

Kashmir: The Communal Factor

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It has been more than a year to the visit of All Parties Hurriyet Conference (APHC), delegation's visit to Pakistan; yet the Kashmir issue remains bogged down in the complexities of the stands of the three parties to the dispute i.e., Pakistan, India and Kashmiris. In Pakistan, the visit of APHC delegation created quite an euphoria, however soon disappointment and frustration set in. In India, the visit made the leadership in New Delhi to be a little more flexible, yet the caution prevailed over temerity leading to the argument that any progress on Kashmir must not have a bearing on the set parameters of India's territorial integrity. In Kashmir, particularly in the vale, the visit did raise some hope but then this optimism turned into despair as the immoderate seem to be winning the dispute against the moderates who do believe in a political dialogue as an alternate strategy to armed struggle and violence.

How could one explain these varied scenarios? Obviously they need to be elucidated keeping in view the specifics of each situation with regard to its geography, history and of course politics. Notwithstanding the specifics, there is however, an unspecified element related to the basic character which can safely be termed as the communal factor. This communal factor present in the Kashmir situation does partially explain the contradictions inherent in a possible solution of the dispute. Whatever has been offered so far in the recent process of peace starting from the Islamabad Declaration of 6 January 2004 by the three parties not only indicates a divergence in their views; it also does reflect a failure on the part of liberal thought in Pakistan as well as in the vale of Kashmir to acknowledge the primacy of the communal factor in Kashmir. The liberal thought here refers to the claims of

those who are willing to go beyond the stated positions in exploring the possibility of a rather new option against the trite ideas on Kashmir. Those who seek to adopt a novel approach in this regard often speak of status quo in Kashmir as something which could be equated with conservatism and accuse the ones who have a fixed line of reasoning as being excessive. To be more precise the term which commonly has been used for them is extremist.

Interestingly a lot of this extremism has to do with the communal factor in Kashmir. In this article an attempt has been made to establish the primacy of the communal factor in understanding the Kashmir crisis. Thus, from the point of relevance the debate may be placed in the context of a liberal versus conservative thought on Kashmir. It seeks to explore the dilemmas of Kashmiris through an understanding of the communal factor. The argument developed here is that a solution of the Kashmir question which tends to overlook this particular factor may end up as an unreal approach to the problem. In order to understand the communal character of the Kashmir dispute one must first appreciate the point that communal factor is not an exotic but rather an indigenous one to the Kashmir situation. Secondly the very credibility of the notion that communalism in Kashmir is a recent phenomenon as often claimed by the liberals must also be questioned.

Those who do identify themselves with the liberal thought on Kashmir seem to be too mindful of the Indian sensitivities on the Kashmir question particularly when it comes to defining the issue on a religious basis. As President General Pervez Musharraf did argue that an identification of the problem could not be on the religious basis, so therefore it needs to be on the regional basis on the people basis to identify the region, allow maximum... self-governance to the people, demilitarize and take some actions to make the borders irrelevant.¹

The essence of this line of reasoning seems to be an emphasis on detaching the issue from the communal bias and placing it in the context of regionalism where self-government

¹ *Dawn*, Karachi, 22 May 2005.

resulting in maximum autonomy would ultimately lead to a demilitarization of the region, thus making the borders with regard to Kashmir soft or irrelevant. This sense of optimism tends to overlook the contradictions inherent in the genesis of Kashmir question. It does also involve risks in lowering the guard beyond certain parameters. The talk of a soft-border which in case of India comes close to guarding its secular credentials, in Pakistan's case it may be an acquiescence in a place on India's terms and in case of Kashmiris it could be a proposed based upon the idea of a 'United States of Kashmir' coming from the APHC leadership. All these suggestions do advocate a solution which deliberately overlook the communal factor. The three contrasting state of affairs which have been described above whether they stand a chance of being collated or assimilated in some form of a settlement. The answer seems to be in negative when one analyzes the fact that the communal factor has been very strong in the disputed state of Kashmir not only in the recent times but also in the not too distant a past. For a better understanding of the communal factor in the Kashmir situation it would be appropriate to reconstruct the past and see how the area came to be defined in terms of geography and communal composition. The disputed state of Jammu and Kashmir in very strict geographic terms has never been a very homogeneous area. Having gone through different phases of Hindu, Muslim, Afghan and the Sikh rule from the 14th to 19th century, what evolved during the British rule in India consisted of very distinct areas. The state was acquired by the British through the conquest of adjacent tracts of territory; the only exception being the tale of Kashmir by the Hindu Dogra ruler of Jammu Gulab Singh from the British in the year 1846.² When it came to the geographic limits of the State, the British did succeed in clearly defining the borders between what came to be known as the princely state of Jammu and Kashmir and the other British territory in India.³ Internally the State could have been divided into five distinct areas:

- i) The Vale of Kashmir is also known as Valley of Kashmir with its capital at Srinagar and with a concentration of Muslim

² Alastair Lamb, *The Incomplete Partition: The Genesis of Kashmir Dispute 1947-1948* (Karachi: Oxford University Press, 2002), p.303.

³ *Ibid.*, p.308.

population. It is interesting to note here this Muslim population 'was more than half of the entire population of the aggregate of territories popularly known as Kashmir'. It was perhaps for the same reason that the state of Jammu and Kashmir came to be commonly referred to as pre-dominantly Muslim region.

- ii) The state of Jammu with its centre in Jammu city and its pre-dominantly Hindu population.
- iii) The district of Poonch, immediately north west of Jammu again with a very large Muslim population.
- iv) The Ladakh region with its predominant Buddhist population covering a vast area of land. To the west of Ladakh was the area called Battistan.
- v) The Gilgit region in the north west the then Kashmir ruler Maharaja Hari Singh had leased the major part to the British in 1935.⁴

The region which came to be known as Gilgit Wazarat and which mainly consisted of light town on the right bank of river Indus in addition to Gilgit Agency a number of 'dependent minor hill states' of Hunza, Nagar, Yasin and Ishkuman had been leased to the government of India for a period of sixty years.⁵ The lease in very practical terms meant that for a period of sixty years the whole leased area would be treated as an integral part of India or rather British India. A political agent was appointed at Gilgit who had been 'responsible to New Delhi through the British resident in Kashmir'.⁶ As it was put 'the Maharaja's rights in the leased territory were nominal. He has no longer kept any troops there. Security was maintained by the Gilgit scouts, a locally recruited corps with British officers in command and financed by the Government of India'.⁷ When it came to the external borders, some kind of ambiguity was deliberately maintained and during the British rule, the State shared boundaries with Afghanistan to the north-west. As it has been put, 'on the extreme north-west the old

⁴ Peter Lyon, 'Britain and the Kashmir Issue' in Raja G.C. Thomas (ed.), *Perspectives on Kashmir: The Roots of Conflict in South Asia* (Boulder: Westview Press, 1992), pp.120-21.

⁵ Alaistar Lamb, *op.cit.*, p.190.

⁶ *Ibid.*

⁷ *Ibid.*

state (in its most optimistically extended form) marched with Afghanistan and here, in the last decade of the 19th century an Anglo-Afghan border, the so-called Durand Line was established'.⁸ For the strategic reasons the State of Jammu and Kashmir and that the Northern areas like the Baltistan, Hunza, Gilgit had been quite significant to the British. In fact, the control and acquisition of the Gilgit Agency by the British had been for the same reason. The move was aimed at preventing the possible advances and penetration of the Chinese empire towards this region. The British sensitivities in this context received an impetus from the proximity of Ladakh to Tibet in particular where there had been a predominantly Buddhist population. The region between the Northern areas of Kashmir and Chinese region of Sinkiang was 'never defined in the British period'.⁹ Therefore at the time of the British departure from the subcontinent there existed much ambiguity with regard to Kashmir's external boundary in particular with the Chinese claims to territory to the south of the main Kara Koram watershed.¹⁰ So far the international law was concerned this border remained undefined.¹¹

The reason for providing these geographic details being that at the time of transfer of power, Kashmir's geographic description as a homogeneous unit was far from being simple. Its composition and undefined external frontiers left many questions unanswered. Geography alone not only created a puzzle or enigma, but the very fact that in terms of ethnic and cultural unity there was little which could have turned the state into an undistinguishable region. There was much diversity in terms of ethnicity and cultural pluralism. 'There was no single ethnic, cultural, linguistic or religious factor which unified the State'.¹² The last two factors, the language and in particular religion drew very distinct lines when it came to defining nationalities in Kashmir. For instance there were three very specific language groups within the disputed state; the areas like Jammu, Mirpur and Poonch belonged to what normally

⁸ *Ibid.*, p.308.

⁹ *Ibid.*

¹⁰ *Ibid.*, p.309.

¹¹ *Ibid.*

¹² *Ibid.*, p.303.

was termed as general Sanskritic family.¹³ The areas like Ladakh and Baltistan with many subdivisions related to that group of language that is ‘sometimes called Dardic (many versions of which are found in the Kara Koram and of which the language of Vale, Kashmiri is generally considered to be in some measure related’).¹⁴ These linguistic groups somehow were overshadowed by the ethnic factor that when translated into actual division precisely emerged as the communal factor. The situation in Kashmir in political terms as back as 1931 carried some undertones of this communal factor. By the same year one could have easily detected the changes in nuances and emphasis on this communal factor. As a matter of fact, the 1931 popular movement by a Muslim majority population against its Hindu Dogra ruler had already divided the Kashmiri public opinion on communal lines. It resulted in the emergence of two leading party groups having a common origin i.e., what one may term as rather liberal or secular National conference and the other conservative or religious Muslim conference. Precisely by the year 1946, the divisions in Kashmir in communal terms were quite evident. It is also interesting to note that in different regions of Kashmir the party affiliations had been strictly on the same lines. For instance the Hindus in Jammu and Hindu Pandits in the Vale had preferred to identify themselves with the Dogra dynasty and majority of them would have certainly opted for accession to India. Ladakh had already started to develop a political consciousness based on the Buddhist identity and if given a choice at that time would certainly have appreciated a closer union with India or Tibet.¹⁵ Even in the Vale of Kashmir a very secular Sheikh Abdullah of the National Conference if allowed would have led Kashmir towards an independent status. He simply could not have prevented a split of Muslim opinion in the Vale on religious lines. The Muslim Conference which emerged in 1941 had been opposed to ‘Union with India, and subsequently it was to become associated with accession to Pakistan’.¹⁶ As it has been put ‘However much political leaders in British India – and, indeed in

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*, p.97.

¹⁶ *Ibid.*

Kashmir as well, Sheikh Abdullah for example – might talk about a post-British secular independence, the fact was that no more in Kashmir than in provincial British India could the communal factor be buried. Kashmir (Vale) politics in the era from the early 1930s up to the 1947 Transfer of Power might sometimes be expressed in a secular language, but the major issue remained communal, the resentment by Sunni Muslims of Hindu rule and the Hindu privileges which resulted therefrom'.¹⁷ Notwithstanding the exigencies of the tribal invasion of 1947 from NWFP into the Poonch region of the disputed state of Kashmir, the fact could not be over emphasized that this tribal invasion did carry a strong communal tone. It was perceived both at the government and mass level in Pakistan as an attempt to extend help to the Muslim population in Kashmir which was being persecuted by the Hindu Dogra ruler Hari Singh. Had this communal factor been taken into account at that particular period of time and regional plebiscites allowed it was most probable that Vale of Kashmir joining Pakistan and Jammu and Ladakh going India's way. As far as the Northern areas were concerned as pointed out earlier in this article they had not been a part of the disputed state of Jammu and Kashmir at the time of the departure of British from India. Besides, most of these areas had shown their willingness to be part of Pakistan. It was also probable that in any kind of regional plebiscites, religion would have been the deciding factor. But all this remained just a probability and instead a war in May 1948 between Pakistan and India resulted in the division of the State. In the aftermath of the war, the United Nations sponsored an agreement on 27 July 1947 known as the Karachi Agreement which did formalize or rather defined the ceasefire line which as a matter of fact was 'the logical conclusion of the ceasefire of 1 January 1949'.¹⁸ The United Nations while sponsoring the agreement did take into account the pluralistic nature and the communal character of the state that is why the ceasefire line originating from this agreement was declared to be a temporary arrangement. It seemed to be a clear indication of the fact that ethnic affiliations could not be unaffiliated through the drawing of

¹⁷ *Ibid.*, p.304.

¹⁸ *Ibid.*, p.290.

an artificial line. Therefore India's claim over the disputed state of Jammu and Kashmir and its refusal to give the local population the right to have a permanent adjustment stands in direct conflict with the above-mentioned notion. The limitation which the Karachi Agreement placed on the division of Kashmir being temporary in nature made Pakistan to support the Kashmiri's demand to the right of self-determination. This right had been validated through the UN Security Council resolutions of 13 August 1948 and 5 January 1949. Pakistan had extended support to these resolutions from the decade of 50's upto the very recent past. However, the major problem with the option of a unitary plebiscite being that it failed to ensure a consensus, since the opinion regarding the future of Kashmir remained divided on the communal lines. India's forcible annexation of Kashmir through a much suspicious Instrument of Accession signed by Maharaja Hari Singh in October 1947, the consequent landing of Indian forces into Srinagar and the introduction of the Article 370 A to the Indian constitution making Kashmir a 'State within a State' had all been attempts to suppress the communal character of the state and give it an undistinguishable and artificial homogeneity. India's refusal to demilitarize the region in the ensuing years proved beyond doubt that it could have not held on to the Vale without the military support or force. Being mindful of this Indian apprehension as well as being aware of the contradictions inherent in the idea of a single plebiscite, Prime Minister Muhammad Ali Bogra did extend support to the notion of the regional plebiscites in the year 1953.¹⁹ In the later years, similarly General Ayub Khan appeared willing to forego the option of a unitary plebiscite provided whatever alternate is devised would be acceptable to the people of Kashmir.²⁰ Pakistan's insistence, however, on a plebiscite apart from the two above-mentioned deviations seemed to be a continuation of the communal ethos that was the hallmark of the Pakistan Movement.

In Kashmir, in the Vale in particular, during this particular period of time, despite Sheikh Abdullah's best attempts to portray

¹⁹ *Ibid.*, p.312.

²⁰ S.M. Burke, *Pakistan's Foreign Policy: An Historical Analysis* (Karachi: Oxford University Press, 1990), p.281.

himself and his party as being a part of mainstream – Indian politics, there was much evidence of a propensity on the part of the Indian Prime Minister Jawahar Lal Nehru betrayed to distrust the Kashmiri leader's aspirations purporting to promote a secular image of Kashmir. His frequent imprisonment by the Indian government was not only to prove to the Hindu Revivalist parties like Rashtriya Swayamsevak Singh (RSS) and the parties in Jammu like the Praja Parishad that by according special status to Kashmir and by giving it autonomy, New Delhi had not preferred a distinct identity for Kashmir. This identity was certainly not to be different from the Gianic Indian or rather Hindu nationalism. The preservation of this Hindu identity generated in Jammu in particular on emotion which revolved around the theme that Sheikh Abdullah's government in Kashmir was bent upon eroding Hindu supremacy in the state and he must be prevented from doing so, as they were apprehensive of his role against the Dogra dynasty in the pre-partition India. As it has been put, 'The Hindus of Jammu were scared by the anti-Dogra bias [of] his [Sheikh Abdullah's] National Conference and his Quit Kashmir Movement which was mainly directed against the Dogra Hindus of Jammu'.²¹ This emphasis on a communal perception of the situation by the political parties in Jammu made Sheikh Abdullah not only skeptical about India's secular credentials but also placed limitations on his freedom of action. As a matter of fact, every move of his was construed as an overt attempt either to get total independence for Kashmir or a coveted desire to review his policy towards Pakistan. In the political contest this would certainly have been a very uncomfortable position to be in because his ideals for Kashmir were regarded as something close to treachery. There was certainly a difference in perception of the communal and secular forces with regard to the identity of Kashmir which Sheikh Abdullah in the initial years of the crisis failed to realize and which in the later years failed to arrest when they developed into an unending passionate debate regarding the future of Kashmir. Ultimately they did take the form of a conflict within the state. The Praja Parishad's agitation of 1952 was in fact a manifestation as

²¹ Balraj Madhok, *Kashmir: Centre of New Alignments* (New Delhi: 1963), p.36, quoted in Rajiv G. Thomas, *op.cit.*, p.140.

well as a recognition, that politics in Jammu was moving towards communalism. Sheikh Abdullah's partial inclination towards independence in reaction to this crisis could be regarded as the emergence or rather reassertion of two parallel themes in Kashmir's politics. One related to the dominance of the communal factor in Jammu in particular being articulated in a desire to be integrated with the Indian Union, another being the secular element in the Vale which aspired for independence from the Indian rule. This ambition for freedom was the culmination of a process eclipsing the secular thought. It was an admission of the reality that communalism had been never in decline in the disputed state of Jammu and Kashmir. Sheikh Abdullah in response to the rise of this communal factor offered caution to the Parishad Movement. He emphasized the fact that a desire on the part of the political elements in Jammu for full accession or reintegration leading ultimately to the abandonment of Article 370-A would be taken among the Kashmiri Muslims as an attempt by Hindu India 'to swallow up Kashmir'.²² In fact, this reassessment of the situation on the part of Sheikh Abdullah was a 'growing evidence of communalism in Jammu and India'.²³ However, the Praja Parishad was not apologetic of this growing communalism in Jammu. It did bring together two very distinct ideas; one that if Kashmir or rather Vale continued with its special status than Jammu and Ladakh should be integrated into the Indian Union. And secondly they did approve of the Dixon Plan of 1950 which suggested regional plebiscites in the State on the basis of 'emotional attachments of its population'. There was little doubt that these emotional attachments had their origins in the religion or rather in the communal affinities. This communal element found a forceful expression in Vale, Jammu and Ladakh and it did evoke respective response both from India and Pakistan. For instance of New Delhi reacted with the introduction of more repressive laws in the State which did give rise to a counter reaction coming from the Vale of Kashmir against this repression. This policy of repression convinced Pakistan that New Delhi in order to overcome its phobic

²² *Ibid.*, p.162.

²³ *Ibid.*

anxieties associated with an overwhelmingly Muslim population in the Vale could go to any extent. It also did warn India that granting Kashmir the status of a state of the Indian Union would lend a perpetuity to the conflict, and this conflict may turn violent anytime. This warning came true in 1965 when the Indian repression in the Vale of Kashmir placed Pakistan to provide help to the people on the otherside of the cease-fire line and not to neglect the communal factor involved in the issue. Therefore, the war of 1965 was interpreted by both government and masses in Pakistan as an attempt to save this communal ethos. However, when the outcome appeared to be contrary to this, the masses did not spare the rulers who had taken upon themselves the task or responsibility of safeguarding this communal affinity.

A new chapter opened in the Pakistan-India relationship with the conclusion of the Simla Agreement in July 1972 which was described as a defining moment in the history of the two countries. However, even such an historic agreement failed to establish a permanent and genuine peace between the two neighbours. Its biggest failing being the non-acceptance by both Pakistan and the Kashmiris of the status quo in the disputed state. This non-satisfaction with the agreement particularly in Kashmir was to unravel itself much later in the uprising of 1989. India declared it a proxy war by Pakistan but many objective observers of the Kashmir scene had thought of it otherwise. They concluded that an indigeneous element was attached to it. No doubt, the ideological factor or the communal ethos was very strong behind this uprising, however the strategy that it did choose had two main points. First a sort of distinction was deliberately maintained regarding the possible options on Kashmir. This option that the upholders of this ideology preferred may not have been very close to Pakistan's idea of Kashmir joining the country but it was certainly very far from the Indian dream of Kashmir being a part of secular India. In the ensuing years, there was a constant struggle between those who focused upon the communal character of Kashmir and those who tried to undermine it. In the first category obviously one can place Pakistan and the conglomeration of the political parties in Kashmir some inside and some outside APHC and to the latter category belonged India. This categorisation also

did help in determining the responses of Pakistan, India and the Muslims in the Vale of Kashmir to the uprising of 1989. India reinforced its forces in the Vale, the figure today stands at more than 7 lakhs Pakistan's response was based on the extension of moral, political and unacknowledged material support to the Muslims in Vale. The Kashmiri leadership in the Vale still in the process of establishing the contours of its movement deferred the questions of a final solution for a later point in time. There has been however a faltering on the part of all the three parties to cling firmly to their respective positions. The choice that New Delhi made to deal with the uprising i.e. excessive use of force was not abandoned despite its claim of Kashmir being its integral part and persisted in dealing with the movement as an insurgency. It appeared willing to hold talks with the separatist but termed this dialogue as the return of the renegades to the Indian Union. Pakistan though having a very genuine case over Kashmir seemed to be losing the audacity to justify its claim. At the moment it is totally awed by the preponderance of Indian charge of cross-border terrorism. The Kashmiri leadership's failure perhaps lay in its disagreement over the modus – operandi of a resolution of the dispute.

The Kargil crisis of 1999 was the turning point in the Kashmiri uprising. The crucial test came for Pakistan when it was asked to show its willingness to extend help to those who professed to believe in Kashmir having communal sources of conflict. Pakistan did extend initially support to the proponents of this theory but later on was forced to abandon them as (Jihadis). It made a retreat in the form of Washington Declaration of 4 July 1999 acknowledging its respect for the LOC.

This brings us to the control or key question whether Pakistan is willing and also in a position to rally behind this communalist approach or had it already given up in front of an all powerful India. Interestingly India in the post-September 11, 2001 events has been too keen to apply and exercise the notion of a pre-emptive strike to fight what it calls terrorism being promoted by the fundamentalist across the border. After a military showdown resulting from the alleged Pakistan-backed Kashmiri Mujahideen on the Indian Parliament in December 2001. India without altering

the contents of its Kashmir policy is certainly working upon a new strategy. This change had been visible since the issuance of Islamabad Declaration of 6 January 2004 when the two countries agreed to start a process of peace and normalization of relations. Equally interesting was the fact that not only India did engage Pakistan in a dialogue but for quite sometime succeeded in making Pakistan feel euphoric about this engagement. For instance, President Musharraf during his visit to New Delhi in April 2005 sounded too optimistic while commenting on the success of this peace process as he put it 'I think it is very historic visit after Agra,... It has more chances of optimism because the environment which you compare Agra with today is very different. It is a congenial environment and the desire from both sides is to make a success'.²⁴ No doubt much peace and tranquility has come to mark Pakistan-India relations; however, past experience must not be overlooked and one needs to be cautiously prudent. The change in the environment could be interpreted in relative terms only since we are making only comparisons here. The not very liberal elements both in Pakistan and the Vale of Kashmir may view this change with suspicion and mistrust. They may argue that in the presence of fixed positions, just being agreeable to a talk of the solution does not automatically translate into a *modus operandi* for the resolution of the dispute. Rushing through a resolution of the Kashmir conflict of course is not very wise, however, moving without a deadline would be too simple. Repeating the desire to find a solution without going into the specifics may be an exercise in self-deception. The idea of making the borders less and less relevant with regard to Kashmir very much approved by the Indian leadership and establishment is symbolic of the consistency of New Delhi's stand on the issue. It does epitomize the very well defined parameters which the Indian government simply could not think of stepping out. The people to people contact may be a very cosmetic gesture given the fact that strict monitoring is being maintained by India over this interaction. There seems to be no substantive evidence of India's military disengagement from Kashmir. The military disengagement perhaps could have been the

²⁴ *Dawn*, Karachi, 17 April 2005.

starting point and also the biggest confidence-building measure in this connection. It could have certainly helped in winning the Kashmir leadership in the Vale and in acknowledging their status as a separate entity. India has always linked the issue of troop reduction to the alleged militancy taking from Pakistan's side of LOC. In this argument the three key issues have been sidelined i.e., the non-permanent status of LOC, the emergence of Kashmiris as a third party to the dispute and the military presence could be counter-productive. The issues that India has been focusing upon do relate to the maintenance of status quo. The talk of a soft border is just a relaxation not an alteration in the existing situation; it is dependent on a firm pledge from Pakistan that no part of its territory would be allowed for terrorist activities against India. India feels that it has gone its way forward by initiating the dialogue with Pakistan. What course this dialogue must take in resolving the dispute should also be determined by India; that is how New Delhi seems to be pursuing this whole process. As a matter of fact the point 7 of the joint statement of 18 April 2005 issued at the conclusion of President Musharraf's visit to New Delhi did reflect this thinking. As it was put 'they agreed to pursue further measures to enhance interaction and cooperation along the LOC including agreed meeting points for divided families, trade pilgrimage and cultural interaction',²⁵ one explanation that could be offered here that since Pakistan is too keen to appease New Delhi from the Indian perspective, the time is ripe for downplaying the political aspect of the dispute. Another interpretation could be that narrowest focus should be on undermining the designs of those who uphold the above communal card in Kashmir by promoting mention activities. Facilitating the movement for dividing the united families, pilgrimage and trade in the longer run may give the LOC a defeats recognition of a border with relaxed controls. The language which was used in the joint statement reflected a lack of reciprocity. Though it came both from Islamabad and New Delhi yet the tone was guided by the latter. The joint statement seemed to be more an articulation of Indian leadership's apprehension of terrorism in the disputed State of Jammu and

²⁵ *Dawn*, Karachi, 19 April 2005.

Kashmir. As it was put 'they condemned attempts to disrupt the Srinagar-Muzzafarabad bus service and welcomed its successful operationalization. The two leaders pledged that they would not allow terrorism to impede the peace process'.²⁶ This reference to a commitment to fight terrorism and not letting it to hamper the peace process may be interpreted as a positive development; but the problem being that it is a pledge between Pakistan and India. It betrayed India's sense of insecurity, its mistrust even with the moderate Kashmiri leadership and its obduracy not to have any Kind of interaction with what it calls the communal or extremist elements. As a matter of fact, India's roadmap for Kashmir does not include Kashmiris as the separate party and is aimed at excluding the hardline factions to the point of surrender. There is a total denial of the fact that these hardline factions do have a mass acceptance based on the communal appeal. Had this not been the case the moderates despite their best attempts to make reconciliation would not have failed in winning the Indian establishment and the Kashmiri extremist to their line of reasoning. India as a part of the peace process calls for dialogue with Pakistan acknowledging the latter's status as a party to the dispute. For an engagement with the APHC it had made it clear that it should be within the parameters of the Indian Union. This could be proved by the fact that the APHC delegation in June 2005 travelled to Pakistan on Indian passports or to be more precise came to Islamabad as Indian nationals. The APHC delegation did accept Islamabad's invitation for having an interaction with the Kashmiri leadership on this side of LOC not just because of the flexibility shown by Pakistan but also because it did carry an official endorsement from New Delhi without it this visit would have been simply impossible. No doubt the APHC's leadership is tired of Kashmir being treated as a piece of territory between Pakistan and India and does have its doubts regarding Pakistan's capability to wrest a peace deal from India; however the question is how much sovereign the APHC leadership itself has been? In the recent past, the APHC leadership has tried to activate the peace process by creating some kind of a compatibility between the divergent views

²⁶ *Ibid.*

of Pakistan and India over the issue. This may be an holistic approach but it does not augur well taking into account the fact that to the Indians the Kashmiris are a part of the internal political mainstream. Since the Muslim leadership in the Vale could not make claims on India as an independent party, therefore it could not think of sharing roadmaps with Pakistan and India in particular. All this may be a movement leading back to square one i.e., the right of self-determination being equated with local autonomy. The progress that so far has taken place in the peace process focused on guaranteeing a reduction in terrorism from the Indian point of view. It has not been complemented by an attempt to reduce the excessive human rights violations in Kashmir by the Indian State. It has not brought even a slight change in the lives of the ordinary Kashmiris who are still exposed to the threat of torture, extrajudicial killings and arbitrary arrests. The feeling of being free which could make life meaningful is still missing in Kashmir. In such a situation obviously there is much room for an obsessive commitment for Jihad and no compromise with those who reject this idea. The big question is whether the APHC is capable enough to tone down this talk of war?

There might be incompatibility in the stands of moderates and extremists, but they do make an appeal to the same audience i.e., the people of Kashmir any roadmap which does not take into account the ground realities in Kashmir may result in the dashing of hopes. This despair does have the potential of turning into violence. The ground reality in Kashmir today being that Indian government is bent upon defending its hold on the State through the use of force; while the hardline elements are equally determined to guard their ideology even if they had to take resort to violence. The divide which separates the moderates and the extremists being that the latter are totally skeptical of the peaceful means of the resolution of the dispute and for this reason are willing to engage themselves in a combat for their right of self-determination. Pakistan is ready to forego the UN resolutions on Kashmir, however the hardline elements being represented by leaders like Syed Ali Gilani insists on their implementation. As he put it, 'we shall urge Islamabad to stick to United Nations

resolutions, while discussing the Kashmir issue with New Delhi'.²⁷ Contrary to this, the moderate element being represented by leaders like Mir Waiz Umer Farooq attempt to create unified perspective by bringing in the extremists in the Vale as well as the political factions in Jammu and Kashmir within their own framework of a possible solution on Kashmir. This is in line with their strategy based upon the disapproval of the militancy. This moderate faction of the Kashmiri leadership also seeks to harmonize its viewpoint with the pluralistic nature of the Kashmir State. It has also placed an emphasis on the tripartite negotiations instead of a triangular dialogue i.e., Kashmiri representatives sitting fact to fact with the Pakistan and Indian delegates. Both these objectives seem to be tenable but the question is to what extent the extremist or those who believe in Kashmir having a communal character could surrender their position. The same goes for the political leadership in Jammu and Ladakh who may see in a possible solution of Kashmir a reintegration of their areas into the Indian Union. Added to this is the position of Indian government as well as establishment who wish to prove that Kashmir represents the secular nature of Indian polity. Do the moderate leaders like Umer Farooq have the strength to bring a change in the above-mentioned positions. If not so then it is very likely that extremists would prevail over the moderates or to be more precise conservatives would dominate the liberals. Kashmir's pluralism which does have strong communal overtones, from Indian perspective this pluralism is to be managed within India's territorial integrity. In no case it could be extended beyond its borders. Both the government and the opposition in India espouse this policy which again is an extension of the conservative thought on Kashmir. Indian's readiness to talk with Pakistan on the Kashmir issue made many parties in opposition in India to sound a note of caution. For instance, the then President of Bharatiya Janta Party L.K. Advani whose visit to Pakistan did coincide with the APHC delegation's visit to Pakistan had this to say: 'we can change our history, but not our geography'.²⁸ An indirect reference to the communal character of the State was made by Mr. Advani

²⁷ *Ibid.*, 25 May 2005.

²⁸ *Ibid.*, 1 June 2005.

when he said, 'Jammu and Kashmir is very diverse and any eventual solution to the issue will have to be acceptable to all the diverse communities in the state and all sections of opinion within Kashmir'.²⁹ The divergence in the viewpoint of the political leadership in India and the moderate Muslim political leadership in Vale of Kashmir being that the former is willing to move forward without making any compromises while the latter is ready to make compromises but would not like to be forced to leave aside the ideological element of its movement and forget the past. As Mirwaiz Umer Farooq made it clear that any step forward by the moderate Kashmiri Leadership should not be taken as a sell-out of the blood of 80,000 people killed in 15 years of uprising in occupied Kashmir'.³⁰ Acknowledging the great scarifies made by the people of Kashmir, he often during his visit to Pakistan did argue for the need to sit together and consider the ways to move forward.³¹ India's willingness to move forward however has been contingent upon this condition, '... no solution to any of outstanding issues between India and Pakistan including the issue of Jammu and Kashmir, can work if it erodes the sovereignty, security, unity and territorial integrity of either country'.³² Though this conditionality pledges to honour the above-mentioned principles on a reciprocal basis, however inherent in this commitment is an overemphasis from the Indian side on a non-redrawing of the boundaries. It does not provide any evidence that in order to reach out to the moderate elements in the Vale, the Indian government would deviate from this view. The question is whether the liberal forces in the Vale and a conservative Indian government could coexist together? Another point which deserves special mention here being whether the liberals in the Kashmir scenario are willing to accommodate the extremists and if so to what extent? Since the distrust of moderates runs high among the extremist even an attempt to bring them to the fold of mainstream Indian politics could prove counter productive. Even if the moderates do accommodate the extremist elements would it be

²⁹ *Ibid.*

³⁰ *Ibid.*, 3 June 2005.

³¹ *Ibid.*

³² *Ibid.*

focused just on ending the violence or would it accept these elements as a genuine part of the Kashmir situation. If the moderates go by the first course of action then they may endanger their credibility and would be charged of pursuing a policy very close to that of the Indian government, so far the APHC's strategy has been to make the peace process relevant to the Kashmir question. It has also made it clear that any solution of the Kashmir question should not be based on any kind of status quo. Despite this the hardline elements regard the peace process between Pakistan and India as irrelevant to their cause. Therefore to them there is no justification in adhering to this peace process. Apart from these distinctions, the APHC leadership in comparison to the hardline elements in Kashmir seem to be more appreciative to the flexibility shown by the Pakistan leadership on Kashmir. This leadership has however been quite uncertain of India's role and despite extending its support to New Delhi in the peace process does have its reservations. This can be demonstrated by the fact that when the APHC leadership visited Pakistan in June 2005, it was quite optimistic; within a span of one year the chasm between the APHC and the Indian government has broadened to a very large extent. In contrast to this the wide gulf between the moderates and the extremists appears to be narrowing down a little. One demonstration of this was the refusal of both the moderates and the no moderate elements to attend a roundtable conference called by the Indian Prime Minister Manmohan Singh in February 2006 to what he called an attempt 'to hear out as many views as he could on the dispute'.³³ It is interesting to note that almost all the groups from Kashmir's mainline resistance backed out of these talks. There seems to be a consensus developing among the diverse Kashmiri leadership whether it be from the Jammu and Kashmir Liberation Front (JKLF) or the APHC or the Jamaat-e-Islami regarding the futility of dialogue with the Indian government. It is also being interpreted in terms of an indifference on the part of the Indian government to the ground realities in Kashmir.³⁴ The excessive human rights violations including the extra judicial killings to suppress the uprising in Kashmir has been

³³ *Ibid.*, 21 February 2006.

³⁴ *Ibid.*

confirmed even by a report of the US State Department for the year 2005 which puts the figure quoting the National Human Rights Commission of India 2004 till March 2006 around 1, 357.³⁵

Apart from the Indian government's refusal to address the Kashmir specific issues in the Pakistan-India dialogue the Kashmiri leadership is also perturbed by the flip-flop in Islamabad's policy. The point of concern being Pakistan's ambivalence whether Kashmir should be threatened as a bilateral or a trilateral issue. For instance President General Pervez Musharraf during US President George Bush's visit to Islamabad in March 2006 had this to say, 'we (Pakistan and Indian) are into a bilateral dialogue. We don't want to make it trilateral or multilateral'.³⁶ No doubt this statement was in the context of his refusal to involve a third party into the dispute, however it did create doubts among the many as this could be taken as a dismissal of the Kashmiris as a third party to the dispute. A day later speaking at a conference on Kashmir in Islamabad he focused upon a number of proposals to a reasonable solution of the Kashmir dispute like the demilitarization, self-governance and making the borders irrelevant which according to him would neither require the redrawing of the borders, nor make the Line of Control permanent.³⁷ In order to achieve this objective, he argued that all three parties acknowledging the Kashmiris as the third party 'must show courage to reconcile, as courage and boldness are all the more important in finding a solution to the lingering problem'.³⁸

The idea of a 'United States of Kashmir' is the cornerstone of the APHC's policy which it regards as being very similar to President General Pervez Musharraf's proposal on Kashmir.³⁹ Though Mirwaiz Farooq does need a painstaking study. However, even a cursory look at Mirwaiz Umer Farooq's above-mentioned proposal suggests that it does have a lot of inherent contradictions for instance the Kashmiri leader envisioned Jammu and Kashmir as one entity.

³⁵ *Ibid.*, 9 March 2006.

³⁶ *Ibid.*, 10 March 2006.

³⁷ *Ibid.*, 11 March 2006.

³⁸ *Ibid.*

³⁹

As Mirwaiz Umer Farooq put it ‘Kashmir be addressed as one unit as it existed at the time of the partition of British India,⁴⁰ even if it is to be divided into several regions for self-governance. As has been argued in this article elsewhere that at the time of partition of India, Kashmir state lacked a homogeneous character. Quite often Mirwaiz Umer Farooq has expressed his desire to develop links not only with different political elements in Vale but also with the Hindus of Jammu and the Duddhist of Ladakh; this could be a very wishful thinking given the fact that since the uprising the population in Jammu and Ladakh had found itself to be on the receiving end of this resistance movement. To them the distinction between the extremist and the moderates is very thin and they feel that their security is dependent on the Indian government and the acceptance of their demand to be reintegrated into the Indian Union. Moreover the APHC’s idea of a ‘United States of Kashmir’ does include the areas like Gilgit and Baltistan which even prior to partition of India and in times of British rule were never a part of Kashmir. This is the anomaly which makes the whole idea of a ‘United States of Kashmir’ unsatisfactory from Pakistan’s perspective. Pakistan has always refuted India’s claim of Gilgit and Baltistan being an integral part of the disputed State of Jammu and Kashmir. This stand of Pakistan has not only been a source of conflict between Islamabad and New Delhi but this could be the real point of disagreement between the APHC leadership and Pakistan. How the APHC leadership is going to tackle with the opposition to the idea of a United States of Kashmir’ in India is also not clear. As a matter of fact the Indian opposition adopted a confrontationist stand when the Indian parliament in February 2006 tried to discuss the idea of self-rule and autonomy for Kashmir. The Indian opposition went to the extent of dubbing its government as anti-national since it talked about self-rule for Kashmir; according to it the State was an integral part of India. For instance the BJP’s deputy leader in the lower house of the Indian parliament *Lok Sabha* recalled that during former Indian Prime Minister Narasimha Rao’s government 1991-1996, the Indian parliament had passed a resolution declaring Kashmir an integral

⁴⁰ *Ibid.*, 5 April 2005.

part of India'.⁴¹ In addition to this, how the APHC leadership is going to neutralize the hardline elements who term any sort of interaction with the Indian government as futile. As a press release of the United Council of Jihad (UJC) while commenting on the second round of a talks to be held in May 2006 called the Indian government and the Kashmiri leadership put it 'If these politicians were conscientious and visionary, they would not have wasted time in fruitless talks at a time when the Indian troops were killing Kashmiris and seizing their farmlands orchards and tourist spots to strengthen the occupation infrastructure'.⁴² It is not hard to understand or appreciate the fact that why the hardliners in Kashmir have succeeded in making their viewpoint prevail. In the first place, India has not gone for any major demilitarization. It still does maintain a heavy armed presence in the State; this military presence has been responsible for immense human rights violations. This is something totally unacceptable to the majority of people in Kashmir. Moreover, they see this military presence as an impediment to the progress and winning the trust of the people of Kashmir. As a matter of fact a heavy militarization of the area has made many in Kashmir # the use of arms against the Indian government. The entire Kashmiri resistance movement seems to be embedded in a feeling of revolt against this repression. Pakistan's support though goes beyond rethoric, it has also shown much flexibility in dealing with the erisis by patting forward the proposals like self-rule, demilitarization and joint management of the territory; however this flexibility has not succeeded in eroding the communal character of the dispute. It has also failed in delivering a peace deal which could validate the claim of New Delhi that it is sincere in resolving the Kashmir dispute. To this date the Indian government has continued with the policy which is aimed at a reintegration of the state and making the Muslim population feel more and more vulnerable. The demilitarization of the area could have been a step forward in the resolution of the Kashmir dispute. Pakistan could have certainly exercised some of

⁴¹ *Ibid.*, 28 February 2006.

⁴² *Ibid.*, 9 May 2006.

its beverage with the resistance groups in Kashmir had New Delhi agreed to reduce its military presence in the area.

Indian strategy of not taking the moderates seriously, marginalizing the hardline elements, blaming Pakistan for its failure in Kashmir has made the entire peace process and the chances of a resolution of the Kashmir dispute doubtful. New Delhi's persistent talk of terrorism being promoted from Pakistan's side of LOC has made Islamabad's policy of making peace with India appear as lacking credibility. India's Defence Minister had said that the Indian military presence could be enhanced 'if the graph of militancy related violence goes up'.⁴³ In the very recent times New Delhi has accused Islamabad of breeding a new form of terrorism aimed at farming communal tensions.

The communal perspective on Kashmir certainly could not be dismissed as something being conservative or new-conservatism. One of the most powerful parties in this equation i.e. Indian itself is quality of promoting this communal factor in the state in the initial as well as in the later years. The hardlines in Kashmir may be described as radicals or reactionaries, however equally extremist policies based on a desire to avenge have been pursued by the government in India. For the latter it seems to be an easy way out since alternatives could involve making difficult choices. India must understand that its articulation of Kashmir policy and its relationship with Pakistan has been conceptualized over the communal factor for so many years. Therefore to attribute the communal overtones just to the resistance groups in Kashmir would be a denial of the reality. India's desire to portray Kashmir as a part of secular India comes into clash with this reality. To develop an understanding of the situation, New Delhi must reach out to those elements who do believe in a communal character of the State. Communalism in this context is something which should be appreciated instead of being despised. It must not be confined to the past but should be accepted as a part of the present situation. The extremist must not be rejected as immaterial but treated as a phenomenon which is very much material or actual. The maintenance of status quo may be an alternative but continuing

⁴³ *Ibid.*, 20 March 2006.

with same old policies may result in an indefinite situation. The use of force on the part of India could have silenced Kashmiri extremist elements for a while, it could also have brought a temporary ceasefire along the LOC but it certainly could not be declared as persistence in peace.