

Much Ado Over Nothing

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The report of the interlocutors on Jammu & Kashmir is a major disappointment, for in the end all that it does is unintentionally convince Kashmiris that there is little likelihood of a democratic solution within India that will guarantee them a life of dignity and freedom that they are aspiring for.

The release of the interlocutors' report, "A New Compact with the People of Jammu and Kashmir", in the middle of May was a case of bad timing.

India's institutions of democracy are weighed under their own acts of misdemeanour, with an egregious looting of public funds, "development" of private greed, skewed priorities, and an obsession with national security, all of which pose a challenge to the country as never before. Thus the "emphasis" in the report on "democratic freedoms" within India and the "new opportunities that India offers in a globalising world" appear incongruous and misplaced.

When we shift from the macro to the micro, the recent manner of appointment of a chief vigilance commissioner (CVC) and a new director-general (DG) of police for Jammu and Kashmir (J&K) soon after the report was made public damns the same report. The selection of a retired DG of police who has been implicated by the crime branch in an act of triple murder (Case FIR No 7/96, mu/s 302/307/384/452/RPC, 3/25 IAA P S Bhaderwah) as the CVC of the state reflects how institutions get subverted by staffing them with tainted and pliable officer/s. And it is the Union Ministry of Home Affairs (MHA), not the elected state government, which selects the DG of police.

Strangely, the report is conspicuously silent on examples of such encroachment into an area of utmost importance. If it figures somehow in the proposed agenda of a Constitution Committee it is well hidden. Because, not one of the 20 entries that the report wants shifted from List III of the Seventh Schedule to the State List even hints at this. Instead, the report is explicit in allowing Parliament to enact laws in the name of "internal and external security". The fact is that J&K is even worse off than Delhi and Goa, two union territories, which recently had a brush with the MHA over the unilateral transfer and appointments of officers of the Indian Administrative Service and Indian Police Service.

The report therefore fails to convince anybody. There are portions that sparkle, only to disappoint. It acknowledges that "the situation remains very volatile". It admits that alienation "runs very deep in the Valley" and that "anger still bubbles close to the surface and the risk of violence breaking out again is still present". It speaks of "new realities to be factored in, which impact on the formulations of an earlier age" and the report claims that it has tried to "get away from the baggage of history while dealing with its core issues, comprising the aspirations of the people of Jammu and Kashmir". But a close scrutiny reveals it is the same recipe that Indian officials have been mouthing for six decades. The authors believe that to be a realist is to reject the UN resolution of 1948-49, an opinion which is a standard prop of all Indian proposals. However, by virtually

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making the same proposals as have been made in the past the “historical baggage” remains intact and the recommendations fail to dislodge the anachronistic approach of the Indian state towards J&K. In that sense the report remains innocent of the “new reality”.

One part of reality is glossed over, namely, the MHA manages security in J&K, the Ministry of Finance (MOF) that controls the purse strings because the state is financially dependent on the centre’s largesse to meet its revenue expenditure, and the Ministry of Defence that has veto power over all military matters. The other side of all this is that the report treats at par the lived reality of state violence perpetrated against the Muslims of J&K with the perceived and unsubstantiated charge of discrimination of the Jammu and Ladakh regions at the hands of Muslim-majority Kashmir. And it offers moth-eaten autonomy with trifurcation of J&K into regional councils as part of the same package.

The interlocutors’ report speaks of a sense of “victimhood” articulated most intensely in the Valley and people’s experience for over six decades of a denial of their democratic rights. What the authors, however, fail to highlight is that justice is not available to the people of J&K because neither the executive, nor Parliament nor the judiciary are keen to bring the army, paramilitary and police to account. To instead wax eloquent about how the Hurriyat led by the Mirwaiz and also the People’s Conference have broken their silence over crimes of militants sticks out like a sore thumb. A mismatch between the problem and the solution runs through the report. Lest anyone have any doubt, they reject “a pure and simple return to the pre-1953 situation” because this would “create a dangerous constitutional vacuum...”, and the “clock cannot be set back”.

Mass Protests as a Dirge

The report describes five “achievements” of peace initiatives in 2010-11: inclusive dialogue; implementation of the prime minister’s working groups (wgs) recommendations; institution of some immediate human rights and security

reforms; far-reaching truth initiative by the All Parties Hurriyat Conference (Mirwaiz) – (APHC(M)) – and Jammu Kashmir Liberation Front (JKLF); and re-engagement with Pakistan. Look closely and it becomes clear that barring the last point, in the other four cases the report is being loose with facts. There is no inclusive dialogue when all the pro-azaadi groups have kept themselves away. The major recommendations of the wgs set up by the prime minister have been ignored and only minor ones, if at all, pursued. One can even add that some of the WG proposals were strange, such as the C Rangarajan-led working group’s recommendation that the high cost Dul Hasti project be transferred to J&K, whereas the consensus in J&K has been for transfer of the Salal project which has already recovered its cost. Victims of a 22-year-long military suppression are no closer to justice today. A Right to Information query elicited a response from the J&K state government on 23 February 2012 in which they admit that between 1990 and 2011 not a single

case against a public official/army officer received sanction for prosecution! As for confidence-building measures (CBMs), removal of 39 bunkers out of 400 in Srinagar and another 39 over the course of this year has not set the Jhelum on fire. And in the Machhil case, referred to in the report, the prosecution is stuck. It shows how in the rare instance of criminal prosecution, everything gets stalled by the simple stratagem of the army questioning the jurisdiction of the civil court to summon or try their personnel. Such a spurious commitment to justice undermines democratic freedoms.

But far worse is the so-called “truth” initiative¹ by APHC and JKLF which sank before it swam. Public praise by the police (the very person now appointed the cvc) welcoming the seminar ensured that questions about official patronage were raised. Questions also began to be posed about the role of the leaders who spoke at the seminar. What had been their contribution? What had they done with the money raised for political prisoners and their families? People also



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linked “truth telling” to a decline of militancy and continued control exercised by the military over people’s lives. Discretion being the better part of valour, “truth seminar” ended.

Thus, it is not surprising that the demand for “azaadi”, meaning freedom from a forced union with India, gets transformed into a “dirge” for the authors. It gets clubbed with other dirges about autonomy and self-rule, each evoking an image of mourning and each being given equal weight in the report as a prelude to burying them together. The changed reality brought about by the insurgency and counter-insurgency receives short shrift in the process. The mass struggle during 2008-10 was, if anything, a celebration of a new-found defiance of oppression, of new ways of expression and articulation coming to the fore, moving away from armed to mass struggle. People were willing to fight bullets with stones, which takes courage. The idea of azaadi was not

given up when armed struggle was replaced by mass struggle, but emerged as a collective assertion of the people. The relationship between the leaders and the led, the parties and the people got transformed. Remarkably, the incidence of trauma and stress that afflicted people earlier showed a decline. Self-confidence and self-worth grew. As a result both pro-Indian and pro-azaadi political formations know that they enjoy a narrow mandate and that a compromise on the fundamental problem, i.e., the unresolved nature of the Kashmir dispute will not be accepted. Such has been the impact of 2008-10 that the National Conference and People’s Democratic Party (PDP) publicly state that elections (Parliament, assembly or for local bodies) have nothing to do with the resolution of the disputed nature of Kashmir’s accession. They keep repeating that the development work being carried out is not a substitute for nor can it replace the longstanding demands and the need for

a solution. Omar Abdullah is in fact most emphatic about de-linking elections from the resolution of the “outstanding” issue.

Sure, pro-New Delhi parties are being hypocritical. But insofar as hypocrisy amounts to vice paying obeisance to virtue, it is an admission of the popular mood in the Valley which remains firmly disenchanted by the machinations and manipulations of the Government of India. The insistence on a solution within the Constitution and even then with a degraded form of autonomy, which is at the heart of the “new compact”, only points to the hiatus between fundamental issues and the hackneyed way to evade them.

Advocating setting up a Constitution Committee to do a case-by-case review of all central laws and Articles of the Constitution extended after the July 1952 Delhi agreement between Nehru and Abdullah appears like re-inventing the Beg-Parthasarathy deal of 1975.

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They too advocated a case-by-case review. And then failed because the first committee under D D Thakur found nothing wrong with the acts and laws extended to J&K and the second one headed by Ghulam Nabi Kochak felt just the opposite. Nothing came of it. It is also strange that the interlocutors speak of “case-by-case” review when Indian laws were extended wholesale to J&K, much of it during governor’s rule. So within the logic of their own argument, the mechanism is not a concession but a stratagem to force compliance. Anyhow, if the “clock cannot be put back” on autonomy how does one contemplate putting a lid on people’s aspirations? How does one convince Kashmiris that while their public and private lives remain under the watchful eyes of the military and intelligence agencies, democratic freedoms are available to them? Which freedoms are these and how is it possible to enjoy them when their right to expression, assembly and association stand virtually abrogated?

Who Is Not Communal?

It is good that the report draws attention to the “communal polarisation” in Jammu and Ladakh vis-à-vis the Valley as well as between different parts of the region and speaks of how Muslim and Hindu majority districts of Jammu are “drawing apart”. But the solution in the shape of establishing regional councils and giving equal constitutional status, i e, legislative, executive and financial powers, to the three proposed councils, will fuel communal polarisation further, given that the Muslim majority districts of Jammu (and even Kargil) are far worse off than the Hindu majority districts of Jammu as per the report’s own Annexure ‘C’. The demand for a separate Chenab valley region will get bolstered and the separation of Kargil from Ladakh inevitable. Also while the report rejects the argument of discriminatory treatment of Jammu in terms of financial allocations – it actually shows that Jammu has benefited the most – it ignores the fact that the five Muslim majority districts of Jammu remain more deprived and suffer from neglect probably due to their demographic character.

One of the problems, however, that the interlocutors could have addressed was the issue of the majority and minority in J&K. Hindus are considered a minority in J&K, unmindful of the fact that in India they are an overwhelming majority. Even within this game of majority and minority, the character changes at the state, region, sub-region and district level; the Hindu “minority” in Kashmir is a majority in Jammu! Besides, all the top echelons of the administration are mostly manned by non-Muslims and the military is predominantly non-Muslim. So while the report’s warning about communal polarisation is timely, it neglects one of the main props of this communalisation, namely, the security forces and administration.

One should not be unmindful of other features of this state-sponsored communalisation – from patronising the Vishwa Hindu Parishad, Bajrang Dal and Shiv Sena – including allowing them to hold arms training camps for their members in a “disturbed” area – to manning village defence committees in Doda with non-Muslims, mostly drawn from the Bajrang Dal or ss, and to singling out Muslims of J&K for suppression. The state’s actions, as part of the counter-insurgency to create or exploit divisions among Muslims – Shia-Sunni to Sufi Islam versus Wahabi Islam – have not gone unnoticed by people and if the machinations of agencies to play on these divisions were foiled, the credit

goes to the “hardliners”. Or the fact that the very people the authorities have patronised, from the self-appointed Sharia Court of Mufti Bashiruddin to the Wahabis were the same ones who, for instance, campaigned against Christians in J&K. So when talking about “mushrooming growth of religious extremism of all hues”, the role of the state must occupy the centre of the discourse. For instance, by promoting Islamists who are anti-azaadi, Maulana Showkat Shah of Jamiat Ahle Hadith had declared in 2010 that stone pelting was anti-Islam, it endeared him to the establishment. And the authorities by patronising rabid Hindu chauvinists play both ends of the divide: Hindu-Muslim and Muslim-Muslim.

Therefore, when the report speaks of freedom from “majoritarian conceits” one expects some explanation. This is not forthcoming. Since the context is J&K, it appears that the interlocutors are referring to the Muslims as a majority. But the articulation of Muslim-ness could still be explained and understood when people are reeling under oppression.

What cannot be brushed aside is the state sponsoring and patronising Hindu majoritarian activities. There is a proverbial story that explains it. Hari Parbat in Srinagar has been under military occupation since insurgency began in 1990. On 18 April 2007 the doors of the fort were thrown open to the public, only to be closed within 24 hours

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because members of the press found that whereas the temple and gurdwara located inside had been refurbished the mosque remained in ruins! It was explained away by saying that soldiers worshipped in the temple and the gurdwara and therefore these were restored, whereas there were no Muslim soldiers and therefore the mosque remained in a decrepit state. None of the military officers found this impolitic, if not outrageous. Hari Parbat remains closed to public. Conspicuous omissions serve another purpose. The interlocutors chose not to speak about the anti-democratic and anti-intellectual tradition fostered by college and university authorities in Kashmir (not Jammu where right-wing Hindutva forces have a free run).

For instance Kashmir University not only banned the student union in 2009 because the students protested against the rape and murder in Shopian but it also outlawed any debate and discussion on controversial but relevant and legitimate subjects of concern. The authorities

defended such freedoms for Jammu University by claiming that Jammu has only pro-India parties whereas Kashmir has separatists! Arguably, spreading knowledge and equipping young people to become “an integral part of global economy” is important. But in a state where for 64 years educational institutions have discouraged intellectual freedoms and forced people to toe the official line or accept received wisdom, it is ironic that this report does not want to equip people to acquire the intellectual wherewithal to become “masters of their own destiny”.

The authors are also parsimonious with facts. They claim there has been a “policy continuity” in the peace process in J&K since the 1994 Parliament resolution. The fact is that the continuity lay in being consistently obdurate and insincere about a negotiated solution. Starting with the P V Narasimha Rao government onwards, under one pretext or the other every attempt came to nothing because they were not meant to do

anything other than be for public consumption and/or to create fissures within the pro-azaadi forces.

The short-lived ceasefire of 1999 between the Hizbul Mujahideen's top commander Abdul Majid Dar and the National Democratic Alliance-led government got subverted by the authorities, through the deliberate ploy of inviting the media to be present at the first meet, thereby exposing every member of Majid Dar's team. Most of them were subsequently liquidated by the security forces.

An instance of misrepresentation is in the matter of mass/unidentified graves. Both the International People's Tribunal on Kashmir, which first brought this to light, and the State Human Rights Commission have placed before the public prima facie evidence which shows that those buried as “unidentified” were not foreigners but mostly local people. These graves could also unveil the mystery of the 8-10,000 cases of enforced disappearances. But the interlocutors'

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report maintains the state-sponsored myth that “a large number of those buried are likely to be militants from across the LOC...” To deliberately complicate things by saying these are mostly foreigners and that the issue needs Pakistan’s cooperation, is contrary to the evidence and is meant to delay the process of justice.

To cut a long story short, the report fails because its main aim was to persuade and sell the same moth-eaten solution to Kashmiris. The main protagonist

is being asked to settle for the minimum because Jammu and Ladakh, Hindus, Kashmiri Pandits, Sikhs and Ladakh Buddhists all have claims with a plethora of stakeholders thrown in who want their pound of flesh. Moreover, the offer would get watered down, because India’s political parties and security apparatus are loath to relax the stranglehold New Delhi exercises over J&K. So what the interlocutors report does is to unintentionally convince the Kashmiris that there is little likelihood of a democratic

solution within India which will guarantee them a life of dignity and freedom that they are aspiring for.

NOTE

- 1 The interlocutors’ report refers to “truth initiative” as a major achievement (p 31) and as “a potential game changer”. It was triggered off by the dastardly killing of Maulana Showkat Shah of Jamiat Ahle Hadith, first blamed on the security agencies. It then turned out to be a factional feud within the the followers of Ahle Hadith. Using this incident, the APHC and People’s Conference organised a seminar where they raised the issue of killings by militants.