

Kashmir: When Ignorance Begets Tragedy and Farce

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When the Government of India has neither the intent nor the political will to offer greater autonomy, and Kashmiris refuse to settle for anything less than *azaadi*, armed confrontation is only to be expected.

As anger simmers under the relative surface calm in Kashmir, a farce threatens to turn into tragedy. Union Home Minister Rajnath Singh said on the floor of the Parliament on 18 July that referendum as a concept is “outdated and irrelevant.” It is noteworthy that he has unwittingly lent legitimacy to this concept by bringing it to Parliament. This concept has indeed gained in relevance in the 21st century and is viewed as a democratic way to untie tangled knots and resolve intractable problems. When a state has nothing to offer to a rebellious people, and the ensuing armed conflict will not cease without a radical political offer, the demand for referendum is enough to politically nurture a movement while war rages.

Facts on the Ground

Singh stated on the floor of Parliament that a committee will look into the issue of “pellet guns”. However, the Central Reserve Police Force (CRPF) Director General K Durga Prasad said on 25 July that while he was sorry about the pellet injuries that had blinded Kashmiri youth, his force would continue using these guns. The pellet gun called *chara bandook* was used by British hunters in the 19th century. The pellets are made of metal (some are rubber coated) and are sprayed at high speeds of over 1,000 ft per second. The 12 bore gun used to spray them has a cartridge which carries 600 pellets. The Israelis used it on the Palestinians but stopped after they realised that the pellets cause fatal casualties. Indian forces in Jammu and Kashmir (J&K), however, continue to use it. Former Minister of Home Affairs P Chidambaram’s statement that there should be “greater autonomy” to deal with a grave situation in J&K, within the constitutional framework as was promised in 1947, was ridiculed. His

own Congress party distanced itself from the statement while the Bharatiya Janata Party (BJP) accused him of “compromising national security,” the mother of all charges in present-day India. There were other official statements made in Srinagar that made it clear that the Government of India (GoI) will decide “who to talk to and who not to talk with” only after “peace and normalcy is restored.” Singh’s assertion that “we want to build an emotional bond between the centre and Kashmir” sounded almost contradictory since the GoI is busy engaging in a war to subjugate its own people.

Such a quixotic rush towards restoring authority has its share of black humour as could be seen when the authorities, out of spite, made the curfew more stringent just as the *azaadi* activists relaxed the bandh they had called. In order to show the “separatists” their place the government had no compunction about doling out collective punishment to people, as the British raj was wont to do in the past. As Kashmir burst into flames, rhetoric flourished, copious tears were shed for soldiers and innocent people, Pakistan was (and continues to be) slammed, and an all party confabulation ensued. Meetings were held, hospitals and homes of victims were visited, and assurances were given. Committees were constituted, and recommendations solicited, but nothing changed once order had been restored.

A close look at the ground reality will lead to the question: Who got killed and blinded? Out of the 50 killed, only one was a soldier who met an accidental death, the rest were all civilians: minors and adults, men and women. According to the official version, out of the 1,738 security force personnel only 132 were hospitalised and 1,606 suffered minor injuries in 566 incidents. In contrast, 49 civilians were killed, 3,000 injured and more than a hundred were maimed and blinded by pellet guns. In just one hospital (the Sri Maharaja Hari Singh Hospital in Srinagar) 167 civilians who suffered severe pellet injuries to their eyes were treated in 11 days. The head of ophthalmology there, Khurshid Alam was

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reported as saying that “most people had been hit either in their head or abdomen. They (the forces) are not shooting in their legs” (Jameel 2016).

The staggering death toll, unsolved crimes of rapes, massacres, enforced disappearances, and the orphans, widows, half-widows, and lakhs of people suffering from trauma and post traumatic stress disorder (PTSD) are issues that are pushed to the margins and simply do not become part of the public discourse in India. As for the Indian intelligentsia, the relentless attacks launched by the Rashtriya Swayamsevak Sangh (RSS) in nexus with the police, have made them careful and cautious. Let alone a referendum, even the communalisation of the military as a consequence of waging war against Kashmiri Muslims is not acknowledged. The soldiers are told that they are fighting Pakistan that has instigated trouble and wants to dismember India. The Pakistani and Kashmiri Muslims thus become indistinguishable on the ground and in the soldiers’ minds. Our own people become the “enemy,” along with providing the dominant excuse for counter-insurgency in J&K. It also is a major cause of stress and trauma among soldiers and officers of the armed forces.

The people’s resistance is expressed in myriad ways: from armed militancy to unarmed resistance; aiding and abetting the struggle by providing relief and help during mass upsurge and man-made natural calamities, to creative expression in literature, art and music. Many Indians remain oblivious to the debate in Kashmir over women’s rights even as they fight the Indian state and its record of sexual violence. Kashmiris possess more respect for civil liberties because that has been denied to them. Indians fail to realise how often and in how many different ways Kashmiri society has been forced to look within and rely on its own wits and resources in times of crises. This collective sense of self-reliance has made them resilient, fearless and confident. And thus, despite all the encumbrances, the protests have persisted.

Post 1947, India has witnessed any number of struggles relating to land and resources. And so has Jammu and

Kashmir (J&K). The common thread in such struggles is not the same constitutional arrangement, as much as the manner in which every type of constitutional guarantee gets tweaked/amended/modified across India. Despite Schedules v and vi of the Indian Constitution, the Panchayat Extension to Scheduled Areas and the Forest Rights Act, the forest dwellers in India have witnessed brazen violation of their provisions. Adivasis are at the centre of the war being waged in the name of crushing the Maoist rebellion. In Nagaland despite Article 371 A, (a) iv guaranteeing land and its resources to the Naga people, the centre claimed the right to mineral resources. In Assam there is a struggle going on against privatisation of oil wells by the BJP-led state government. Thus, notwithstanding constitutional guarantees, laws, and assurances, the Indian state’s functionaries never give up trying to push their claims as their sovereign prerogatives. Unlike elsewhere, land grab in J&K takes place in the name of development, for national security, that is, land for the 6,00,000 strong military personnel deployed there, for the comfort of Hindu pilgrims, fortified camps for migrants and so on.

This means that despite the constitutionally guaranteed “state subject-hood,” land grabbing continues. When the Bhabha Atomic Research Centre issued a tender for construction of “staff quarters” in Gulmarg in May without any statutory permission and in defiance of the J&K High Court’s order, it obviously believed that as a GoI entity, it was above the law. The role of the bureaucracy and the pro-Indian political formations in pushing the proposal for setting up Sainik colonies for all ex-soldiers, non-state subjects included, and families of those who died or served for three years in J&K (from 2011 to 2016) is noteworthy. Land for the Sainik colony was identified near the Old Srinagar airport at Humhama, but the number of applicants rose and the Rajya Sainik Board asked for more land. The buildings had meanwhile been constructed. Faced with public outrage the government backed down and the Army declared that the constructed buildings were for serving officers and their families.

However, papers and documents in the public domain indicate back-pedalling. The land policy to settle non-state ex-servicemen is an old project of the RSS to settle “nationalists,” and to allow non-state subjects unhindered access to land for industry, real estate, mining, and fortified colonies for migrants. The state government is sold on the idea that all things being equal, the economy will make up for all the political losses. Economic policy is not an independent variable in a war situation when there is continued financial dependence on the centre. The current state finance minister was quoted as saying that India follows an “economically coercive federation” where all powers rest with the centre (Irfan 2015). Comparing J&K and the North East to the 12th man in a cricket team, he said they too are like this player with no “say in the match.” The ₹80,000 crore “economic package” is outdated, an aggregate of all the promised projects, mostly central projects, and not an insignificant amount is meant for raising more armed police personnel or pacifying the electorate in Jammu (*Kashmir Reader* 2016).

The registered unemployed in the state number 2.2 lakh which when coupled with the unregistered, goes up to 6.5 lakh. The ₹80,000 crore “package” includes jobs for 3,000 migrant youth and 5,000 in the armed forces while the rest of the jobs in construction will see workers and supervisors from outside the J&K compete with locals. Besides, the legal immunity given to the military from the criminal court and the control of the J&K’s representative government, all point to micro-management of J&K by the centre. The state government has no authority to withdraw pellet guns, since even policing is under the Union Ministry of Home Affairs.

Indigenous Militancy

Burhan Muzaffar Wani and his comrades were born and died in the phase of militancy which symbolises the watershed in politics in J&K; pre- and post-1989–90. Burhan personified the new generation of militants. He spoke for them. They did not trust “leaders” and knew that they had a short time to live. One of his last messages was to the Amarnath pilgrims,

welcoming them, expressing respect for their faith and assuring them that they need not fear for their safety. In the midst of the current grief and anger, social media provides evidence of pilgrims being rescued from a burning bus, at risk to their own lives by Kashmiris. Even in 2008 in the midst of the *ragda* agitation, volunteers ensured that *langars* were organised and shelters provided to the *yatris*. Indeed the Nitish Sengupta Committee appointed by the government following the 1996 snowstorm in which more than 200 pilgrims lost their lives, recorded its appreciation (1996) of the role played by the *tatoowallahs* and the local villagers, most of them Muslims in rescuing the *yatris* at great risk to their own lives. The rescuers also included militants. Eyewitness accounts of the *yatris* say that the Border Security Force (BSF) did not come to their help. Yes, the militants are self-consciously Muslim, but to claim they are fanatics is a lie. Burhan's message was a repeat of messages issued by indigenous militants in the past, and was a clear signal that they respect the faith of the "other." Hatred for the faith of the other is the hallmark of a fanatic.

The distinction between indigenous and foreign militancy is the sharpest here. Remarkably, it is the *azaadi* leadership which is reaching out to Kashmiri Pandits, to come and discuss a concrete plan for return to their original home and hearth. Their opposition to fortified camps for migrants is well taken. Their appeal to the Kashmiri Pandits to return is well meant.

It is disconcerting, therefore, that India's civil society, with honourable exceptions, remains mired in "nationalist" dogma, communal or secular, unequivocally wedded to the nation state and its inviolability, and refuses to accept that the problem is primarily located in the Indian nation state project, defined by hatred for Pakistan and Muslim as the "other." Knowledge of communalism has not encouraged interrogation of the role played by Hindutva in exacerbating the Kashmir problem. There is suppression of facts about its patronisation in J&K by the military, civilian establishment and the state government: the training and arming of 29,000 village defence committee

members drawn from the Hindutva fold in the Jammu region (Jammu and Kashmir Coalition of Civil Society 2013); appointment as a minister from the BJP's quota of an absconder from justice in a case of lynching of two persons (Sharma 2016); allowing the cohorts of the RSS in a "disturbed area" to receive arms training and brandish weapons (Navlakha 2015); the lynch mob form of agitation launched in Jammu in 2008 by right wing elements which was mollycoddled, whereas the non-violent agitation in the Valley was showered with bullets; imposing of an economic embargo, an act of war, for a month against Kashmir by Jammu agitators and which the troop of 6,00,000 could not prevent (Navlakha 2008). The list is long.

The Indian government has nothing of substance to offer the Kashmiris. Gulzarilal Nanda, as Union Home Minister and interim Prime Minister, had famously told the Lok Sabha on 4 December 1964 that Article 370 was a "shell" which was "emptied of its contents." When the Farooq Abdullah government submitted the state autonomy report in 2002 to the Atal Bihari Vajpayee government at the centre, it went straight into the dustbin. The three subcommittees set up by the United Progressive Alliance (UPA) government went much farther than any other committee in recent memory in their recommendations, which were summarily ignored. As for the interlocutors' report in 2012, it made itself inconsequential by peremptorily dismissing the idea of reverting to the pre-1953 status. They were convinced that the Kashmiris do not know what they mean by *azaadi*, so all that is needed is *panchayati raj*. So when the GoI has neither intent nor political will, to offer greater autonomy, and Kashmiris will not settle for anything less than *azaadi*, it simply means that other than armed confrontation there is no way out.

A fatal flaw of counter-insurgency (COIN) is that it also implies psychological warfare, for perception management. The authoritarian origins of this concept should be borne in mind. As part of COIN, the armed forces have to appear to be triumphing while at the same time keeping the cauldron of fear boiling

among the rebellious population and fuelling insecurity among the Indian public to justify military suppression. As a result we move from triumphalism, of having defeated and suppressed the "separatists," to consternation when a mass upsurge takes place, blaming Pakistan for fomenting this. The union home ministry provided living proof of this by simultaneously lambasting Pakistan for "interference" and insisting that terrorism in J&K does not pose a threat! In any case, J&K has been under the administrative control of the GoI for nearly seven decades which has deployed more than 6,00,000 armed soldiers who enjoy legal immunity and possess enormous powers and in addition, civil liberties are suspended. So how come Pakistan finds it so easy to stoke fires of rebellion in Indian administered Kashmir? If elections and electoral turnouts are markers of people's choice, and not a compromise to make life less onerous, then how come the very same people join funerals of militants and gather at encounter sites?

Truth be told, Pakistan is able to "fish in troubled waters" because the Indian government has closed all avenues for democratic expression and has nothing to offer. The fact that the Lashkar or Jaish have reactivated themselves is because of the same reason that young people after 2008 and 2013 began to drift towards militancy after the bloody suppression they experienced. Omar Abdullah, wiser after the event, nailed the truth when he tweeted that Burhan Wani dead will galvanise local militancy. Note what took place at Tral on 9 July at Burhan's funeral. The town ringed by security forces and police camps could not prevent the more than 40,000 people from attending his funeral. Young volunteers manned all entry points and obstructed the movement of vehicles of security forces, as Hizbul Mujahideen militants gave their martyr a 21-gun salute. Heed also what has taken place since.

Battles Won, War Lost

In the conditions that operate in J&K there will be many who would take to arms and an even larger number that

see value in armed resistance. So militancy will not ebb until there are prospects of a democratic process, and people will not back off from lending militancy support or invest in the non-violent process unless there is a concrete political offer. Look at any insurgency the world over and the message is clear, if one is desirous of learning lessons. There has to be a radical course correction. One can discuss the minimum turnout required for referendum, and put the goalpost at two-thirds majority for a momentous decision. But to reject the right of self-determination because we have so far refused to entertain this possibility is evidence that this 69-year-old republic has lost its creative imagination. When wars, military suppression, manipulation

and machinations all have failed, and elections cannot hide the micro management of J&K by New Delhi, then the arc of history bends in favour of a democratic resolution, a solution we have shied away from. When radical Hindutva runs amok across the length and breadth of India, it is hypocritical to complain of radicalisation of the azaadi movement. It has not happened, notwithstanding febrile concoctions by Indian agencies and their cyphers, but it can happen if a democratic solution continues to be evaded, and Indians refuse to stand up in solidarity with the azaadi movement. When ignorance and obduracy become the reigning deities, history as farce can cause a bigger tragedy, which will singe us all.

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