

Jammu and Kashmir

Realities Revisited

CLAWS RESEARCH TEAM

India's Northern most state, for the past sixty years, has come to be identified world over as the 'troubled state of Jammu and Kashmir'. Hence it comes as no surprise that even the United Nations (UN) and the United States of America (USA) have time and again referred to the Kashmir issue not as it pertains to only the Kashmir Valley, but to the entire state of Jammu and Kashmir. This has become possible with focused efforts of Pakistan and separatists, who have resorted to continuous and deliberate distortion of facts and realities.

A lot of eminent analysts have written on various realities of the state in the past. Yet whatever has been written thus far seems to have had little or no effect on the rest of India, and even less on the world at large. Indian news channels continue to refer to the Kashmir imbroglio as being applicable to the entire state of Jammu and Kashmir. This is a distortion. A further distortion comes from the popular slogan, "Kashmir to Kanyakumari – India is one", used symbolically as a reflection of Indian Nationhood. This slogan while epitomising the spirit of India is actually a misnomer as Kashmir is not the northern most part of India and neither is Kanyakumari the southernmost tip. Factually, the two ends are 'Indira Col' and 'Indira Point'.

In the physical plane, Kashmir comprises 6.98 per cent of the total land mass of undivided Jammu and Kashmir and about 15 per cent of the land mass of Jammu and Kashmir as presently with India.¹ Kashmir is thus geographically, a very small portion of the larger state of Jammu and Kashmir, the other two major constituents being the Ladakh and Jammu Divisions. (See map below). It is thus

surprising how a problem in less than 7 per cent of the land mass of the state of Jammu and Kashmir, is perceived as a problem engulfing the whole state and has gone on to become such a major international issue.



The above map by Survey of India shows the complete state of undivided Jammu and Kashmir. The Aksai Chin region has been illegally occupied by China. The Shaksgam Valley, a tract of nearly 5,800 sq km was transferred by a border agreement from the Pakistan administered Northern Areas (Gilgit Baltistan) to China in 1963. The transfer has not been accepted by India. The boundaries of the three regions of the state are marked by a dotted line.

The state is administratively divided into 22 districts. Kashmir and Jammu have 10 districts each. The Ladakh region has 2 districts². Kashmir refers to the place where Kashmiris live and where the Kashmiri language is natively spoken. Jammu and Ladakh Divisions have little in common with Kashmir. Each province has its own dominant ethnicity, religion, topography, climate, diverse culture and distinct major language. No other state in India has such intra-state diversity.

The problem in the state has historical roots. At the time of partition, India consisted of the Provinces and the Princely states. The former were a part of India, but the 568 princely states or quasi-sovereign states were ruled by the Indian

princes under the “suzerainty” of the British. Under the Mountbatten Plan, the Provinces were given two options – either affiliate with India or with Pakistan. The Princely states on the other hand were allowed a third option – to remain independent.

In Kashmir and Jammu (it was called Kashmir and Jammu then), the then Hindu ruler of the state, Maharaja Hari Singh, opted for independence. As the state had a Muslim majority, Pakistan perceived the Maharaja’s decision as a ploy by India to amalgamate the state and set about taking the state by force. On 22 October 1947, soldiers of the Pakistan Army in plainclothes, Pashtun tribals and irregulars, with logistic support from the Pakistan Army crossed the border in a bid to force the Maharaja to accede to Pakistan. The resistance from the states armed forces was inadequate and the invaders pressed on towards Srinagar. The panic-stricken Maharaja asked Delhi for military assistance only to be told that military aid was legally untenable unless the state acceded formally to India.

After some initial resistance, the Maharaja finally yielded and Mountbatten’s aide, V P Menon secured his signature on the Instrument of Accession on 26 October 1947. A day later, the Indian Army was airlifted to Srinagar and the invaders were stopped in their tracks. Over the next few months of conflict, they were pushed back over most of the Valley. However, when the cease fire was declared, Pakistan was still in occupation of about one third of the territory of the state of Jammu and Kashmir – and this status by and large exists today.

On signing the Instrument of Accession, Jammu and Kashmir’s accession to India was complete in the legal and formal sense. Similar Instruments of Accession were also signed by more than 500 other princely states. This historical reality cannot be disputed. Hence, statements which periodically emanate from Pakistan and which are also made by some politicians and separatists stating that the instrument of Accession is not binding on Kashmir are devoid of merit. In fact, it was Pakistan’s folly of invading Kashmir and overplaying its hand, which sowed the seeds of the Kashmir imbroglio and resulted in the state of Jammu and Kashmir becoming an integral part of India.

Another argument put forth by Pakistan and the separatists in Kashmir Valley is that it was Prime Minister Nehru’s decision to seek the United Nations’ mandate to resolve the dispute. As such, India should abide by the UN resolution on the subject and hold a plebiscite in the state to determine the choice of the people. What Pakistan ignores however, are the UN mandated requirements for holding a plebiscite. The UN Security Council Resolution 47 of 21 April 1948, states:

“The Government of Pakistan should first undertake to use its best endeavours: To secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purposes of fighting, and to prevent any intrusion into the State of such elements and any furnishing of material aid to those fighting in the State and that India leave only the minimum number of troops needed to keep civil order.”

Both Pakistan and the separatists are strangely silent on this aspect of the Resolution. We need to question Pakistan as to why it has not fulfilled this very important precondition of UN resolution 47. To fulfill the UN mandate now and hold a plebiscite, Pakistan must first vacate its illegal occupation. As such an eventuality is unlikely to occur the question of holding a plebiscite is specious and stands null and void.

The ethnic realities are even more glaring. G Parthasarthy in his article “Not all in Kashmir are Kashmiris”³ states that roughly 45 per cent of the people of Jammu & Kashmir are not ‘Kashmiris’. The state also has Dogras, Punjabis, Paharis, Bakarwals, Gujjars, Buddhist Ladakhis and the Balti Shias of Kargil. Historically, the Valley has been ruled by Mongols, Afghans, Mughals, Sikhs and Dogras for over 700 years. Only now, under the constitution of India are people experiencing democracy and freedom.

Moreover, it must be appreciated that the Kashmir Valley with its majority Sunni Muslim population has always boasted of a proud history of secular ‘*Kashmiriyat*’.⁴ The fact that 4,00,000 members of the minority community of Kashmiri Pandits were forced to flee their homes by a Pakistan-sponsored jihad and backed indirectly by the All-Party Hurriyat Conference (APHC) runs counter to this tradition. It is evident that a deliberate ethnic cleansing was resorted to so that the APHC could vigorously pursue its charter. However, recently there has been an effort by the state government to rehabilitate Kashmiri Pandits back in the Valley. The reverse migration in to designated camps is still miniscule. Yet it is a step in the right direction.

The Charter of the APHC explicitly proclaims its aim as “the build-up of a society based on Islamic values” in keeping with “the Muslim majority character of the State”. The Hurriyat’s primary objective is described as a “struggle to secure for the people of Jammu & Kashmir the exercise of the right of self determination in accordance with the UN Charter and the resolutions adopted by the UN Security Council. However, the

exercise of the right of self-determination shall also include the right to independence.”

An organisation or community that only represents the Sunni Muslims based in the Kashmir Valley cannot be the spokesperson for the entire state of Jammu and Kashmir. This is especially so when a large section of the population is not Kashmiri but has different identities. There is no mention of this population group in the APHC charter. The people of Jammu and Ladakh have never asked to exercise their right of self determination and do not desire to do so. The claim of the APHC as being the spokesperson of all the people therefore rings hollow as nearly half the population is clearly outside its ambit.

There are also no voices being raised on the systematic cleansing of liberal and moderate Muslim voices in the Kashmir Valley. The inside story of killings of famous leaders of the Kashmir valley has been an open secret. US Rathore in his article ‘Kashmir Valley’s Internecine Wars’⁵ states that there is a well knit politico-militant organisation, whose main task is to eliminate ideological dissidents.

The pro-Pakistan leadership under Syed Ali Shah Gilani of APHC has backed assassinations of moderate leaders. This power game, backed by Pakistan has claimed lives of many Muslims who were leaders, intellectuals, clerics surrendered militants and ordinary citizens. Some prominent dissidents who have been eliminated over the years are Maulvi Farooq (1990), Dr Guru (1993), Prof Abdul Ahad Wani (1993), Qazi Nissar (1994), Prof Mohammad Ramzan (1999), Abdul Gani Lone (2002), Majid Dar (2003), Kuka Parrey (2003), Sheikh Abdul Aziz (2008) and very recently Moulana Shaukat Ahmed Shah (2011).

In a condolence meeting after the killing of Moulana Showkat, Moulvi Abbas Ansari, a Shia leader and ex-Chairman APHC hinted that, “the killers of Showkat Ahmed Shah are from amongst us” – hence putting to rest all claims of Hurriyat (Gilani) that the murder was again a handiwork of Indian agencies. Sensing the anti-Pak and anti-Gilani mood in Kashmir, Chairman of the United Jihad Council (UJC) Syed Salahuddin stepped in for damage control from Pakistan Occupied Kashmir (PoK). He declared that, “UJC will utilise all available resources to expose the killers.” In retaliation, APHC expelled Maulvi Abbas Ansari on charges that he had held talks with the Centre’s interlocutors on J&K. Hence it is clear that any voices raised against the APHC from within the Muslim community in Kashmir Valley are quickly quelled or permanently silenced.

In his article, ‘Kashmir Faultlines’, Lt Gen S K Sinha writes that in 2008, religious frenzy was aroused and mass upsurges organised in Kashmir on the basis of manufactured lies. Hundred acres of barren land at Baltal, traditionally

used as a base camp for Amarnath pilgrims, was diverted to the Shri Amarnath Shrine Board (SASB) for Rs 2.2 crore. As the ownership of this land continued to remain with the state, the SASB could only erect prefabricated shelters. Also, this land is unapproachable and uninhabitable for eight months in a year due to snow. Yet false propaganda was spread that Hindus were being brought in to be settled in Baltal so as to change the demography of the Valley, very much like Israel has done in Palestine.

A mass movement of gigantic dimensions erupted. To appease the agitators, the government cancelled the land diversion order and ordered the virtual disbandment of the SASB. This led to a massive counter-agitation in the Jammu region that threatened to cut off all supplies to the valley. After three months of the counter-agitation in Jammu, status quo ante was restored. This brings out the clear disconnect that exists between regions of the state.

Also in 2009, two women unfortunately drowned in a river near Shopian. A mass movement was started yet again on the basis of great concoction of facts about the women being raped and killed by security forces. Fraudulent medical reports were prepared and false witnesses produced. As a result the Valley was held to ransom yet again for over two months. Ultimately the CID unraveled the truth. The Jammu and Ladakh regions did not see any protests in support of the people of Kashmir in 2009. In fact there have never been any calls or protests for 'azadi' from the people of Jammu or Ladakh to date. This brings into question the claim of the separatists that they speak for the entire state of Jammu and Kashmir.

The separatists, having tested the waters in 2008 and 2009, exploited the bandied issue of 'azadi' for a mass movement in 2010. The agitation took the so called "peaceful" form of stone-pelting. Sympathy was aroused by portraying "young, innocent" boys being brutally killed by the police. What was not highlighted was the fact that young innocent boys were forced to be in the forefront of the stone pelters as a matter of design. They thus suffered while the leaders and instigators remained at a safe distance. The police forces also suffered in the stone pelting with over 2,000 police personnel being injured. In marked contrast, there were no calls for 'azadi' from the youth of Jammu or Ladakh nor were there any incidents of stone pelting in these regions. The Kashmir problem is thus a local one that is restricted to the Kashmir valley which has been deliberately communalised and internationalised.

The Indian Army in handling operations in the state of Jammu and Kashmir has consistently displayed the highest standards in upholding human rights.

The same cannot be said for Pakistan in its operations in Baluchistan, Khyber Pakhtunkhwa and Federally Administered Tribal Areas (FATA). The record of the United States and other Western countries also falls far short of the Indian experience and achievements. Unlike both the US and Pakistan, India has never used airstrikes, drones, tanks or artillery against militants in Kashmir. While stray isolated incidents of human rights violations do take place, the Indian army has always been sensitive to the issue and has been swift in taking action against the guilty.

On the issue of Human Rights, a lot of false charges have been leveled against the Army over the years. This is a deliberate attempt by anti-national forces to discredit the Army. Of the 1,514 cases lodged against the Army, all have been investigated by an independent body and 1,470 were found to be false. The people who were found guilty have been swiftly dealt with and awarded punishment ranging from dismissal from service to rigorous imprisonment from two to 14 years. The army is certainly not lax on this score and gives the highest degree of importance to human rights as only then can it be successful in winning hearts and minds as part of the process of conflict resolution. Even the separatists are shown similar consideration. Mr Syed Ali Shah Geelani, the veteran leader of the APHC who was suffering from cancer, was refused a visa by the US for medical treatment because of his terrorist connections. He was given treatment at a hospital in Mumbai where Dr Sameer Kaul, a Kashmiri Pandit, successfully operated on him. Yet on return from Srinagar, Mr Geelani promptly berated the Government and asked for the international community to impose economic sanctions against India!

The year 2011 has so far been one of the most peaceful for the people of Kashmir Valley in the last 20 years. The last three years have seen mass agitations and protests in the valley that were triggered on lies and concoctions. Both Pakistan and the separatists have been successful in internationalising a local issue. The arrest of the Kashmir American Council Chairman, Dr Ghulam Nabi Fai in America, has fully exposed Pakistan's propaganda machine that has operated for the last two decades.

This propaganda need to be effectively challenged and world opinion suitably sensitised to the actual ground situation in the Valley. The successful holding of Panchayat elections and empowering of the people at the grassroots level is a welcome step towards better governance in the state. Only a few are secessionists among Kashmiri Muslims. But these few form a very vocal group which needs to be isolated from the majority. Perceptions need to be shaped and changed to

bring about normalcy in the area. There is also a need to evolve a solution to the problem in the Valley as distinct from the whole state of Jammu and Kashmir. This must be done within the ambit of the Indian Constitution.

Speaking at the launch of a book titled ‘Kashmiriyat’ in 2009, Dr Farooq Abdullah said, “there is no possibility of any part of Jammu and Kashmir being handed over to Pakistan, just as there is no possibility of any part of the Pakistan-controlled Kashmir ever being merged with India. India and Pakistan too have to discover the principle of harmony if the two countries want peace.” It is clear that Pakistan cannot be a party to a solution on Kashmir any more. The resolution of the conflict lies within. There is need to shed the baggage of the past so that the future can be peaceful with the principle of ‘Kashmiriyat’ being restored in the Kashmir valley.

Notes

1. Kashmir has an area of 15,520.3 sq kms as against a total area of 222,236 sq kms for the state of undivided Jammu and Kashmir. As per the Forest Survey website, Area of J&K with India is 101,400 sq kms.
2. The ten districts of Kashmir are Anantnag, Kulgam, Pulwama, Shopian, Budgam, Srinagar, Ganderbal, Bandipura, Baramulla and Kupwara. The districts in Jammu are Kathua, Jammu, Samba, Udhampur, Reasi, Rajouri, Poonch, Doda, Ramban and Kishtwar. The two districts of Ladakh Region are Kargil and Leh.
3. “Not All in J&K are Kashmiris- Daily Pioneer” in the Balawaristan National Front available at <http://www.balawaristan.net/index.php/Latest-news/not-all-in-jak-are-kashmiris-daily-pioneer.html> accessed on 04 October 2011.
4. Ibid.
5. US Rathore, Kashmir Valley’s Internecine Wars, Article No. 1825, 1 May 2011 available at http://www.claws.in/index.php?action=master&task=826&u_id=152 (accessed on 10 August 2011).