Resolution of the United Nations Commission for India and Pakistan of 13th August 1948.

The Government of India and the Government of Pakistan reaffirm their wish that *the future status of the state of Jammu and Kashmir shall be determined in accordance with the will of the people* and to that end, upon acceptance of the truce agreement, both Governments agree to enter into consultations with the commission to determine fair and equitable conditions whereby such free expression will be assured.

APPENDIX C

Extracts from Resolution of the United Nations Commission for India and Pakistan of the 5th January 1949:

The United Nations Commission for India and Pakistan.

Having received from the Government of India and Pakistan in communications dated 23rd December 1948, respectively, their acceptance of the following principles which are supplementary to the Commission's Resolution of 13th August 1948:

1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided

through the democratic method of a free and impartial plebiscite:

2. A plebiscite shall be held when it shall be found by the Commission that the cease-fire and truce arrangements set forth in Parts I and II of the Commission's resolution of 13th August 1948 have been carried out and arrangements for the plebiscite have been completed.

APPENDIX D

This is not quite an accurate description of India's attitude. That attitude would be more correctly described in the following words. 'We order to be able to save her effectively from extinction. *We will not, in the circumstances hold her to this accession as an unalterable decision* on her part. When the emergency has passed and normal conditions are restored, she will be free by means of a plebiscite either to ratify her accession to India or to change her mind and accede to Pakistan or remain independent. We shall not stand in the way if she elects to change her mind.' That, I think, is the proper description of India's attitude.

WHERE DOES KASHMIR BELONG?

With India, Pakistan or by itself? Here is a sampling of views— Indian, Pakistani, British and Kashmiri— on the status of this piece of mountainland that has caused two wars and now threatens to provoke a third:

Extract from JINNAH'S statement on the Muslim League position vis-a-vis Indian States (17 June, 1947).

Constitutionally and legally, the Indian States will be independent sovereign States on the termination of Paramountcy and they will be free to decide for themselves to adopt any course they like. It is open to them to join the Hindustan Constituent Assembly or the Pakistan Constituent Assembly or decide to remain independent. In the last case they enter into such agreements or relationship with Hindustan or Pakistan as they may choose....we do not wish to interfere with the internal affairs of any State; for, that is a matter primarily to be resolved between the rulers and the peoples of the States.

(The Indian Annual Registrar 1947, P.112(O).)

Extract from a letter from MAHARAJA HARI SINGH to Lord Mountbatten offering accession with India (26 October, 1947).

With the conditions obtaining at present in my State and the great emergency of the situation as it exists. I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for by me without my State acceding to the Dominion of India.

(Source: White Paper on Jammu & Kashmir)

Extract from SHEIKH ABDUĻLAH's address to the Kashmir Assembly 5 November, 1951.

It is the kinship of ideals which determines the strength of ties between two States. The Indian Congress has consistency supported the cause of the State's people's freedom. The autocratic rule of the princes has been done away with and representative

governments have been entrusted with the administration. Steps towards democratisation have been taken and these have raised the people's standard of living, brought about much needed social reconstruction, and above all built up their very independence of spirit. Naturally, if we accede to India there is no danger of a revival of feudalism and autocracy. Moreover, during the last four years, the Government of India has never tried to interfere in our internal autonomy. This experience has strengthened our confidence in them as a democratic State.

(Information Service of India, New Delhi)

Extract from the SIR OWEN DIXON Report to the Security Council.

...I have suggested, that a different conception exists of the process of ascertaining the will of the people.. At all events I have formed the opinion that if there is any chance to settling the dispute over Kashmir by agreement of India and Pakistan it now lies in the partition and in some means of allocating the Valley rather than in an over-all plebiscite. The reasons for this may be shortly stated.

The State of Jammu and Kashmir is not really a unit geographically, demographically or economically. It is an agglomeration of territories brought under the political power of one Maharaja. That is the unity it possesses. If as a result of an over-all plebiscite the State as an entirety passed to India, there would be large movements of Muslims and another refugee problem would arise for Pakistan, which would be expected to receive them in very great numbers. If the result favoured Pakistan, a refugee problem, although not of such dimensions, would arise for India, because of the movement of Hindus and Sikhs. Almost all this would be avoided by partition. Great areas of the State are unequivocally Muslim. Other areas are predominantly Hindu. There is a further area which is Buddhist. No one doubts the sentiment of the great majority of the inhabitants of these areas.

Extract from V.K. KRISHNA MENON's speech in the Security Council February, 1957.

...A plebiscite is a peaceful process, and you cannot force this peaceful process. It is like some people using the machinery of democracy in order to destroy it. So, similarly, the word 'plebiscite' embodies the great idea of selfdetermination and it simply is not to be misinterpreted...Holding of a free and impartial plebiscite, therefore, is possible only when there is a preparatory condition.

Extract from SIR FIROZ KHAN NOON's speech in the Security Council, September 1957 (S.C.O.R. 24 September, 1957).

No change of any kind which should render the holding of a plebiscite impracticable has taken place in Kashmir. The basic factors which existed nine years ago exist today. The changes, if any, in occupied Kashmir are the creation of India herself and have been brought about in direct defiance of the directives of the Security Council. India surely cannot plead the length of her aggressive stay in Kashmir as an excuse for not honouring her international agreement.

It is alleged by India that if a plebiscite is held in Kashmir, the Muslims of India would be placed in jeopardy...How is it that, suddenly, after ten years of comparative calm, following the holocaust which befell the sub-continent in 1947, it is now being asserted that if the people of Kashmir are allowed to exercise the right of self-determination, it would lead to the general massacre of forty million Muslims in India? There is an obvious implication here that the Government of India is certain that the voting in a plebiscite will go in favour of Pakistan. And it is also obvious that this certainly is the real reason why India is avoiding a plebiscite.

GOVIND VALLABH PANT's speech at Srinagar, 1 July, 1955.

We made certain statements when Kashmir acceded to India which cannot be denied. But when we made the statements the circumstances were different from what they are now.

The time factor is very important. Many things have happened since then. During these eight years Kashmir has been following a certain policy for its advancement and many development schemes are in progress. Pakistan has entered into a military alliance with America. The Constituent Assembly of Kashmir which was elected on the basis of adult franchise has taken a definite decision. Resolutions passed by the Jammu and Kashmir National Conference on the eve of the elections to the Constituent Assembly and the inaugural address delivered by Sheikh Abdullah made it abundantly clear that the Constituent Assembly had been constituted primarily for the purpose of determining and deciding this vital issue. While I am not obvious of the initial declaration made by the Government of India I cannot ignore the importance series of facts which I have briefly referred to above. In these circumstances I personally feel that the tide cannot be turned now.

(The Hindu, 10 July, 1955)

Extracts from PRIME MINISTER NEHRU's speech on the Kashmir issue to the Lok Sabha (29 March, 1956).

...There was a great deal of talk about plebiscite and good deal of talk as to what India should and should not do. But throughout this period, the first demand of the United Nations has been in every respect the withdrawal of Pakistan forces from that area occupied by them. Other factors came later...Today, eight and a half years after that, those armed forces are still there. All this talk of plebiscite and other things is completely beside the point. In fact, those questions only arose when Pakistan has taken a certain step, that is, withdrawal of armed forces...

(Lok Sabha debates)

Extract from Z.A.BHUTTO's speech in the Security Council (4 February, 1964).

Certainly, no one must then demand the end of any colonial regime because there is no colonial regime which has not behind it the sanction of time much longer than that commanded by the Indian occupation of Kashmir. If the Security Council was exercised over Kashmir in 1948, why should it not be exercised over it in 1964? If it be said that the circumstances have changed, they have changed only in this respect that in 1948 the people of Kashmir were engaged in armed fighting against India in Kashmir and in 1964 they are not.

If this change is supposed to operate to the disadvantage of those who laid down their arms on the pledge given by the United Nations that their rights would be peacefully secured, it is not virtual inducement to them to resume hostilities?

...Indian spokesmen have claimed that since three elections have taken place to the State Assembly, which has supported 'the state's accession' to India, it is no longer necessary to hold a plebiscite to determine whether the people of Jammu and Kashmir wish their State to accede to India or to Pakistan. Quite apart from the fact that elections to a legislature can never be the equivalent of a plebiscite on the specific issue of accession, these elections were held to the so-called Constituent Assembly and its successor assemblies in Indian-occupied Kashmir.

Extracts from the speech of the then Foreign Minister of Pakistan Z.A.BHUTTO before the Security Council 5 May, 1964.

'For 16 years India has stalled and prevaricated. The moment has arrived which will decide whether India and Pakistan will justly settle their dispute and fulfill their destinies or whether they will remain estranged from each other and thus lose their ventures in a challenging and expanding world...If the Indian authorities again resort to suppression of the people of Kashmir by force, the people of Pakistan may find it extremely difficult to stand aside and may demand of their Government whatever measures are necessary for the amelioration of the situation in Indian-occupied Kashmir...It has been authoritatively established by the (U.N.) Commission that the cease-fire was meant to be 'linked' (this was the exact expression used by the Commission) with a truce and with the establishment of proper conditions for a plebiscite...Actually, however, regardless of what the representative of India might say here, a declaration by either party that the agreement embodied in the UNCIP resolution is obsolete, does not deserve to be given any consideration unless that party is to be understood as denouncing the cease-fire also and contemplating a resumption of hostilities...India claims that the people of Kashmir have already expressed their wishes on the question of accession. We maintain that the people of Kashmir have not so far been allowed to exercise their right of self-determination. We assert that they have yet to take a decision on the question of accession to India or to Pakistan.

Extract from the speech of India's M.C.CHAGLA before the Security Council 8 May, 1964.

My delegation hopes that even at this late hour, the members of the Council will give careful thought to the matter and give an answer to these questions:

- (1) How is it that Pakistan occupies two-fifths of Kashmir?
- (2) Has she any legal right to be in possession and control of any part of Kashmir territory?
- (3) Has she any right to negotiate and give away any part of Kashmir to China?
- (4) What steps should the Council take to make Pakistan vacate her aggression?

...It is clear on the perusal of the records of the Security Council that the cease-fire line is a complement of suspension of hostilities and can be considered separately from Part II and there-

fore from Part III of the Resolution of August 13, 1948. But there is a sinister significance in the suggestion of the Pakistan Foreign Minister. It is not merely a legal argument—it is a threat to disturb the peace of the sub-continent because in another part of his speech he made no secret of his Government's intention to excite and inflame people to go to the rescue of the people of Kashmir...Pakistan and China are both aggressors in Kashmir: (One is in illegal possession of 32,000 sq.miles of territory and the other about 17,000 sq.miles.) Both have acquired their gains by the use of force and aggression. Affinity between them is all too obvious.

Extracts from the speech of India's M.C.CHAGLA before the Security Council 12 May, 1964.

Let me, therefore, end on this note that we treat the Kashmir problem as being as much a human problem as a legal or a political one. The question we should address to ourselves is: what solution will lead to peace and happiness of the people of Kashmir and inter-communal unity not only in that part of India but the rest of the country? I wish to state with all the confidence and emphasis I possess that any disturbance of the status of Kashmir which has already been settled will result not only in serious troubles in Kashmir itself but in the whole of the sub-continent of India. If this Council is interested in the maintenance of peace and international relations, it should avoid and superimposed solution upon the two countries or any intervention in any talks or discussions we might have with each other.

The Kashmir question will not be solved by interminable debates and discussions in the Council. It will be solved when Pakistan realises that Kashmir is not a political shuttlecock in the game of anti-Indian policies which she has for the time being adopted. The Kashmir question will be solved when Pakistan realizes that India wishes her well, has no designs on her independence and that in the prosperity of the two countries lies the prosperity of the whole subcontinent. In this prosperity the people of Kashmir must have their share as an integral part of India.

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