

The Kashmir Question: Nation-state, War, and Religion

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Few post-colonial states have claimed a higher moral ground than the leaders of India when they waxed eloquent about the strength and resilience of the Indian nation-state because of its constitutional democratic character, accommodating and respecting diversities, with peaceful transfer of government power through universal suffrage, and a free media. The debates in the Constituent Assembly testify to this self-image. What is apparent today is that this liberal version of the nation-state is slowly withering away because it is unable to resolve the deep divisions, inequities, and conflicts within the nation; instead, the nation-state has pushed for privatisation of public assets, commons, and a commercialisation of health and education.

The ideological construct of Hindu majoritarianism being carried out in myriad of ways; the corporate media's ideological blast against "liberals" as well as its vigilantism in the name of the "nation", cow, the national flag, and the national anthem; forced conversion of minorities to Hinduism; an imposition of the ban on love; all these things are steering the "nation-state" toward overthrowing the liberal, secular project. And this is done with the support and encouragement of the corporate oligarchs in India.

A Credit Suisse report revealed that, in 2016, a mere 1% of the 1.26 billion Indians own 58.4% of the country's wealth. In 2000, it stood at 36.8%. The rest of the 70%, who owned 13.9% in 2000, saw their wealth decline to 7% in 2016. Thus, there was a staggering transfer of wealth from the underprivileged, as well as an incredible acquisition of wealth by a microscopic, privileged minority. (1) It is the common people, who comprise the bottom 70%, whose lot has worsened. Every conceivable form of labour, from bonded to "free," exists in India, while the conditions of their existence remain wretched, brutal, and short. Malnutrition among children aged between 0–5 years remains at endemic levels at 34%, while 50% women remain undernourished. (2) When the data is disaggregated, it reveals how the bottom 70% of the population, and woman more than anyone else, bear this cross. The project of a liberal nation-state was not a gift, but a compromise, to ensure a capitalist path of development amidst a surge — mostly led by the communist parties — in popular movements for land reforms; working class struggle for trade union rights, dignified wages, and conditions of work; a nation-wide call to end caste discrimination, for providing protection to tribal people, and bridging the Hindu-Muslim divide. An ideology-inclusive nationalism was certainly an advance over majoritarianism or exclusionary nationalism, but the inherent need to manage diverse challenges also made machination, repression, and, its more virulent form, military

suppression, preferred tool of governance. The little that remains of this liberal project today is more due to the relentless pressure from diverse struggles and their resistance, rather than the inherent strength of the liberal institutions themselves.

Now, Kashmir is where the nation-state expresses itself most virulently. If war is a continuation of politics, it also implies that “politics without bloodshed” no longer holds true, because control has slipped from the state’s grasp and the authority of the state is under threat. Such a situation invites us to take the developments in Kashmir seriously. (3) War signifies an intensification of conflict, because a non-violent solution is either not possible, or, not preferred. It, then, means that the condition of insurgency in Kashmir has reverted back to where it was before, in 1989–90, when the “buffer” of sorts, between India and the Kashmiri people, provided by the pro-India political parties, gave way under the weight of its own contradiction. As the autonomy they espoused progressively got eroded, the pro-India parties were left bereft of any worthwhile demand. They revealed themselves as self-serving leaders, clinging to power and pelf, instead of standing by their own people when they come under attack. The disappearance of the buffer, in the event of counter insurgency, means that only the military solution is being pursued. The Indian government’s claim, that the State must exercise its authority, leads it to view protesters as “terrorists” who have been incited by Pakistan to act against India. It, then, insists that it will hold no talks with those who ask for freedom from India. By foreclosing political initiatives, it is the “nation-state” that comes off looking weak because of its incapacity to resolve matters through any other means besides the use of the military.

How is it possible that India — which is five times the size of Pakistan and has the military capability to wage wars on two frontiers (against both Pakistan and China, simultaneously) — with its overwhelming, on the ground, military presence in Jammu and Kashmir (J & K), ostensibly administered by an elected civilian government, is unable to prevent Pakistan from promoting rebellion against India. If Pakistan is so successful in its attempts, it would amount to an admission of India’s colossal failure in winning the consent of the people of Kashmir. When the by-polls for a Parliamentary seat were held in Srinagar on 9 April, 2017, 93% of the electorate boycotted the election; from the 7% who voted, the third highest vote was cast for NOTA (None of The Above). (4) The by-polls for Anantnag/Islamabad Parliamentary constituency, which were to be held later, had to be called off because the J & K State Election Commission’s demand, for 70,000 additional soldiers for conducting the by-poll, would have turned the exercise into a tragic farce. The point to be noted here is that, while people come out in large numbers for local body polls, followed by the state assembly, the elections for India’s Parliament (started in 1998) have always seen a 70–80% boycott in Kashmir. Therefore, the erosion in the support base for India and, conversely, the increase in the support for boycott — as a mark of disgust with India — stands out.

I

Indian Marxist scholar and teacher, Randhir Singh, was fond of reminding us that social sciences, concerned as they are with class divided societies, are a political dynamite. "Truth, here, is not only partisan but also dangerous for the dominant class... (it) becomes a matter for disputation and, if need be, suppression — and therefore also difficult to acquire." (5) He warned us that the dominant mode of thinking, which is concerned with the "here and now" and with "hard facts," refuses to look deeper or beyond these things. Thus, he takes us into the issue of terrorism by pointing out that "violence abstracted from its varied histories and still more varied interconnections, isolated and reduced to produce essentially depoliticised composite phenomenon... becomes a resort to senseless, utterly uncivilised forms of violence, a foreign inspired social deviance, a label for defamation, and a means to ostracise those branded as terrorists." He argued that the specificity of each instance of a situation of struggle, conflict, and confrontations gets, thus, obscured; a universalist abstraction, such as "human rights," is used to damn them. He, wryly, points out that the violation of democratic rights "...can, in fact, go hand in hand with defense of 'human rights'," using Ronald Reagan's Presidency and the Margaret Thatcher-led Conservative regime as examples. He brought, in his analysis, the immense private violence of the rich and powerful; and drew attention to the state terrorism, which receives little attention, because these acts are presented and understood as aberrations, mistakes, or distortions, in an otherwise liberal state. He says, "It is not seen that the Indian state does not merely happen to be violent or repressive; it is inherently so by virtue of the society it presides over; it guards and keeps going, violently, if necessary, an inherently violent society, because it is a society of myriad economic, social and cultural oppressions." (6)

The Indian ruling classes, he wrote "...have always found religion, religiosity, or 'dharmikta' — as recent coinage goes — most useful for reinforcing their hegemony, ideological dominance, and social control over common people, making easier the latter's continued acceptance of an unjust and iniquitous social order." And, that "...in so far as we today have stake in the 'unity and integrity of India,' not as nationalists, but as communist revolutionaries who view it as an important, favourable condition for the advance of Indian people's common struggle for socialism, this unity is best fought for and presented with this theoretical position and political practice flowing from it, i.e., as part of the struggle against the Indian ruling classes." And pointed out that, "[S]tate power in India is also a form of class power and that this has its relevance for any effective struggle in defense of democratic rights of the Indian people against the Indian state... In a law-based State like India, there exists an elaborate code, an entire ensemble of laws, procedures, institutions, and enforcing agencies to deal with private violence or lawlessness, there is nothing comparable, no genuine checks or controls, to take care of peaceful or violent laws of the State, which is, potentially, and often in actual practice, the most powerful violator of democratic rights in society. It is this absence in our system of credible

institutional safeguards against illegal acts and terrorism committed or backed by the State and its functionaries". (7) In looking at the "myriad oppressions," he reminded us that the Marxist Left must "...do whatever we possibly can to change the conditions which make such frustration and desperation and the accompanying violence inevitable." (8)

Kashmir is the northern most part of the Indian Union, albeit India has exercised its control through military occupation since 1947–48. The valley of Kashmir, although making up only 20% of the total land area of J & K, boasts of extremely fertile land, and is, therefore, inhabited by 57% of the total population of J & K. It is an "integral part" of India and a "jugular vein" for Pakistan, over which they have fought three wars (both the countries are nuclear powers) and have held more than 60 rounds of futile bilateral talks, with no resolution in sight. It is a "disturbed area," where India has deployed more than 600,000 soldiers; starting in 1989–90, the region has seen a low intensity war to quell a very popular uprising demanding freedom from India. Pakistan is a party to the dispute, following the partition of the country along religious lines back in 1947. The matter was brought before the United Nations (UN) in 1948 by India. However, Pakistan is not the only party, mainly or wholly, responsible for creating a popular uprising in Kashmir, since the area is firmly under Indian control. If the area remains in ferment, then the reasons are located inside India, not in its neighbour's inimical politics. However much one may dislike Pakistan's regressive polity — which has spawned armed fanatical groups carrying out a sectarian blood-letting; and to say nothing of its duplicitous game of using "good religious fundamentalists" to fighting "bad religious fundamentalists", or regarding many of them as "strategic assets" — to privilege Pakistan's role in Kashmir — which is from where most Indian writings begin and, inevitably, end — is to evade facing the reality which is of India's making.

For me, the story begins with India's military occupation in 1947–48, however engineered, and its utter and dismal failure to push its nation-state agenda by employing a liberal discourse to win over the people.

For post-colonial nation-states, especially India, which enjoyed tremendous credibility for forging unity in opposition to colonialism, expectations were vastly similar to popular nationalism elsewhere, until the British Raj transferred power to the Indian National Congress (INC) in India and the Muslim League in Pakistan. So, whatever may have been the circumstances which went into causing the first war between India and Pakistan in 1947–48, and however much the attention is focused on the UN Security Council's Resolutions and the history of broken promises and pledges of Indian leaders, I begin by focusing on the reality which pushes us to see how India's nation-state project itself, revealing its Achilles heel and why it flounders in Kashmir today.

In 1947–48, neither side was above playing a duplicitous game to push events in their favour regarding the accession of J & K. India succeeded in turning the events in their favour. (9) A failure in Kashmir, therefore, has not only pushed the Indian society towards widening the religious divide within India, it is one which can affect the Indian nation-state, because 172 million Muslims, as per the 2011 census, are spread across India, and their sense of insecurity and persecution gets compounded by the Indian nation-state's failure in Kashmir.

A feature of the Dogra Hindu rule in the region was the creation and promotion of Hindu religion, Hindu pilgrimage in the kingdom, and land grants to the Hindu religious trusts, even though 95% of the population of Kashmir was Muslim. This patronage carried on even after the power was passed on to the Muslim-dominated All Jammu and Kashmir National Conference (AJKNC, later JKNC), which took over from the Maharaja. It was the Indian State's promotion of Hindu faith, in the name of protecting Hindus as minorities (they make up 35% of the total population of J & K) which led to the continuity in the policies followed by the Maharaja. Because, while the Indian government failed to prevent discrimination against Muslims elsewhere in India, Hindus, as a minority in J & K, received a disproportionate weight of the Indian government's munificence. The faith of the Hindus resulted in the creation of Hindu religious bodies, which function like a state within state, in that, the J&K local government only carries out the instructions of the religious board. Besides, only Hindus can be members of the board, and the local community has no representation in it, nor are its interests taken into consideration. (10) The promotion of mass pilgrimage in higher mountain regions of Kashmir, surrounded by 35–40,000 Indian soldiers, in an area which is ecologically fragile (the pilgrimage impacts the Indus water basin) shows the favouring of the Hindu faith. The instruments used by the Indian State — religious tourism and creation of faith-based stake holders — are promoted, together with other forms of encroachment. (11)

Therefore, larger developments inside India, as well as the faith-based policies (favouring Hindus) pursued by the Indian government, played a decisive role, at critical moments, in shaping India's Kashmir policy. Consider the issue of land acquisition in Kashmir. Land acquisition by the state and private corporations has seen many land related struggles break out in different parts of India. It is not just the "common land" that is being grabbed, but even land in possession of farmers has been acquired. There are laws which govern transfer of land, forest land in particular, with somewhat mute arbitrariness, but exemptions for "national security" or "public good" makes it rather easy to forcibly occupy land. Kashmir is no exception.

In 2008, acquisition of 48 hectares (ha) of forest land in south Kashmir by the Shri Amarnathji Shrine Board (SASB) triggered a massive agitation. (12) The same year also witnessed a shift from armed militancy towards mass agitation, where armed militants withdrew from civilian areas and the people took to the streets. The issue at hand was a fear among Kashmiris that

this transfer, of forest land to a Hindu shrine, would become a precursor to a gradual increase in such land acquisitions in the valley, which was already grappling with severe pressure on land. Ethnic groups, predominately agriculturists, guard their land rights jealously. The people of J & K have faced, challenged, and foiled many attempts at land grab when they could, just as they had to accept, as fait accompli, when they failed to prevent land alienation. But, regardless of the success or failure of such movements by the people, land grab is a lived reality and so is people's resistance. Although the process of land grab began decades ago, the multi-pronged way in which it is carried out now is unprecedented; and we are yet to hear the last on this. (13) In 2015, a string of stories emerged which exposed how the administration, loyal to the Indian government, was setting up colonies to provide housing to retired military officers in the valley. The argument advanced to justify the move was that those who have served the country, by defending India's sovereign claim over J & K, are entitled to become permanent residents. The ulterior motive of the program was to augment the size of the pro-India constituency. This revelation was followed by another exposé about the industrial policy which opened up the transfer of land to non-residents, outside the industrial estates. All this was coming on top of a huge land occupation by the 300,000-strong Indian army, and the additional 180,000 para military personnel, for their cantonments, garrisons, camps, training grounds, recreational field, and fencing. Approximately 100,000 ha of land is under their control, comprising of pastures, meadows, orchards, fields, private and public buildings, among others.

Now, since the 1990s, the people of Kashmir have been facing "harsh action" in the form of massacres, mass arrests and detentions, custodial torture, murder, sexual violence, and enforced disappearances. Justice still evades most of the victims of this violence perpetuated by the armed forces. Getting the police to register complaints against the armed forces is not easy. But, without one, there can be no police investigation into the alleged crime. Investigation itself can take a long time, depending on the cooperation of the armed forces with the investigators. Delay or exoneration is the norm here. If, despite all this, a charge-sheet is filed by investigators, it cannot proceed beyond this point without the consent of the Indian government. In the rare event of such a sanction being granted, it is left to the armed forces to decide whether their accused personnel will be tried by the court-martial or a criminal court. Thus, the armed forces enjoy multi-layered protection. In other words, a civilian, a nominal Indian citizen, has no recourse to justice in a criminal court and has no "locus standi" in courts-martial, since such courts are meant to discipline army personnel. Thus, the civilian, caught in a war zone, has no redress. The resulting pent up anger of the people finds its way into protests, where they are met with "non-lethal" pellet guns, tear gas shells, pepper spray, and bullets. From 8 July, 2016 to 31 December, 2017, the Indian armed forces killed 100 people; caused eye injuries to 1,100; blinded more than 300; and caused grievous injury to at least 10,000 other civilians, of all age, from children to the aged. In a mass display of civil disobedience, people

stayed at home and followed the schedule announced by the Azaadi Movement, for the opening and closing hours of offices and shops, for over six months. Even this was met with soldiers forcing their way into people's houses to force them out. Empty streets, closed shops and offices, these were not good for the government's "perception management," which was trying to sell "normalcy".

If we trace the history of the people's movements in the region, the Kashmiri labour class first raised its voice on 29 April, 1865. This was when shawl weavers protested against the wretched working conditions, and the deplorable economic and political life under the rule of the Maharaja. Sixty nine workers were shot dead by his soldiers. While Kashmir has witnessed several vicissitudes since then, in the domains of political economy and politics, the underlying conditions of the labouring classes did not see an improvement. The "daily wagers" — essentially, the people who live hand to mouth — form the major chunk of the labouring class here. Operating under taxing conditions, with insecurity and uncertainty as their dominant reality, this class neither has security of income nor a social safety net to withstand the rigors, the ups and downs, of life. Innumerable reports of daily labourers working under dangerous conditions have hogged the headlines, where the workers either lost their lives or limbs. But all this gets sidelined because of the ongoing conflict in the region, which has now reached the level of war.

At such moments, when the oppression is severe, although experienced differently by the rich and the poor, class division gets muted. Kashmir does not suffer from the same degree of social disparity as "mainstream" India does. Native capitalists are much too weak compared to rich farmers and orchard owners rooted to their land; plus, a common language and religion provides cohesiveness to their identity, with a shared feeling of persecution by an overbearing Indian State and society. From their point of view, they are faced with an Indian State which prominently carries its Hindu religious markers. In the absence of solidarity extended to their struggle by the Indian civil society, they perceive hostility towards their Muslim identity. In the muted reactions of the Indian liberals — to the Hindu fanaticism on display in Jammu region of the state; to the incidents of lynching by cow vigilantes in Jammu and elsewhere in India; to the activities of the Hindu fanatics being permitted by the Indian State in the mainland —they see an endorsement of the anti-Muslim hysteria.(14). India's corporate media has done a *great* job of whipping up anti-Kashmiri Muslim sentiments to such an extent that attacks on Kashmiri students in other states of India have proliferated. Kashmiri parents now think twice before sending their wards to study in India. It was reported that, out of the 3742 scholarships cleared in 2015–16 for Prime Minister's Special Scholarship Scheme, 70% decided not to avail it. The spate of attacks against Kashmiri students by the Hindutva brigade, and the pusillanimity

displayed by the universities and college authorities in prosecuting the perpetrators, all contributed to the sense of insecurity and fear experienced by Kashmiris in India. (15) Such particularities have only made the conflict more severe.

II

Kashmiri people's struggle has been presented in the Indian discourse, both official and unofficial, as a fight between India's secularism and Pakistan's Islamic theocracy. (16) The language used has kept up with the times. In the early decades of the Indian nation-state, the debate was between Muslim communalism and theocracy versus secularism of the Indian State. Now, the enemy that the Indian State is allegedly fighting against is the Pakistan-sponsored jihadi cross-border terrorism, one which engaged in the ethnic cleansing of the Kashmiri Pandit minority. Essentially, the effort here is to present the motivations and impulses of the Kashmiris as external to Kashmiris, thereby invalidating them. They are presented as Muslim fanatics. They are even denied their indigenous character and agency. This has helped create a sharp image of the "other." In the case of Kashmir, it is the Kashmiri Muslims who are seen as the "other," lawless and violently fanatical in their conspiratorial pursuits to dismember the "nation-state."

Since 2001, the conflict in the region has increasingly been linked to the global war on "terrorism," further invalidating the Kashmiri narrative; and, instead, propagating it as being a part of the global Islamic fundamentalist movement. In the current scenario, this gets further compounded by a surge in "perception management," where the official narrative, or the "approved version," is propagated as true "nationalism," and any critique of it is damned as "anti-national" and an act of treason. This helps perpetuate, not only hostility towards the "other," but also sustains a self-image which goes to the very roots of the "officially sanctioned idea of nationalism" of post-Partition India. This caricature of Kashmiris begs the questions, why do people express themselves as Muslims? And, if they do, why is it that they also assert that theirs is a political struggle, a struggle demanding the right of self-determination be granted to all Muslims, Hindus, Buddhist, and to all the people, regardless of their language, who are "state subjects," or permanent residents of J & K, as defined under the Act of 1927. Does the assertion of their Muslim identity nullify their political demand? Nelson Mandela once told Bill Clinton that "the nature of struggle is not decided by the oppressed people but by the oppressor". In other words, the point Mandela was making was that, the form that a struggle or a movement takes is determined, largely, by what kind of response or approach the rulers choose to employ. He was speaking of violence, but it is equally relevant for understanding Kashmir's Muslim-ness.

The struggle of the Kashmiri people, therefore, deserves to be appreciated for what it is, as much as what it is not, even as it remains a struggle in progress. In the process of explaining this, one has to demystify the reality which is overburdened by bigotry and jingoism, which post-colonial nation-states have come to employ. Such methods are used to dominate the production and dissemination of information, serving to cloud our thoughts and judgments.

III

An unnamed youth — one among the 25 injured in Darbugh village, near Chadoora town in the district of Budgam, in Kashmir; where three civilians also lost their lives to the bullets fired by the Indian government's forces on 28 March, 2017 — answered a question posed by a reporter as to why he threw stones during military operations. He said, "I had come to help the militant escape. He (militant) had taken up gun, and I picked up stones, to fight oppression."

The answer encapsulates a widely shared view among young Kashmiri men and women today. India's army chief, Bipin Rawat, issued a public statement on 15 February, 2017 in which he warned Kashmiris that those among them who "create hurdles during (army) operations" will face "harsh action." By calling them "over-ground workers of terrorists" and equating stone-pelting, and flag-waving of Pakistan and ISIS banners, as acts of "terrorism" carried out by "anti-nationals," he was, essentially, justifying the increase in blood-letting, and also widening the net of the military crackdowns to include civilians. Equating civilians with terrorists is a common practice among nation-states waging wars outside their borders or at home. The Indian policy towards armed militants since 1989–90, when the Kashmir insurgency began, was captured pithily in the movie *Haider*, which carried a scene in which a graffiti on the military barrack walls reads, "Catch them by the balls and their hearts and mind will follow."

The 15 February, 2017 statement by the Army chief came in the wake of two incidents, one on 12 February, 2017, and another one on 14 February, 2017. In both the incidents, people not only gathered to protest the killing of militants in an encounter, but the funeral thereafter of the four dead militants saw a mass gathering of people. The fact that people were defying the Indian army, the fourth largest in the world, and extending support to the militants, is yet another reminder that the popular mood in Kashmir remains defiant. However, if 600,000 soldiers have failed to resolve the Kashmir dispute militarily; and, when armed militancy — which has shrunk in numbers from 15,000 in 1992–94 to less than 400 armed militants — is still made out as a grave threat, then the resilience of the popular defiant mood and their demand for a political resolution cannot be belittled.(17)

Why do Kashmiris, who know full well that they will suffer grievous harm, still come out to protest and express solidarity with militants, and join their funerals in thousands? Why, in the past two years, have they begun to gather at actual sites of military operations, to shout slogans against the government forces, exhort the militants to fight on, and even pelt stones to disrupt military operations? It is no ordinary militancy when non-combatants come together to save their own combatants, inviting all of us to ask how and why have the unarmed Kashmiris been driven to this point, willing to risk their lives. What desperation makes them determined to offer resistance and express solidarity with militants when the government forces, especially the army, warns them to stay away or else face harsher measures?

IV

The emergence of post-colonial nation-states after the World War II represented a seminal shift in world politics, spawning a challenge to imperialism and promising some form of representative government to ensure that every member of the new nation-states would be an equal partner in the making of the nation. Harmony was one of the keywords commonly harnessed in India for blurring inter-class, inter-community, and inter-caste contradictions through an appeal to nationalism. (18)

So, when a demand for separation from an existing post-colonial state is made, it invites us to look at the character of the polity from which separation is being sought. The attempts at assimilating Kashmir demonstrates, quite sharply, the official nationalism of the Indian State, which, in the aftermath of the partition, sought to create a united India. Unencumbered by the need to accommodate the All India Muslim League (AIML), the INC turned its back on all the major “concessions”—such as, a strong federation—it had earlier pledged to make. The making of the Indian Constitution, for instance, underwent a significant and decisive change with the 3 June, 1947 announcement to partition British India. This had repercussions on issues such as federation, official language policy, linguistic states, minority safeguards, and secularism. A major illiberal thrust on these issues followed, signifying the fortification of a perspective, namely, the privileging of a national personality understood in Hindu religious-cultural terms. Consequently, along with efforts towards the centralisation of economic and political powers, the capitalist state also attempted to bring about a “homogenisation” of culture. (19)

Therefore, in the official ideology of the Indian “nation-state,” the question of the union, of minorities, of national language, of secularism, all surface vividly in the history of independent India's interactions with Kashmir. They help to identify the connection between the formation

of “official nationalism” and the development of separatism. It is true that no idea, however consistent, can have much hope of being accepted if the soil for its acceptance is not prepared. However, a hundred years of Dogra Hindu Rule, from 1846 to 1947, had prepared the soil for the Kashmiri toilers (who were predominantly Muslims) to feel “othered,” through exploitation, and the policy of religious discrimination, against them. (20)

V

The British Empire was built through multiple annexations and treaties, over 200 years, starting in 1757. The genesis of the Kashmir problem lies in the events of 1846, when Kashmir was sold for a sum of Rs7.5 million by the East India Company to a Hindu General — a senior commander in the Sikh kingdom which ruled Lahore (now in Pakistan) — who had switched his loyalty to the East India Company during the 3rd Punjab War in the 1840s. The East India Company had come to acquire the fiefdom of Kashmir from the Lahore Court as indemnity for war. The sale itself was in lieu of services rendered by the Dogra Hindu general, Gulab Singh, to the East India Company by refusing to come to the aid of the beleaguered Sikh Kingdom of Lahore. Thereafter, the royals of Jammu and Kashmir provided the largest contingent of military force to the British Indian Empire whenever asked for. Once the Hindu general bought Kashmir from the East India Company in 1846, the Hindu Kingdom of Jammu and Kashmir came into existence.

The Kingdom of Jammu and Kashmir, which came to be in 1846, comprised of three distinct cultural regions: Ladakh, which is Buddhist and Muslim (mostly Shias), was conquered by Raja Gulab Singh from Tibet in his third attempt to wrest it from Tibet, in 1838; Jammu, which was a hilly country where Dogra Rajput clans ruled over a population which was mostly Muslim (Muslims belonging to Dogras, nomadic Gujjars, and Bakerwals), settled farmers of Kashmiri stock, and Hindus of lower castes, as well as untouchable dalits; and Kashmir, which had 95% Muslim population with the rest being Kashmiri Hindus (mostly Pandits i.e. Brahmins) and Sikhs, sharing the same language but operating in an unequal relationship otherwise.

The regime of the Dogra Hindu Maharaja — who came to become the owner of Kashmir by virtue of purchasing it from the East India Company in 1846, as part of the Treaty of Amritsar — treated Kashmir as his personal fiefdom. It took his army 24 years, from 1846 to 1870, to put down the various rebellions in Kashmir. During this period, the Maharaja trusted his Dogra troops, who were mostly Hindu. The structure and policy of the Dogra Hindu absolutism discriminated against the Kashmiris, and, in particular, the Muslim masses of the valley, who were at the bottom of the social hierarchy in the state. They were, virtually, bound to the land by a decree of the Maharaja which prevented peasantry from leaving Kashmir without the

permission of the ruler through a system of "rahdari," or a form of passport. The Maharaja claimed "begar," or unpaid labour for the asking, and revenue from the produce of the land, as the sovereign. Feudal exactions and extra economic coercion drove Kashmiris to penury and their land into the hands of the rich and the privileged. (21) It was only in 1934 that proprietary rights were granted to Kashmiri Muslims. More than 80% of the wealth of Kashmir had, by then, passed into the hands of the Dogras, the Sikhs, and the Kashmiri Pandits. Only a sliver of Muslims belonged to the social elite. The lack of an organised movement till 1930–31 helped the state machinery, manned by non-Muslims, to coerce and oppress the subordinate classes. (22)

The backwardness of the Muslims was a product of the policy of the Maharaja which kept them out of power and patronage. He did not provide them with equal opportunities in trade, industry, education, jobs, and agriculture. The Muslims of the state, thus, became the worst sufferers under the triple burden of colonialism, feudalism, and social discrimination. This was evident in the juridical structure under the Maharaja, which laid down that everyone, except a Dogra man, could be hanged for murder.(23)

This institutionalised discrimination against Muslims was part of a feudal structure that was specific to, and the basis of, the Dogra Hindu rule. The Hindus from outside the region were given opportunities to establish businesses, trade, and industry on far more favourable terms than those offered to the Muslims of the valley itself. "The communal nature of the feudal economy was evident in the fact that, out of 25 jagirs that were granted during the first five years of Maharaja Hari Singh, only two went to the... Muslims."(24)

VI

14th century onwards, when Kashmiris started converting under the influence of Sufi Islam every caste, other than the Brahmins, converted. The Pandits might have lost their social ranking, but it did not end their socio-economic privilege and pre-eminence. By the time Kashmir witnessed the end of the Dogra Hindu Rule, in 1930–40, the clear merger of class and religion was evident in the struggle of the toilers of Kashmir, who had to face the Hindu King and his supporters, who were predominantly from the Hindu social elite circles. In Jammu, the appeal of the All Jammu and Kashmir Muslim Conference (AJKMC), which saw its salvation in an alliance with the AIML, gained more popularity. There was no appreciable Marxist movement in the kingdom which could unite the Muslim and Hindu toilers against their common enemy, i.e., the feudal kingdom. Mobilisation began and remained largely confined along religious divides, because there was a predominant exploitation and discrimination of Muslims. Meanwhile, the lower caste Hindus in Jammu remained largely unorganised.

A fair amount of the plight of the Muslims of Kashmir caught the attention of travellers and officers of British Raj, finding occasional mention in English newspapers. Since the suzerainty of the British Crown was accepted by the Maharaja, and he had served the British well (by refusing to come to the aid of the Sikh Kingdom of Lahore, and by helping the East India Company crush the "Sepoy Mutiny," considered the First War of Independence, in 1857) the British were reluctant to act against the Maharajas of Jammu and Kashmir. However, their prodding and pushing did result in compelling the Maharajas, from time-to-time, to make some concessions to their Kashmiri Muslim subjects. But, paradoxically, in 1927, the Maharaja heeded the demand of the Dogra Mahasabha (which represented the elite, upper caste Hindus of Jammu) and the Kashmiri Pandit Association (which represented the Kashmiri Hindu elite) of according preferential status to the natives of Jammu and Kashmir as state subjects, entitling them to be owners of property in the kingdom and providing them preference in state services. This demand was a result of their grouse that the Maharaja preferred Hindus from outside the kingdom to serve in his administration and favoured them for grant of jagirs (estates). What the Dogras and Kashmiri Pandit elite, however, did not anticipate then was that once this state subject-hood was granted, the educated among Kashmiri Muslims would, legitimately, raise the demand for their representation in state services and more resources for their education. When this happened, the Hindu elite vehemently protested this demand, perceiving it as an encroachment into what they saw as their exclusive domain. Thus, the religious divide—where Muslims were placed at the bottom and the Hindu upper castes at the pinnacle— as well as its consolidation in the 19th century, now confronted the Muslim populace's assertion for the first time. This, the Hindu elite, bitterly opposed. (25)

The feudal policies of the Maharaja, discrimination against Muslims, and the hostility of the upper caste Hindus set the stage for the 1931 uprising. The arrest of a young man, Abdul Qadeer (who has exhorted the people to overthrow the Hindu Maharaja), and his trial inside the Srinagar jail premises, precipitated in an incident on 13 July, 1931 in which 17 people died in police firing and scores of others were injured. To this day, 13 July is celebrated as Martyr's Day all over the Kashmir valley. The revolt cannot be branded as religious when, in fact, it was a revolt against feudalism. "The zamindars (actual cultivators) of Kashmir are deprived of the proprietary rights over their lands, whereas those of Jammu fully enjoy those rights," wrote the unknown authors of a document submitted to the Maharaja in 1931. They added, "The people of Kashmir cannot sell or mortgage their lands of their own free will. They cannot even cut the mulberry, the walnut, and the chinar trees on their private lands". Alongside were other trappings of feudal autocracy, "A pattern of abduction, rape, desecration of the Holy Quran, mosques, and sacrilege in other ways." (26)

The protest helped the growth of a movement against the Maharaja. In the following years of the freedom struggle, two contending formations were to emerge. In 1938, the All Jammu and

Kashmir Muslim Conference (AJKMC) split into two, with a section led by Sheikh Abdullah forming the All Jammu and Kashmir National Conference (AJKNC). The latter described the 1931 uprising as "...a war of the oppressed against the oppressor. Its aim is nothing more or less than to seek justice and redress. If the ruler was Muslim and his subjects the Hindus, the war would have been fought on similar grounds." (27) Not unexpectedly, the Maharaja's presentation of the events of 1931 succeeded in alarming the Hindu chauvinist section in India. In the name of Indian nationalism, a resolution was passed by the All India Hindu Mahasabha, in its Akola session of 15 August, 1931, which stated, "The Hindu Mahasabha looks upon with fear at the fiery propaganda carried on against the Maharaja of Kashmir." The Maharaja was far from passive; he blessed the formation of three political parties, i.e., The Kashmiri Pandit Conference, the Hindu Sabha in Jammu, and the Sikhs' Shiromani Khalsa Darbar. Inside Kashmir, most leaders among the Kashmiri Pandits adopted a narrow, communal, and opportunist posture. They pressed ahead, calling for job security for themselves, along the lines accorded to Anglo-Indians by the British Raj. (28)

The growth of political consciousness in Jammu and Kashmir took place against the background of such social conditions. Since the Muslims of the Kashmir valley bore the brunt of the feudal exploitation, they, quite naturally, happened to be the first to raise the banner of revolt against it in 1930–31. The movement, under pre-eminent Kashmiri leadership, re-named itself as the All Jammu and Kashmir National Conference (AJKNC) in 1939. Subsequently, AJKNC affiliated itself to the All India States People's Conference (AISPC), an organisation floated by the INC. It arose out of a difference in perspective. AJKMC viewed the oppression of Muslims in terms of their religious opposition to the ruler and, therefore, saw the solution in a theocratic state. The AJKNC, on the other hand, viewed the oppression to be a result of feudalism and saw the ending of the feudal hold of the jagirdars as the solution. The ethnic divide between Kashmiri and non-Kashmiri Muslims was grounded in the fact that, in Kashmir, the Muslims were poorly represented in membership of the expropriating class when compared to the Muslims elsewhere. Thus, the class position and interests of the Muslim elite in the Jammu area came in the way of fighting the jagirdari system and demanding its abolition. (29)

It was against the backdrop of such political changes that the toilers formed one of the strongest detachments of the AJKNC in the years 1940–50. The communist influence was obvious in the Mirpur session of the AJKNC in 1942, when it passed the resolution sending greetings to the Red Army and expressing its solidarity in the heroic fight against fascism. They also provided the authorship to the "Naya Kashmir" manifesto of the AJKNC (30). The "Naya Kashmir" manifesto spelled out, in the most unambiguous terms, the Peasant Charter, the Workers Charter, the Women Charter, etc.

VII

It was this programme that helped consolidate the Kashmiri identity. A memorandum sent by the AJKNC to the Cabinet Mission, in May 1946, affirmed the right of the people to absolute freedom from autocratic rule. The basic underlying principle of this idea of Kashmiri identity was its anti-feudalism. The process of consolidation of the Kashmiri national identity was aided by several factors. Territorial homogeneity, virtual religious homogeneity, common cultural characteristics, and historical heritage, as well as linguistic identity contributed to the Kashmiri sense of ethnic self-awareness. It is this ethnic self-consciousness, and the quest for survival and growth, which formed the basis for the subsequent search for a political solution whereby their distinct character could be protected and furthered. It was, by no means, an isolationist search. Therefore, the final parting of ways between the AJKNC and the Muslim League, by 1946, reflects a conscious political choice made by the pre-eminent Kashmiri political formation to seek an arrangement with the INC for an accession which provided maximum internal autonomy to Jammu and Kashmir, while also allowing them to push ahead with their anti-feudal programme. The point to note is that this identity developed more clearly as a result of the movement to overthrow the Dogra Hindu rule.

Another important point to remember is that the national movement in Kashmir forged ahead amidst a popular all-India movement against the British Raj, even as the Hindu and Muslim division was gaining ground. The anti-feudal struggle reached its next high point in 1946. Launching this struggle for a decisive victory, Sheikh Abdullah, on May 15, 1946 reiterated at Srinagar:

The demand that the princely order should quit the state is a logical extension of the policy of "Quit India." When the freedom movement demands complete withdrawal of British power, logically enough, the stooges of British imperialism should also go and restore sovereignty to its real owners, the people... (T)he rulers of Indian states have always played traitor to the cause of Indian freedom. A revolution upturned the mighty Tsars and the French Revolution made short work of the ruling class of France. The time has come to tear up the Treaty of Amritsar, and quit Kashmir. Sovereignty is not the birth right of Maharaja Hari Singh. Quit Kashmir is not a question of revolt. It is a matter of right. (emphasis added) (31)

At the same time a memorandum submitted by the AJKNC to the Cabinet Mission in May 1946 affirmed that:

Today, the national demand of the people of Kashmir is not merely the establishment of Responsible Government, but their right to absolute freedom from autocratic rule. The immensity of the wrong done to our people by the 'Sale Deed' of 1846 can only be

judged by looking into the actual living conditions of the people. It is [the] depth of our torment that has given strength to our protest. (32)

Immense possibilities, therefore, existed for bringing the toiling people, who spoke diverse languages and belonged to different religions, closer.

VIII

The total cultivated area in the state was 2,200,000 acres, most of which belonged to the Maharaja or to his feudal vassals. The Emergency government abolished all privileges. Laws were enacted for the protection of tenants so that they could no longer be ejected. A moratorium was declared on their debts, and their rights in mortgaged property reinstated. They were now allowed to retain three quarters of the produce. By the end of 1950, through the Big Landed Estates Abolition Act, land was transferred to the peasants. Under this Act, former owners were to be paid compensation. But, on 26 March, 1952, the Jammu and Kashmir Constituent Assembly confiscated all landed estates without any compensation. This policy met with opposition from the Indian government. The relations between India's Home Ministry and the J & K government came under tremendous strain. (33) In a communication sent to the Emergency administration, led by Sheikh Abdullah, on 4 May, 1948, V Shankar, the then Secretary to India's Home Minister, Sardar Patel, wrote:

Hon Minister has asked me to request you to see Panditji (Nehru) about it inviting his attention in particular to the fact that these jagirs (estates) are being sought to be resumed without any payment of compensation whatever, which is quite contrary to anything that we are doing in the Indian Dominion. It is also to be borne in mind that probably the jagirdars (hereditary landlords) would be mostly non-Muslims and this would create a certain amount of discontent and ill-feeling against the Government among the minority (read non-Muslim) community." (34)

The two arguments put forward are interesting. In the first place, it was being contended that the policy of the J & K government was not in line with the policy being followed by the INC in India. And, in the second place, the interests of the jagirdars were being advanced under the guise of protecting non-Muslims. That most non-Muslims did not necessarily share the class interests of jagirdars was of less importance to the Indian government, than the fact that the AJKNC government went against the advice of the Union government, proceeding along a path which not only differed on the issue of paying compensation to landlords for expropriation of their land, but also affected the non-Muslim jagirdars. Thereby, a communal twist was given to the land reform policy.

This was, by no means, an isolated incident. The Indian Home Minister, in March 1948, had insisted on the Maharaja's prerogative to appoint the Prime Minister and approve the Cabinet. What is more, it was suggested that the existing bureaucratic structure of the autocracy should continue. Very clearly, it was being suggested that the Indian government was mistrustful of the AJKNC leadership. This is borne out by what India's first Director of Intelligence Bureau, B N Mullik, had to say about India's Home Minister Sardar Patel's hostility towards the AJKNC. Sardar Patel, says Mullik, " ...apprehended that Sheikh Abdullah would ultimately let down India and Jawaharlal Nehru, and would come out in his real colours... ." (35) And, since the Maharaja worked under the advice of the Indian dominion and his administration was heavily biased in favour of non-Muslims, it was more in tune with the interests of the Indian government.

Nevertheless, the land reforms did take place. The dispossessed and the land-poor Kashmiris became landowners, bringing to end their feudal bondage. The successful land reform reinvigorated the peasantry, and there was an overall improvement in the social conditions of existence. Food production improved and, horticulture (fruits) in particular, ushered in agricultural commerce. This has come to become the mainstay of the economy, apart from the government sector, which is next biggest source of employment. Tourism, although much talked about, contributes less than 15%, in terms of employment, and even less in terms of revenue. However, despite the radical land transformation, the initial spurt in growth faded away within two decades.

IX

More than 70% of households depend, directly or indirectly, on farming in Kashmir. Forty five percent of the working population eke out their livelihood from farming. Another 20% are employed in government services. Fifteen percent depend on tourism. The rest are self-employed, or employed in the service sector and industry. In 2015, the number of unemployed reached 650,000. Even in the government sector, which employs 450,000 people, the maximum employment generation takes place in police service, Paramilitary service, or the army. It is also worth noting that the Industrial Policy 2016 implicitly accepts that the generation of "direct" employment is far greater in small, rather than large and medium sector, enterprises. Thus, as of 31 December, 2015, there were 29,449 small scale industry units (with a total investment of Rs 360,990 million) providing "direct" employment to 1,35,892 persons, as against the 83 large and medium units (with investments of Rs 40,830 million) providing "direct" employment to 18,9234 persons.

The total cultivable land is 896,000 ha and the total number of farming households (HH) number stands at 1,450,000. The last agricultural census, 2010–2011, shows that:

- Those who own less than 1 ha of land in Kashmir, number wise, are 1,207,000 and comprise 84% of the 1,450,000 farming households, and own 416,000 ha (or 47%) of the cultivable land.
- Those who own more than 1 (and up to 2) ha are numbered at 167,000 households, and own 235,000 ha (12% of them own 23% of the land).
- Those who own 2–4 ha make up 64,000 farming households and own 171,000 ha (2.1% of them own 14% of the land).
- Those who own 4-10 ha are numbered at 11,000 households and own 62,000 ha (or .013% own 8% of land).
- A mere 1000 households own 12,000 ha. (36)

The J & K State Government's Economic Survey for 2016-17 says that:

[W]ithout getting into the historical roots and basis of the “conflict,” the recent three episodes have shown how fragile the peace is and how easily not only business but the whole life is disrupted in the valley. Quite unfortunately, this has now been occurring with alarming regularity. The Economic development of J&K State, therefore, is the first casualty due to lack of enduring peace.

It adds that:

The major costs of macroeconomic instability are significant in terms of (i) Welfare loss (ii) Increase in inequality and poverty and (iii) Decline in long term growth. Macroeconomic instability induces increase in precautionary savings for the future, which ultimately reduces investment. In the Kashmir valley, people save more for the future shocks that are caused due to conflict economy. During the unrest of 2016, we could see that the people of the valley could sustain only when they had kept good savings, on which they sustained during the 5 month long inactivity.

Each time an outburst of conflict, it causes a loss to the economy. Thus, it is the government's calculation that the constant breakdowns from 8 July, 2016 to 31 March, 2017, caused a loss of Rs 160,000 million. Additionally, while the industrial sector and the business suffered losses due to the disruption of production/manufacturing, the constant internet disruptions during this period forced some IT based enterprises to move out of Kashmir altogether (to Bangalore, for instance) in order to meet their contractual obligations. From 1 January, 2017 to 30 April, 2017, the government shutdown the internet 14 times in the region. On the other hand, there has

been an increased demand in migrant labourers from other Indian states, who work at construction sites and in agriculture, because cheaper and compliant migrant labour is reluctant to return to Kashmir.

Although unsettled conditions and militancy is usually blamed for the backwardness of J & K economy, the fact of the matter is that the fragmentation of landholding, scarce employment generation, has been a fact of life in J & K since the 1970s. The most sought after jobs, besides agriculture, are government jobs, which are regular and ensure a pension, because other avenues are not available. One of the reasons for this was the restrictive policy of the Indian government, which discouraged large investments in a “border state,” especially one which has a ceasefire line and not a settled boundary. This policy was later modified by encouraging projects owned by Indian entities. The Indian government viewed any attempt at fiscal autonomy as detrimental to “unity and integrity” of India. (37)

One of the recurring complains of the Kashmiri intelligentsia is regarding the refusal of the Indian government to handover hydel power projects (which have paid for itself, i.e., what the state had invested, they have earned back). And this after the Central government had publicly committed itself to transferring the projects. The Central government failed to live up to its commitment, which would have eased the power woes experienced by J & K and, in turn, increased their own revenue earning by helping reduce Kashmir's revenue dependence on the Indian exchequer. The story of why the period of insurgency persuaded the Indian government to increase its stake in harnessing hydel power, is a story which remains untold. Under the Indus Water Treaty of 1960, brokered by the World Bank, India and Pakistan spilt six rivers — giving Indus, Chenab and Jhelum to Pakistan; and Sutluj, Ravi, and Beas to India. World Bank favoured big hydel projects with international investments, with a preference for multinational corporations. Its outcome was the Tarbela Project in Pakistan, just as the Bhakra Nangal Project was in India. But, what India was agreeing to was not its own to give away to begin with. Sharing of river water between upper and lower riparian regions has been a matter of recurrent conflict in different parts of India. It also affects the signing of international treaties. For instance, West Bengal's refusal to share the waters of the Teesta River with Bangladesh put a stop to the Indian government's efforts to share Teesta waters with Bangladesh.

It is not whether it was “morally” right or wrong, the important thing here is that, according to the Indian Constitution, states have to give their consent to any international river water treaty. In the Indus Water Treaty, the state of J & K government was not consulted at any stage in the deliberations. Its consent was taken for granted. The arrest of Sheikh Abdullah had ushered in a new leadership which was allowed to amass wealth as long as it agreed to everything that New Delhi wanted. Between 1960 and 2017, India has managed to harness 16% of the 20,000 MW potential of hydel power. Despite the surge in hydel projects since 2004, most of the big

projects under construction have been awarded to Indian entities.

While hydel power is not a panacea for Kashmir's woes (and there are very real environmental considerations associated with hydel power projects), what is significant is that, under the Indus Water Treaty of 1960, J & K's interests were left at the mercy of Indian government. The preference for big projects with large investments, as opposed to small projects controlled by local community, makes it apparent that the Indian government prefers projects controlled by Indians. Also, because Pakistan depends for up to 77% of its requirement of water from the Indus River Basin, the geo-strategic aspects — for instance, Pakistan's fears that river water flow into Pakistan can be curtailed by India — has further restricted the role of the J & K government in harnessing its own resources, despite being in the upper riparian region. The point is that the conflict engendered by Indian nation-state, in Kashmir, has stymied any prospect of development in J & K, with there being no progress beyond the historic land reform of 1948–52. As a result, J&K remains in a perpetual state of conflict.

The Indian army is the fourth largest land force in the world, boasting of a history that is more than 250 year old, as a force raised by the British Raj. Their primary role, as a force, was to suppress the colonised people in the event of any rebellion. Since 1947, it has remained very busy fighting its "own" people, from the day the British Crown "transferred power" to the Indian National Congress.

X

In 1947, neither of the two major political formations in J & K advocated independence for the state. Maharaja Hari Singh maintained a policy of ambivalence. And, yet, the AJKNC leadership began drifting away from India, even though it was they who had brought about an accession to India in the first place. Once the Instrument of Accession was signed, and despite the AJKNC showing a clear preference for the Indian dominion (38), differences arose over a variety of issues. Simultaneously, there was a gradual weakening of Left forces within the AJKNC, and the ascendancy of those who were willing to be used by the Central government. The very first objection that the Union government had was over the institution of political commanders in the National Militia, a volunteer force raised by the AJKNC during the Emergency administration. The Union government objected to the presence of communists (and their sympathisers), and the institution itself. Finally, the Militia was placed under commanders supplied by the Indian army. (39) In fact, the perception of communists as a threat was a recurring theme; Patel wrote to Nehru, "I am getting rather worried about Kashmir... [with] Sheikh Sahib's failure to deal with communist infiltration in the state." (40) But this anti-communism was equally strong within the AJKNC ranks, and communists were asked to

dissolve their own organisations and, individually, place themselves under the discipline of the “war council” set up for leading the Quit Kashmir agitation in 1946–47. But, along with this, the Left itself, by adopting a flip-flop position, allowed the forces opposing them the opportunity to purge them.

CPI first supported the referendum (the referendum to decide whether the people of J & K will accede to India or Pakistan) only to oppose it later; and, once they became preoccupied with US machinations, they gave up their previous even-handed attitude towards the two dominions, only to end up finally seeking a merger of J & K with India. (41) An editorial in *People's Age* in 1948 argued that “Kashmir can be saved only by winning over the peasants and ending feudal autocracy and the reactionary policy of the appeasement of the Maharaja by the Indian Union government and by really liberating the peasants”. Four years later, the leader of the party in the Parliament appealed “for the creation of an atmosphere in Kashmir conducive to the state's final accession to India.” The emphasis had shifted from a concern for the “people” to what was best for India. As a result, after Sheikh Abdullah was accused of hobnobbing with the CIA and arrested, the Left allowed itself to be used by the Union government.

XI

The manner in which a government handles various situations does influence the course of events. But, the course which is adopted or not adopted is not a matter of personal whim or desire. Every situation carries within it a number of possibilities, albeit within the parameters set by the situation. In 1948, for instance, the Constituent Assembly (CA) rejected the demand for linguistic states; however, by 1956, the demand for linguistic states was conceded to (but only after agitations for linguistic states gathered momentum). Compared to the relative ease with which this demand was accepted everywhere, it is remarkable that the demand for a Sikh dominated Punjabi Suba had to wait until 1967, an additional 11 years. And this was done in a way that created new conflicts. What stands out is the difference in the handling of the two. It was as if two different yardsticks were being applied, depending upon the proximity to the “mainstream.”

As far as Kashmir is concerned, there are two Acts of the Parliament that are particularly relevant. First, in 1963, the 16th Amendment to the Constitution made anyone questioning the territorial integrity and unity of India an offender. (42) Thereafter, all candidates were obliged to take an oath to uphold the “integrity of India.” Using this provision in the Constitution, the Indian government enacted an act called the Unlawful Activities (Prevention) Act 1967, which proscribed any organisation, if deemed to be preaching secession. The Act said that anything “which intends, or supports any claim to bring about on any ground whatsoever the cession of

a part of the territory of India, or the secession of a part of the territory of India from the Union; or which incites any individual or group of individuals to bring about such cession or secession" is "unlawful." It was this provision which was used to rig the Kashmir elections in 1967, when the Returning Officer rejected the nomination papers of the Plebiscite Front candidates. Second, in 1971, even as India was helping in the dismemberment of Pakistan and helping Bangladesh to emerge the very same year, the Plebiscite Front was banned in Kashmir, and membership and support of the party invited stringent punishment.

Each new situation narrowed the possibilities for accommodation. Independence from India, thus, became a credible alternative when the prospects of internal autonomy for Kashmir, within India, receded. Every new situation reduced whatever chances there were of working out a solution within the political boundaries of India. The breach that developed in 1953 has, since then, set a new pattern of relations where, more than elsewhere in India, the Central government took direct control. It should not be forgotten that the arrest of Sheikh Abdullah led to widespread agitation. Hundreds were arrested and hundreds of persons were killed. (43) By 1954, the state legislature, "for reasons of security," was empowered to impose restrictions on basic political rights. It deserves to be mentioned that the protagonists of the forced merger did not bother to demand an extension of Articles 19–22 of the Indian Constitution, which would have granted fundamental rights to J & K, until 1979. (44) Throughout 1953–75, despite State repression, the movement for plebiscite, and for the release of Sheikh Abdullah, continued. It was the popularity of the demand that made it necessary for every election to be rigged, with parties supporting plebiscite not permitted to participate.

However, the AJKNC suffered a major setback when Sheikh Abdullah signed the agreement with Indira Gandhi in 1975. India's "victory" against Pakistan in 1971, and subsequent developments—such as the Shimla Pact between India and Pakistan— had persuaded Sheikh Abdullah to negotiate a settlement with India. While it enabled him to return as the Chief Minister, it also won him the assurance that all Acts and Ordinances issued after his arrest in 1953 were to be reviewed. In return, Sheikh Abdullah had to accept that J & K was an "integral" part of India. Interestingly, the agreement was never tabled before the Parliament. A review of all the Acts and Ordinances, too, never took place. What compounded the problem was the 1984 coup—engineered by the Centre—against the AJKNC government (now led by Sheikh Abdullah's son, Farooq Abdullah), which resulted in Farooq Abdullah being replaced by GM Shah (who happened to be Farooq Abdullah's brother-in-law). This was followed by the AJKNC's alliance with the INC (which had earlier overthrown the AJKNC in the palace coup) and its return to power through rigged elections in 1986. All these developments made non-violent forms of resistance unattractive.

One characteristic of the post-independent Indian state is that it is indifferent to peaceful

agitation. As a result, throughout the 1950s, 60s, and 70s, unarmed struggles were contained through sheer brute force. But, militancy commenced in the valley in 1988. As a result, although the security forces are present in large numbers, they do not enjoy a monopoly over the means of violence. It is argued that several other states share, in varying degrees, the experience of J & K, and, yet, not all exhibit secessionist tendencies. But, some of the areas, where separation is demanded, share one essential feature with Kashmir — they do not conform to the self-image of the mainstream in India. Kashmir's Muslim majority status allowed the divide brought about by Partition to persist. In other words, for official nationalism, it was a constant reminder of the “other.” Besides, Kashmir was used, both to question the “two nation” theory of AIML, as well as to obfuscate the Hindu-ness of India.

On the other hand, at the level of oppositional politics throughout the past seven decades, there has not been any concerted show of solidarity with the Kashmiri people. The same cannot be said for the Hindu right-wing and its fronts, which have pushed the demand for a merger, an abrogation of Article 370 (which provides for internal autonomy), an imposition of military rule, and have levelled unfounded allegations about the persecution of non-Muslims, destruction of temples, etc. Not only have they been taken seriously, governments of the day have lent credibility to these allegations. Indeed, it is an indication of the concern of the Indian liberal and Left intelligentsia that they have not hesitated in expressing solidarity with the Kashmiri Pandits, but tempered every criticism of the criminal violence of the security forces with condemnation of the “Islamic fundamentalism” or “communal secessionists” in Kashmir. They have also ignored the Hindu religious mobilisation in the region of Jammu, where they use their local numerical majority and assertion of Indian nationalism to push their right-wing agenda of Hindu majoritarianism in a consistent manner. In the Indian discourse, Jammu appears, somehow, as more “secular,” even though not even a hundred people can be mustered there to express solidarity with Kashmiris. When progressive students stage protests against Hindu fanatics or violation of human rights, etc, the authorities crackdown on them. In contrast, whenever Hindu fanatics stage a rally which turns vicious, the authorities treat them with kid gloves and claim that they cannot clamp down on freedom of expression. That these constitutional freedoms come to their mind only with Hindu fanatics but they ignore the same for progressive students tells its own story. For instance, the manner in which the Hindu fanatics came out in defence of the accused in the Kathua rape and murder case of an 8 year old Bakerwal girl — using physical force against the Bakerwals who were demanding justice, arresting and threatening to arrest the protestors under Preventive Detention, and denying permission to students of Jammu University — exemplifies this. As a result, most Indians also remain unaware of the fact that, for the first time after 1940s, non-Kashmiri speaking Muslims have begun to identify with the struggle for Freedom in the Kashmir Valley.

XII

Once the Maharaja's rule came to an end, and with it the system of hereditary landlordism, the old ruling class, which was mostly non-Muslims under the Maharaja, lost its power and pelf. They organised themselves to demand a "full merger of Kashmir [with] India". By 1951–52, the Hindu right-wing began a campaign in earnest, for the abrogation of Article 370 (which provides for the state's autonomy) and called for the Indian government's intervention on behalf of the non-Muslims in Kashmir. An agitation was launched from Jammu, in 1952, by the Jana Sangh, the Hindu Mahasabha, and Ram Rajya Parishad, all representing upper caste and upper class Hindu elite. (45)

The objective was the removal of Sheikh Abdullah, and his replacement with a more pliable leadership. When speaking before the J&K CA, on 31 October, 1951, Sheikh Abdullah referred to "certain tendencies... asserting themselves in India that may, in the future, convert it into a religious state wherein the interests of the Muslims will be jeopardised... if a communal organisation had a dominant hand in the Government..." (46) Meanwhile, in the Indian ruling circles, there was sympathy for the old ruling class of Kashmir, which was identified with the majority Hindu community; this was coupled with the suspicion of the AJKNC, whom they never supported because they were Muslims.

Sheikh Abdullah was arrested on 8 August, 1953. Not only was Sheikh's government refusing to be "advised," but was also moving in the direction of independence. The arrest took place just two days before Sheikh Abdullah had called a meeting to review the internal instability arising out of the unresolved question of Kashmir's future. In the four proposals, which an eight-member committee was to consider, the common thread was the choice of independence. (47) It was this choice of independence which disturbed the Indian leadership, since they had, otherwise, showed no reluctance to discuss, with Pakistan, the future of Kashmir. Within a fortnight of Sheikh's arrest, the Prime Ministers of these two countries met and reaffirmed their commitment to plebiscite. In fact, Nehru is said to have warned the AJKNC leaders, on hearing about their plans to accept the choice of independence, that neither India nor Pakistan could permit independent Kashmir to exist along their borders, and that he was prepared to offer Kashmir to Pakistan rather than have a perpetual centre of pressure and international intrigue on India's borders. (48) Therefore, two days before the scheduled Cabinet meeting, which was to finalise the proposal, Sheikh was arrested, along with a number of his colleagues; his deputy, who was more amenable to Indian "advice," was appointed in his place.

In less than a year, a pliable J & K government allowed the Central government to usurp authority through two key mechanisms:

- (1) The J & K Constitution (Amendment) Act 1954 deleted Section 75 of the J & K

Constitution Act 1939, which had made the Council of Ministers the final interpreters of the Constitution. Thereby, the Sadar-i-Riyasat, i.e., the governor acquired this power.

(2) Constitution (Application to J & K) Order 1954 was issued by the President, whereby the jurisdiction of the Centre was extended from the original three subjects of defence, foreign affairs, and communication, to all subjects on the Union List, along with the residuary powers. These went against the very first provision of the Delhi Agreement (24 July, 1952) which gave J & K a special position within the Indian Union by conceding that "sovereignty in all matters, other than those specified in the Instrument of Accession, continues to reside in the state." (49) What is interesting to note is that this 1954 Order, extending the powers of the Indian government, included two important provisions. Firstly, it outlawed any activity which disclaims, questions, or disrupts the "sovereignty and territorial integrity of India." Secondly, any "insult to the Indian National Flag, the Indian National Anthem, and this Constitution" is deemed to be a treasonable act. A month prior to this, on 13 April, 1954, the customs barrier was removed and J & K became an economically integral part of India. (50)

The changes brought about by deposing Sheikh Abdullah in 1953 are far too significant to be dismissed as, simply, a faulty handling of the situation by the government. One after another, various symbols of Kashmiri autonomy and self-identity were attacked. Even before the J & K Constitution was adopted by a truncated CA, in 1954, through Presidential Orders, the Indian administration had acquired legal cover for turning "friendly advice" into decree. The subsequent years saw the extension of Article 312 in 1958, bringing J & K under All India Services. By January 1965, Articles 356 and 357, enabling the Centre to bring a state under the Governor's rule without the consent of the State Legislature, was made applicable for J & K. In 1986, the Central government managed to extend Article 249, enabling the Indian parliament to legislate even on matters in the State List, on the strength of a resolution passed by the Upper House of the Parliament.

All this created fertile ground for the armed militancy, which emerged in Kashmir in 1989–90.

The significance of what was said can only be grasped by the context of war and where it has reached today. A news report cited senior army officers calling for political intervention and described their own precarious situation. They complain that "genuine intelligence has dried up." "It was a gradual slowdown in the last few years, but, today, (army) units have nothing dependable coming in." Without credible intelligence, the army is "blinded" and "fumbling." Another serving officer said, "Today we are *isolated* in our units and cantonments." [emphasis mine] (51) That army officers chose to remain anonymous is understandable, because they will face punishment for going public. But, in the given climate, where jingoist rhetoric silences

every critical and dissident voice, anything attributable to the army becomes, also paradoxically, more credible, especially when they reveal the grim situation on the ground.

This is significant because, if, after 27 years, the army finds itself “isolated,” and even the “friendliest villager” tells them that “they will not be able to help [them] anymore,” then it is an admission of the failure of the policy followed by the Governments of India. So, why does the Indian government persist with a failed approach? Why is it that there is no public pressure? One reason is that all shades of parliamentary parties have nothing concrete to say that will be taken seriously, either in India, especially by the establishment, or by the Kashmiri people. Autonomy has run its course, and, to speak about restoring autonomy —after its erosion had been pointed out on the floor of the Indian Parliament on 4 December, 1964, by India’s interim Prime Minister and its then Home Minister, Gulzarilal Nanda, who said that Article 370 has been “hollowed out of its content,” and all that remains is the “shell” —would be nothing short of a farce. But even this “shell” is anathema for the Hindu right-wing, which believes that the only remaining mark of that “shell” is the issue of “permanent resident” of the state, which prevents demographic transformation of the Valley because non-Kashmiris cannot buy land and settle down there.

All parliamentary parties in India seem to agree that the clock cannot be turned back and the autonomy that was originally promised cannot be extended. So, what does one offer to Kashmiris to wean them away from their demand for freedom from India, and their call for ascertaining the wishes of the people through a referendum in which all state subjects are allowed to exercise their mandate? Instead of something concrete, the inchoate rhetoric dominates.

India also maintains a territorial claim over the region, according to which a part of its territory is under the Pakistani occupation, and some parts with China. By keeping this claim alive, a constant hyperbole is maintained against Pakistan, and now, increasingly, against China.

Who does this serve? Whichever way one looks at it, the ruling class of the Indian nation-state does manage to rally their public around the “enemy.” Now, imagine an enemy blamed for the vivisection of British India, and the latent and overt suspicion of Muslims. This is how the “other” gets magnified in J & K, where Muslims are in the majority. But, this does indicate that, while Pakistan may not be the main cause of India’s failure in Kashmir, it is certainly inconceivable that there can be any solution to which Pakistan is not a party. The reason is not that they control the situation in Kashmir (the 2003–2007 period shows that the Indian government could bring about a situation where Pakistan’s interference came down) but because they administer one third of the territory, and because Kashmiris want Pakistan to be a part of the solution. Unlike Indian civil society, the Pakistani civil society, more than the

Pakistan State, has been a source of comfort and strength for the Kashmiris. The significance of this can only be grasped when it is realised that Kashmiris live highly controlled lives, where, not just public and private, but the most intimate parts of the body and mind can be violated with impunity. Fear, and a sense of insecurity, are instruments of power to keep the Indian public unaware of their own wretched condition, transfixed by the thought of, what they are told is, a larger than life battle against the nation's "enemy."

In a manner of speaking, despite all of India's protestations to the contrary, Indian nationalism looks more and more like any other religion based nation-state. It did not come with the adoption of a Constitution. The debate in the Constituent Assembly, despite the narrowness of its representation, did espouse people's interests. (52) But real social and economic divisions put paid to even these sparks of deep concern. By pitting nationalism as being inclusive and communalism as being exclusive, a dichotomy around religion and religious community was perpetuated. However, a class analysis would have shown that the nation-state and official nationalism rested on excluding and marginalising the working people, using favours and patronage to keep them dispossessed and disunited. The setback for the liberal fraction of the ruling class (and the entry of a fraction which is virulently Hindu exclusivist) is evident in the increasingly more aggressive form of war in Kashmir that is matched by equal obduracy to eschew political intervention there. It is able to mobilise the public around its call for wiping out the enemies of the nation-state.

So, where is the Left in all this? In India, there has been a divergence in the stance taken by the Left movement on the issue of nationalities. While Leftists, in general, are opposed to assimilation (in which minorities or oppressed groups, more or less, lose their cultural identity), there are differences within the Left on the issue of what stance to take. One can say that the divide is between those who argue for integration with equality and those who subscribe to separateness with equality; both striving to defeat a common enemy, the State, and trying to decide which course is to be adopted to achieve that. Maoists believe that there are oppressed nationalities, and that they are the strongest champions of their right to self-determination. This includes the tribals, whose desire for equality with separateness must be respected in order for them to develop and determine their pace of change. Thus, the Maoists argue that, while they support the right of nationalities to self-determination, including the right to opt out of the Union of India, every occasion where separateness is evoked does not mean secession. Tribals, unlike Kashmiris (or Nagas or Meitis), are not demanding the right to opt out of the Indian Union. What is called the "Parliamentary Left," is wedded to the notion of "national unity and territorial integrity," and has not voiced an opposition to the use of war as a policy to quell rebellion. The State, which was inherited from the British Raj, retained the repressive instrumentalities of the colonial state. Yet, the nature of the Indian State has not troubled the Indian Left, except some sections of the Naxalites. The remarkable thing is that, today, India's

Parliamentary Left has no locus standi among Kashmiris, and nothing to offer to the Kashmiris. It is also inconsequential among the Hindus and the Buddhists in other parts of the state. They stood a chance up until the 1940s, but they drifted away from the Kashmiris as they drifted closer to Nehru's liberal bourgeoisie project. It was primarily the Naxalites/Maoists and the Gandhians who have been consistent in their support for the right to self-determination, but their voice is a marginalised one. In other words, they do not count.

Platitudes and reference to the Party Programme mean nothing when the Parliamentary Left cannot even organise a meeting on Kashmir to spell out their alternative perspective. Just as Lenin was confronted with the German Social Democrats (which came to the defence of the nation during the First War, instead of opposing the war), in India, the Parliamentary Left has stood by national unity and territorial integrity, on the side of the Indian State. (53)

It is no wonder, then, that Kashmiris express themselves using the idiom of religion in their struggle against India. The Indian bourgeoisie was not going to bring the people — divided by religion, caste, ethnicity — together, using only class as the determinant. The invocation of "citizenship," as advocated by liberals, also fails where the reality of class, caste, and community divide remain dominant. The gradual and steady erosion of liberal politics has reached a point where the bourgeoisie shows a clear disdain for democracy, dissent, disrespect for rights and the adherence to Rule of Law. So, while we can lament the shortcomings of the Left, the point is that religio-nationalism has become the hegemonic ideology of India's ruling class.

CONCLUSION

Two concepts that have bedevilled the Marxist Left — Parliamentary as well as non-Parliamentary — are war and religion. Instead of contextualising and analysing it in their particular condition, an abstract and an a-priori abhorrence of war and religion clouds any comprehension or awareness of the situation. Kashmir helps us understand the problem because the war being waged by a nation-state against a people (which it, formally, considers its own) needs to be distinguished from the wars that nation-states have to wage to protect themselves from an external enemy or against imperialism. Similarly, the invocation of religion for mobilisation, by the oppressor, needs to be demarcated from an invocation of religion, by the oppressed. (54)

How should the Left look at a struggle which emphasises its Muslim-ness? The Kashmiri movement has constantly reminded the Left that theirs is not a religious struggle but a political movement. Their demand for the right of self-determination is not for Muslims alone, but for

every state subject of the region of J & K, notwithstanding their religion or language. This view was always challenged by small, radical groups in Kashmir, who argued that their battle is part of the larger global battle of Muslim Ummah. These fringe Kashmiri groups, whose antics are played up by India's government and corporate media, have been denounced by most sections of the Kashmiri movement. However, it cannot be denied that these fringe groups can gain ground, even if they are ineffectual today. One of the reasons that could contribute to this is the utter failure of the Indian nation-state to offer anything but bloodletting; then there's the pusillanimity displayed by the Left and the liberals, and their inability to offer a narrative which counters the official discourse on Kashmir (which demonises the "other"). Granted, there is greater sensitivity displayed by a broad mass of progressives in our times than before, but the inability to offer an alternate perspective hampers this nascent solidarity-in-the-making.

When Kanhaiya Kumar, the former Jawaharlal Nehru University Student Union President, spoke of "freedom in," and not "freedom from," India, it evoked mixed feelings among Kashmiris. Some read in this a dilution of the demand for "azaadi," and, therefore, a hollowing out of the meaning of "azaadi." Others were more sanguine, while some even welcomed it. When one seeks freedom from India, it is as a necessary condition for freedom in Kashmir or in J & K. When seeking freedom "in" India, the goal is of freeing Indians from the tyranny and oppression of their own rulers. Because we Indians did win freedom "from" British Raj but we have yet to win freedom "in" India. This freedom, "in" India, points towards the need for the emancipation of 1.3 billion Indians within India. Yet, the two formulations, of "from" and "in," are dialectically linked, because the rulers are the same in both cases. Amongst India's democratically minded people, not all see the link between the struggle for emancipation within India with respect and solidarity with those who believe in freedom from India through a democratic process. It also points towards the need to appreciate "freedom" when it is suppressed and denied to a people. So, the democratic aspirations that underlie the demand for azaadi, that Kashmiris espouse, cannot be a matter of secondary importance for those who acknowledge the need for emancipating Indian people.

What is important is to note how a desire for co-existence, in relative peace and stability, turned into the current conflict in J & K. It is reasonable to suggest that, had the referendum taken place in 1947-48, the majority of the Kashmiris may have voted to accede to India. Today, it is felt that accession to India has contributed to the making of the tragedy that has befallen the Kashmiri Muslims. It was the democratic perspective behind the appeal of the "Naya Kashmir" programme which had brought about a convergence of interests of the AJKNC and the INC. For the AJKNC, it offered a possibility of co-existence and stability to undertake land reform. For the INC, the accession of Kashmir into India was used to challenge the "two nation" theory of the AIMG and project its own "secular" credential. In so far as Kashmir's accession to India weakened the rationale for the creation of Pakistan, the same can be said

about the Kashmiri people's drift away from India as amounting to questioning the secular democratic credentials of India. And, today, when we stand on the cusp of turning into a majoritarian state, where Muslims are second class citizens, Kashmiri Muslims consider, for good reasons, that their physical survival is at risk.

It is, then, pertinent to propose that the root of the problem lies in defining Indianness in a way that the ruling class' interests become coterminous with national interests, and the nation becomes coterminous with a religious community. This is a two way process.

By and large, the elites among the Hindus of Jammu and the Kashmiri Pandits do not share a bond of common interests with Muslims. Faced with disproportionately high representation of Kashmiri Pandits in government services, especially the higher one moves up, a divide emerges, but, the Hindus refuse to acknowledge the fact of their pre-eminence. So, despite the working people sharing commonalities, the Hindu elite in J & K have found, in an appeal to Indian nationalism, an effective way to merge Kashmir into India, and at once, has found themselves removed from their fellow Kashmiris. Despite being a minority, their identification with the Indian nation on religio-cultural grounds made them the repositories of a particular fabrication of Indian-ness. To this must be added the impact of a spate of riots in India through the 1960s, 70s, and 80s. In fact, the changing pattern of violence against the Muslims minorities in India, with the active participation of the agencies of the State since 1980s, helped accentuate the differences along religious lines. This only highlights the move to legitimise the role of religion as a cohesive factor for identity formation. It is interesting to note that, in the spread of the Hindu "nation-state," the role played by Kashmir has been quite substantial. When the right-wing Jana Sangh was formed, its leader drew the attention of the delegates to two issues: the special relationship of Kashmir with India, and the condition of Hindus in East Bengal. The manifesto of the party floated by them focused on "bhartiya culture," "hindi as link language," "full integration of Jammu and Kashmir," and a denial of safeguards for minorities (55). These have become today's reality as it unfolds.

What we are witnessing is a new phase in a war which is testing the resilience of the Indian nation-state as never before. A critical look at the role of religious mobilisation is necessary, which can, both, inspire a people to carry on against all odds, while, simultaneously, also be the harbinger of a brutal, bitter war invoked in the name of a nation-state increasingly Hinduised. Kashmiris insist that theirs is an indigenous political movement, not a religious one; while the Indian government damns them as religious fanatics funded by Pakistan, calling on all "faithful" Hindus to rally together against this. (56) It is always possible, in a dynamic situation, for religion-based mobilisation by the oppressed to carry it towards regression. This is important to keep in mind, although the Kashmir struggle has, so far, stayed away from fanaticism. So, unless the Left and the democrats can be counted upon for solidarity with the oppressed people, and

endorse the demand for the right of self-determination as the only viable peaceful political solution, there can be no possibility of ensuring constant engagement between Indians and Kashmiris. It is this which would enable us to stop the fracturing of the unity among working people. Because, without focussing on the bourgeoisie nation-state as the common enemy, there is no way we can win freedom for all Indians. Is this not what the founders of Marxism advocated, when they warned that the enslavement of the Irish people will not allow the English working class to free itself from the English bourgeoisie? India's working people cannot emancipate selves if they do not come out strongly against the persecution of the Kashmiri people at the hand of the same bourgeoisie nation-state which exploits and oppresses Indian people in general.

While the Indian public may not influence external developments vis a vis Pakistan or China, they certainly can affect domestic perceptions and transform the terms of debate. Therefore, it matters how India's progressives steer their political course and whether they can provide an alternate perspective on Kashmir to counter the myopic official discourse. It needs no reiteration that it is "never too late to do the right thing."

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