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KASHMIR'S SECESSIONIST MOVEMENT RESURFACES

*Ethnic Identity, Community
Competition, and the State*

Reeta Chowdhari Tremblay

Abstract

The May 2008 Jammu & Kashmir government's decision to transfer 99 acres of land to a Hindu shrine reignited the Kashmiri nationalist movement. This essay argues that Kashmiri ethnonationalist aspirations remain entrenched among the Valley's Muslim population and that electoral participation is no guarantee of attenuated ethnonationalist demands.

Keywords: Kashmir, secessionist movement, Amarnath, land transfer

Until the Amarnath land controversy of 2008, many observers, including the Indian government itself, thought that aspirations for *azadi* (freedom) among Kashmir's Muslim population were on the wane. This assessment was based on two phenomena—a decline in the levels of violence in the contested state of Jammu & Kashmir and the increased participation of Kashmiri Muslims in the official electoral political process. Yet, as the massive ethnonationalist protests resulting from the Amarnath land row demonstrated, this turned out to be a serious misreading of evolving political trends and dynamics in the state.

This article argues three points.¹ First, Kashmiri ethnonationalist aspirations remain alive and deeply entrenched among the Valley of Kashmir's

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1. This essay concentrates exclusively on the internal dynamics of Kashmir's secessionist/nationalist movement while acknowledging that the Pakistan factor and the global *jihadi* *Asian Survey*, Vol. 49, Issue 6, pp. 924–950, ISSN 0004-4687, electronic ISSN 1533-838X. © 2009 by The Regents of the University of California. All rights reserved. Please direct all requests for permission to photocopy or reproduce article content through the University of California Press's Rights and Permissions website, at <http://www.ucpressjournals.com/reprintInfo.asp>. DOI: AS.2009.49.6.924.

Muslim population, irrespective of assertions to the contrary. Second, ethnonationalist leaders and groups are most successful in mobilizing sentiments for *azadi* when Kashmiri Muslims perceive that the state is no longer acting in their economic interests or sufficiently protecting their distinct religious identity. Third, the Kashmir Muslim population since the 1996 election—the first since the 1989 secessionist movement—has discovered that it can pursue its short-term economic objectives by participating in the official state-sponsored electoral process while continuing to express its long-term demands for *azadi* outside the institutional political framework. For example, Kashmiri Muslims may have participated in the November/December 2008 state assembly elections following the Amarnath land dispute in high numbers to have their daily needs for *bijli* (electricity), *pani* (water), and *sadak* (roads) addressed, and not in affirmation of Indian control over the Valley. This relatively high voter turnout in the Valley, in fact, occurred against the backdrop of massive demonstrations for the right of self-determination during the land dispute and an election boycott called by many ethnonationalist groups.

These dynamics appear to point to the Kashmiri Muslims' strategic compartmentalization of their short-term interests into daily issues of management and governance. Omar Abdullah, the new chief minister of Kashmir belonging to the National Conference (NC) and Congress coalition government, seemed to share this assessment when he observed that the people in the Valley wanted to separate day-to-day issues from the issue of Kashmir's constitutional status, thus largely explaining why such a large number had come out to exercise their franchise.² While addressing the population's everyday needs has emerged as a mantra of all major Kashmiri political parties contesting the elections, electoral participation appears to be no guarantee of attenuated ethnonationalist demands. Issues of sovereignty and self-determination continue to simmer beneath the surface of constitutional politics in the state.

The following discussion is divided into four main parts. The first section provides a historical background to the present situation in Jammu & Kashmir. It traces the Kashmir issue to the partition of India and the 1947 Treaty of Accession, examining the asymmetrical federal arrangements devised by the Indian state to accommodate the distinct collective Kashmiri

(holy Islamic) movement have, to some extent, played a role in the formation and continuation of Kashmir nationalism. For an analysis of these external factors, see Robert G. Wirsing, *India, Pakistan, and the Kashmir Dispute: On Regional Conflict and Its Resolution* (New York: St. Martin's Press, 1998).

2. *Daily Excelsior* (Jammu), December 28, 2008, at <<http://www.dailyexcelsior.com/>>, accessed January 12, 2009.

identity. It also discusses the subsequent steady erosion of these legal provisions, which gave rise to the nationalist/secessionist movement in 1989.³

The second section gives a detailed description of the rekindling of the mass-based ethnonationalist movement in the Valley following the government's decision to transfer a plot of government-owned land to a Hindu shrine board for the annual Amarnath *yatra* (pilgrimage) in 2008. The third section compares and contrasts the dynamics of the 1989 disturbances to those that emerged in 2008. Finally, the fourth section concludes by examining possible solutions to the "Kashmir problem" in light of the changing dynamics of the conflict witnessed during and after the 2008 Amarnath land row.

The Historical Background

The Indian state of Jammu & Kashmir (population 10.1 million in 2001) consists of three religiously and linguistically diverse regions: the Kashmir Valley (population 5.4 million), which has a largely homogeneously Muslim population since the 1989 Hindu exodus; the Jammu region (population 4.5 million, 67% Hindu, 27% Muslim, and 5% Sikh); and Ladakh (population 200,000, half Buddhist, half Muslim).⁴

The roots of the present day conflict in Jammu & Kashmir can be traced directly to the Treaty of Accession signed by the maharaja of Kashmir on October 26, 1947. With the exit of the British from India earlier that year, the princely state of Kashmir, much like the other 560 princely states throughout the Indian Subcontinent, was advised by the departing colonial power to join either of two new independent countries—India or Pakistan. Initially, Maharaja Hari Singh, the Hindu Dogra ruler of the majority Muslim princely state, hesitated to join India.⁵ Eight years earlier in 1939, the NC party had been launched against the maharaja in the Kashmir Valley under the leadership of Sheikh Mohammad Abdullah.⁶ The NC was a secular

3. Important works on Kashmir include Sumantra Bose, *The Challenge of Kashmir: Democracy, Self-Determination, and a Just Peace* (New Delhi: Sage Publications, 1997); Sumit Ganguly, *The Crisis in Kashmir: Portents of War, Hopes of Peace* (Washington, D.C.: Woodrow Wilson Center Press and Cambridge University Press, 1997); Victoria Schofield, *Kashmir in Conflict: India, Pakistan, and the Unfinished War* (London: I. B. Tauris, 2000); and Raju G. C. Thomas, ed., *Perspectives on Kashmir: The Roots of Conflict in South Asia* (Boulder, Colo.: Westview Press, 1992).

4. Census of India, Office of the Registrar General and Census Commissioner, India, at <http://censusindia.gov.in/population_finder/State_Master.aspx?State_Code=01>, accessed July 25, 2009.

5. Dogras, a distinctive ethnic group in the Jammu region, are largely Hindus. They speak the Dogri language.

6. For Abdullah's role, see Khushwant Singh, *Flames of Chinar: Abdullah Mohammad Sheikh* (abridged and trans. from Abdullah's Urdu biography titled *Aatish-e-Chinar*) (New

and socialist nationalist party whose goals closely resembled those of the Indian National Congress and whose impetus was the desire to improve the lot of poor Muslim peasants in Kashmir. Discrimination against Muslims was pervasive and evident throughout the princely state. For example, the 1927 “state-subject ordinances” protected employment exclusively for citizens of the state, but chiefly benefited the Hindu minority in both the Valley and the Jammu region. Sheikh Abdullah succeeded in uniting both Hindus and Muslims in opposition to the autocratic Dogra rule by reviving Kashmiriyat, a composite Kashmiri identity irrespective of religion and a potentially salient historical symbol. Kashmiriyat was a secular ethnic concept expounded by the 14th-century Muslim ruler Zain-ul-Abdeen that had served to define the cordial relationship between the Valley’s Hindu and Muslim communities in the past.

The NC’s platform called for the construction of a “new Kashmir” including a democratic constitutional framework with an extensive bill of rights and a socialist agenda with extensive land reforms. The NC also called for the people of Kashmir to exercise their fundamental rights “to live and act as free human beings, to make laws and fashion their political, social, and economic fabric.”⁷ Thus, a new political discourse was initiated through the reaffirmation of this synthetic Kashmiriyat identity and the articulation of a new socialistic ideological agenda. The NC received broad support from the Indian National Congress when it launched its “Quit Kashmir” movement against Dogra rule in 1946, including from Congress leader Jawaharlal Nehru, who was a Kashmiri Hindu. Thus, it was not surprising that, a year later, the maharaja was less than enthusiastic about joining India. Instead, he asked for an accord with both India and Pakistan, which the latter signed on August 15, 1947, as the Standstill Agreement. This agreement requested each country to continue the existing arrangements that had prevailed between the state of Jammu & Kashmir and the outgoing British government “pending settlement of details and formal execution of [a] fresh agreement.”⁸

Events, however, soon forced the maharaja’s hand. In October, tribesmen from Pakistan’s northwestern regions invaded the princely state of Kashmir while, at the same time, the Poonch District on the state’s western border with Pakistan declared its independence from Dogra rule. Unable to defend Kashmir from this invasion, the maharaja requested military assistance

Delhi: Viking Press, 1993). Also see Ian Copeland, “The Abdullah Factor: Kashmiri Muslims and the Crisis of 1947,” in *The Political Inheritance of Pakistan*, D. A. Low, ed. (New York: St. Martin’s Press, 1991).

7. Mohan Krishen Teng, Ram Krishen Kaul Bhatt, and Santosh Kaul, *Kashmir: Constitutional History and Documents* (Jammu: Light & Life Publishers, 1977), p. 178.

8. *Ibid.*, p. 538.

from the Indian central government. India, however, was adamant that it would not provide any military support to the princely state until and unless the maharaja formally acceded it to India. For this reason, Maharaja Hari Singh signed the Instrument of Accession on the morning of October 27, 1947.⁹ India's governor-general, Lord Mountbatten, accepted the offer of accession under special circumstances and informed Maharaja Hari Singh that the question of accession would be placed before Kashmir's population once the territory had been cleared of the tribal invaders. Nehru immediately confirmed this conditional acceptance and, in a detailed statement to the Constituent Assembly of India, reasserted the ultimate right of the people of Kashmir, under the supervision of an impartial international tribunal such as the U.N., to decide their future political association.¹⁰

Two-thirds of the princely state of Kashmir was subsequently liberated from tribal invasion with the help of the Indian army and brought under Indian jurisdiction. The other third came under the control of Pakistan—an arrangement that has remained to this day with Azad (Free) Kashmir being administered by Pakistan. (The boundary, initially termed “the ceasefire line,” has been referred to by both sides as the “Line of Control” [LOC] since the Indo-Pakistan War of 1971.) The maharaja left the state to take up residence in Bombay after the conditional accession, and Sheikh Abdullah was appointed head of an interim emergency administration, which was replaced shortly thereafter in 1948 by an interim popular government with the sheikh as prime minister.

*Asymmetric Federalism: Reconciling Formal
and Informal Nationalisms*

Accommodating a distinct Kashmiri identity was the Indian Constituent Assembly's guiding principle in 1950 when it approved Jammu & Kashmir's unique and asymmetric constitutional relationship with India through Article 370 of the Constitution. This constitutional provision created a special status for the state, unlike any other state in the Indian federation.

9. There is a controversy about exactly when the Instrument of Accession was signed by the maharaja. Joseph E. Schwartzberg brought to the author's attention in 1996 that the maharaja signed the Instrument on October 27, 1947, which was nevertheless dated October 26. This argument is supported by Alastair Lamb, who makes the claim that Indian troops had entered Kashmir well before the Instrument of Accession was signed. See Alastair Lamb, *Kashmir: A Disputed Legacy, 1846–1990* (Karachi: Oxford University Press, 1992), pp 148–56. Prem Nath Bazaz, in his book *Kashmir 1947: Rival Versions of History* (Delhi: Oxford University Press, 1996), takes on Lamb and presents an alternative history of the accession instrument. See particularly pp. 59–74.

10. Jawaharlal Nehru, *Independence and After: A Collection of Speeches 1946–49* (New York: Day, 1950), p. 9.

In addition, the provision reaffirmed the “state-subject requirements” whereby state employment and ownership of property were to remain the exclusive prerogatives of citizens of Jammu & Kashmir.

Article 370 restricted the central government’s powers solely to the areas of foreign affairs, defense, and communications, allowing the state government full legislative powers in all other areas. These were termed “temporary provisions,” demonstrating the government of India’s commitment to the position that “an opportunity would be given to the people of the State to decide for themselves whether they will remain with the Republic or wish to go out of it.”¹¹ A widespread belief prevailed among the Indian leadership that the Kashmiri Muslim population would freely and willingly accede to India when given the opportunity.¹² Elections to the Jammu & Kashmir Constituent Assembly were held the following year.¹³

In his opening speech to the Constituent Assembly on October 31, 1951, Sheikh Abdullah outlined the reasons for not seeking accession to Pakistan and pointed to the common traditions shared by the Indian and the Kashmiri populations in terms of their desire to pursue secular democratic and socialist political principles. However, he left the decision of accession to the Constituent Assembly. In 1952, the Delhi Agreement was signed between the leaders of Jammu & Kashmir and the Indian government, further clarifying the provisions of Article 370. In particular, it recognized Urdu as the official language of the state and agreed to a special state flag. It also extended the provisions of the Constitution of India in regard to fundamental rights and emergency powers to Jammu & Kashmir. Incorporating the specific provisions for asymmetric federalism laid out in Article 370 and the Delhi Agreement, the Constitution of Jammu and Kashmir was proclaimed on January 26, 1957.¹⁴ The state is the only one of India’s states to have such a document.

Through various constitutional categories, the Indian state simultaneously both embraced and denied its differences from Kashmiri society.

11. P. L. Lakhanpal, *Essential Documents and Notes on Kashmir Dispute* (New Delhi: International Books, 1965), p. 311.

12. Jawaharlal Nehru confirmed this view in one of his letters to the state chief ministers. See *Letters to Chief Minister, vol. 1950–1952* (Delhi: Teen Murti House: A Project of the Jawaharlal Nehru Memorial Fund, distributed by Oxford University Press, 1985), p. 245.

13. On October 27, 1950, the General Council of the NC adopted a resolution asking the interim government of Jammu & Kashmir to convene a Constituent Assembly. This resolution expressed frustration with the inability of the United Nations to address the issue of Pakistani tribal invasion of the Valley in 1947 and the uncertain political future of the state. Accordingly, the Regent Karan Singh (who replaced Maharaja Hari Singh as the nominal head of the state) ordered the establishment of the Constituent Assembly. Once elected, it would also exercise the powers of a Legislative Assembly.

14. Lakhanpal, *Essential Documents and Notes on Kashmir Dispute*, p. 247.

Although India recognized the Kashmiri people's distinct cultural identity in the form of Kashmiriyat, it also asserted that the similarities between Kashmir and the Indian state were based on their common secular, socialist, and democratic agendas. Interestingly, this has become the basis by which the secular Indian elite and the most popular Kashmiri nationalist group, the Jammu and Kashmir Liberation Front (JKLF), have come to define the Kashmiri "nation" and its relationship with India. All the while, however, Jammu's Dogra population remained critical of India's position on special status for the state of Jammu & Kashmir. In 1952, the Praja Parishad (Popular Association)—the Jammu-based Hindu party that is closely affiliated with Bhartiya Jan Sangh (Indian People's Alliance)¹⁵ and its cultural parent Rashtriya Sewak Sangh (National Volunteers Organization, RSS)—started a protest movement seeking the state's complete accession to and full integration with India.¹⁶

This had significant long-term implications and a dramatic short-term impact. Over the longer term, Jammu became labeled as "communal" and was marginalized by both the state and central Indian leadership. In the short run, the movement had a profound effect on Sheikh Abdullah, who began seriously considering the option of independence for the state of Jammu & Kashmir. His concerns related to the fact that, in light of the overt expressions of Hindu chauvinism in Jammu, it would be difficult to convince the Valley's population that their Muslim identity could be effectively protected within India. For this reason, the NC's working committee adopted a resolution seeking complete independence for the state in 1953. Sheikh Abdullah was subsequently dismissed as prime minister and imprisoned in August of that year.¹⁷ He was released in 1964 at Nehru's urging.

15. The Bhartiya Jan Sangh, popularly known as Jan Sangh, was the parent party of the Bhartiya Janata Party (Indian People's Party, BJP), founded in 1980.

16. Navnita Chadha Behera, *State, Identity, and Violence: Jammu, Kashmir, and Ladakh* (New Delhi: Manohar, 2000), pp. 84–87.

17. The central government had become increasingly suspicious of Sheikh Abdullah, who was openly speaking with foreign correspondents about the independence option for the state. He also rejected central government offers to visit New Delhi for talks, leading to the suspicion that he was no longer loyal to the central government and unwilling to implement the Delhi Agreement. Meanwhile, an internal rift within Abdullah's cabinet had emerged. A major faction, headed by Bakshi Ghulam Mohammed, sensing that Abdullah had lost the confidence of the central government, began to question his leadership. Karan Singh advised Abdullah to dissolve the cabinet and reorganize it, which Abdullah refused to do. Despite the hesitancy of Karan Singh and Nehru, the Abdullah government was dismissed. Karan Singh asked Bakshi to form the new government, but Bakshi expressed his unwillingness to do so if Abdullah remained free to "propagate his views." Subsequently, Abdullah was arrested. See Sayyid Mir Qasim, *My Life and Times* (Bombay: Allied Publishers, Ltd., 1992), pp. 65–68.

*Breakdown of the Initial Entente and the 1989
Secessionist Movement*

The 1952 Jammu agitation and Abdullah's independentist response prompted the Indian state to begin integrating the state of Jammu & Kashmir into the Indian federation as a matter of deliberate policy. This brought about the gradual, but steady, disintegration of the innovative relationship that had been simultaneously forged on differences and similarities between the Indian state and the Kashmir "nation" only a few years earlier. Beginning with Bakshi Ghulam Mohammed's government, which replaced Sheikh Abdullah's, and ending with Mir Kasim's government in 1975, a number of constitutional measures were adopted to consolidate the state within the Indian Union, both politically and financially. Except for the "state-subject regulations," which were left intact, the earlier asymmetrical federalism was replaced by uniform principles of constitutional and political governance.¹⁸

In 1954, under Bakshi Ghulam Mohammed, the Constituent Assembly of Jammu & Kashmir ratified the state's accession to India. In conformity with the state's 1957 Constitution, the original Article 370 was amended several times by the state legislature and approved by the Indian Parliament. Their goal was to make most of the provisions of the Indian Constitution applicable to Jammu & Kashmir, including Articles 356 and 357, which allowed the central government to impose President's Rule.

In 1975, as a result of an accord signed by Sheikh Abdullah (who once again headed the state government) and Indian Prime Minister Indira Gandhi, Jammu & Kashmir was made a constituent unit of India. Abdullah had not abandoned his views on Kashmir's autonomy and its distinct status. But in light of the changed South Asian geopolitical position in the early 1970s, when Pakistan lost its eastern wing and Bangladesh was liberated with India's assistance, Abdullah was not in a strong bargaining position. Moreover, the Simla Agreement signed on July 3, 1972, between India and Pakistan made all previous pronouncements on Kashmir superseded by the agreement, and converted the ceasefire line into the LOC. This action recognized the partition of Jammu & Kashmir into Indian-occupied and Pakistan-occupied Kashmir. Through this accord, the Indian Parliament reaffirmed its right to legislate on any matter concerning Jammu & Kashmir, as it did with other Indian states. In short, the Indian state imposed itself on the Kashmiri "nation" through legal integrationist measures by gradually, but ineluctably, abrogating the legal and political space in which the Kashmiri community had previously come to define itself.

18. Ganguly, *The Crisis in Kashmir*, p. 51; Bose, *The Challenge of Kashmir*, pp. 33–35; Behera, *State, Identity, and Violence*, pp. 107–115.

It is during this period, when the breakdown of the asymmetrical federal framework occurred, that the movement for Kashmiri autonomy began to surface in the Valley. All these events—the arrest of Sheikh Abdullah in 1953, the installation of successive centrally approved state governments, the incremental integration of Jammu & Kashmir into the Indian Union, and the erosion of its special constitutional status—generated contradictions between the meanings and structures associated with formal and informal nationalisms.¹⁹ To explain, as Jammu & Kashmir was brought into the Indian Union, the formal nationalism was no longer able to relate itself to the daily experiences of the Kashmiri Muslim population.

During the integrationist period, the state government used the complementary strategies of repressing democratic opposition and distributing widespread patronage to quench informal nationalism. In Kashmir Valley, one-party rule has been exercised by the NC, renamed the Indian National Congress in 1965.²⁰ Any effort on the part of a faction from within its ranks to create an opposition has been traditionally thwarted by the party in power.²¹ The only vocal opposition, the Plebiscite Front (formed in 1955 by Abdullah's close associate Mirza Beg to assert the distinct identity of the state and its right to self-determination), was cheated out of the 1969 local government elections. The Plebiscite Front was declared an unlawful association in advance of the 1972 elections.

The association between the success of patronage politics and the hegemony of the ruling party in the Valley was easily discernible in the first three state assembly elections, which took place in 1957, 1962, and 1967. The NC and its breakaway faction, the Indian National Congress Party, were both supported by the central government and won a majority of the seats in the Valley uncontested. For example, the ruling NC won all 40 seats

19. Formal nationalism is state-sponsored nationalism whereby a state, through its legal and constitutional apparatus, constructs, amends, or names an identity and mobilizes the population toward its goals. Informal nationalism or popular nationalism emerges from below. It expresses itself in various daily social, cultural, or religious practices. For example, events such as the Friday noon prayers and *dedar* (showing) of the holy relic (a hair from Prophet Mohammed's beard) at the Hazratbal Mosque have been much more effective in creating national consciousness or the distinct identity of the Kashmiri Muslims than the state-generated symbols and practice.

20. The Indian National Congress did not have any links to the mainstream Congress Party in India.

21. For example, the Democratic National Conference was created by a breakaway faction of the NC in 1957. This new party did contest the 1962 elections but was unable to capture a single seat (vote rigging is commonly acknowledged as the main reason for this). Soon after, the party merged once again with its parent organization. Similarly, all those members of the NC who had not joined the Indian National Congress in 1965 rejoined the ruling party in 1972 because they had not found electoral success.

in 1957; it won all but two seats in 1962. The Indian National Congress, the breakaway NC faction headed by Ghulam Mohammed Sadiq, who became Kashmir's prime minister in 1964 and then its first chief minister in 1965, won 33 seats in 1967.²²

It was only during the subsequent election of 1972 that the two opposition parties, the pro-Pakistan Jamaat-i-Islami ("Islamic Bloc") and Abdullah's Plebiscite Front, were able to enter the arena and mobilize the Valley's population toward the goals, respectively, of an Islamic society or an independent Kashmir.²³ For the first time, the Valley witnessed a large voter turnout (66%) in these elections, beginning a trend toward higher voter participation that was to last until the start of the political insurgency in 1989.

Several other expressions of the public's discontent in the Valley were evident during this period of integration into Indian federalism. One such event was the reported disappearance of the Holy Relic of Prophet Mohammed—the Moe-i-Muqaddas (the Prophet's beard hair)—from Hazratbal Shrine, which spurred violence and demonstrations that spilled across the Valley in December 1963. It was believed that the relic, which was kept in a small tube of glass locked in a wooden cupboard and ritually exhibited only 10 times a year, had originally been sent to Kashmir by Mughal Emperor Aurangzeb (1658–1707). Its disappearance brought the Valley to a standstill. All businesses, trade, and government services were shut down; curfew was imposed throughout the Valley after the police and army were unable to control the emotional outbursts of the population.

On January 4, 1964, the relic was found with the help of Indian intelligence agencies, but the return of the Moe-i-Muqaddas failed to pacify the populace because of widespread rumors that it was not authentic. Calm was restored only after a special verification ceremony was held to establish the relic's authenticity. Mirwaiz Mohammed Farooq, the chief Muslim religious leader in Kashmir, authenticated the holy relic, assisted by the newly founded Awami (meaning People) Action Committee. The latter would later become a constituting group of the separatist alliance known

22. There were two major reasons for Sadiq's and the Indian National Congress's success: (1) the massive corruption and patronage politics associated with Bakshi and the NC party; (2) Bakshi, who headed the NC party, was perceived to be involved with the disappearance of the holy relic from the Hazratbal Shrine, in that he had borrowed the relic to show it to his dying mother. There is no official substantiation of this, but rampant rumors existed in the Valley to this effect.

23. For a historical perspective on Jammu & Kashmir elections, see Reeta Chowdhari Tremblay, "Elections in Kashmir: An Exercise in Pragmatism," in Paul Wallace and Ramashray Roy, eds., *Indian Politics and the 1998 Elections: Regionalism, Hindutva, and State Politics* (New Delhi: Sage Publications, 1999), pp. 309–39.

as the Hurriyat Conference and a principal actor in the secessionist movement of 1989, seeking the state's integration with Pakistan.²⁴ A key convenor of Hurriyat was Mirwaiz Omar Farooq, son of Mohammed Farooq, who inherited the *mirwaiz* mantle after his father was assassinated in 1990.

Sheikh Abdullah reintroduced the issues of identity and autonomy into the state's political discourse in 1975 upon reentering the political arena after his latest release from prison.²⁵ He declared that the people of Kashmir would not hesitate to secede from India unless the latter recognized the state's distinctness and reversed its integrationist constitutional amendments. In 1981, the year before Abdullah's death, the NC passed a resolution—"Toward New Kashmir Autonomy"—under his leadership pledging non-cooperation with all those national laws that were detrimental to the autonomy of the state. Abdullah's demands amounted to a call to a return to pre-1953 asymmetrical federalism and autonomy within the Indian Union. After his death, the crystallization and maturation of the secessionist/irredentist forces within the Valley derived equally from two factors. One was the politically integrative activities of Gandhi's government, into which the post-Sheikh state leadership became inadvertently drawn. Equally important was the breakdown of the political and economic frameworks within which patronage politics had flourished in the state.

*Ethnonationalist Insurgency and Politics
from 1989 Onward*

The year 1989 saw the demand for autonomy converted into calls for *azadi* led by two sets of forces—one secessionist and the other irredentist—and supported probably by most of the Valley's Muslim population.²⁶ The leading secessionist actor in the insurgency was the JKLF, which sought an independent and united Kashmir with the restoration of the pre-1947 boundaries. The main irredentist forces were the Hizbul-Mujahideen (Party of

24. Ganguly, *The Crisis in Kashmir*, pp. 49–50. The All Parties Hurriyat Conference, an alliance of 26 political, social, and religious organizations in the Kashmir Valley, was formed in 1993 with two specific goals: to achieve self-determination for the people of Jammu & Kashmir and to create a society based on Islamic principles.

25. In 1964, with Nehru's intervention, Abdullah was released from imprisonment after 11 years. Nehru asked him to be his emissary to Pakistan and convince President Ayub Khan to engage in a dialogue with India about Kashmir. Soon after, Nehru died, and Abdullah's reassertion of Kashmir's autonomy led to his arrest in 1965. He was in detention until 1968. In 1971 he was exiled from Kashmir for 18 months.

26. For a detailed discussion on the 1989 movement, see Bose, *The Challenge in Kashmir*, pp. 55–104; Ganguly, *The Crisis in Kashmir*, pp. 92–130; Schofield, *Kashmir in Conflict*, pp. 136–188; Reeta Chowdhari Tremblay, "Nation, Identity, and the Intervening Role of the State: A Study of the Secessionist Movement in Kashmir," *Pacific Affairs* 69:4 (Winter 1996–97), pp. 471–98.

Holy Warriors), Jamaat-i-Islaami, and the Awami Action party, all seeking the unification of the state with Pakistan. With military assistance for *azadi* groups being supplied by Pakistan and the training of militants in neighboring Azad Kashmir, a full-fledged ethnonationalist insurgency enveloped the Valley during the year 1989. Although the catalytic event had been the rigging of the 1987 state assembly elections by the unpopular NC-Congress coalition, the *azadi* cause became the rallying cry for those opposing the state government and India.²⁷ Daily demonstrations accompanied by violence against supporters of the government, members of the ruling party, and alleged government informants (mostly the Kashmir Hindus) caused a complete breakdown of law and order and paralysis of the administrative and governmental machinery of the state.²⁸ The Valley's small Hindu minority population, almost in its entirety, fled the Valley.²⁹

In the first year of the insurgency, militant groups combined violent methods against anyone opposed to their cause with a shrewd strategy of neutralizing state-sponsored nationalism in favor of a fully articulated informal nationalism to which they gave exclusive public prominence. First, a new public events calendar was formulated in which events relating to Islam, Islamic societies, the history of Muslims in Kashmir, Pakistan's

27. Sheikh Abdullah's death in 1982 provided an opportunity for Indira Gandhi and her Congress Party to intervene directly in Kashmir politics. Farooq Abdullah, chosen earlier by his father as his heir, assumed the chief ministership and began to rally the anti-Gandhi opposition forces. In October 1983, Farooq hosted a three-day opposition conclave in Srinagar involving 59 state leaders from 17 different Indian regional parties. In 1984, the Central Congress Party succeeded in creating a rift within Farooq's NC, and a large faction withdrew their support of the government. G. M. Shah, Farooq's brother-in-law, replaced Farooq. Shah's government lacked popular support. For the first time in the Valley, there were communal riots. A breakdown of law and order led to the imposition of Governor's Rule in 1986. In 1987, the Farooq-Rajiv Gandhi accord brought Farooq back into power. The United Muslim Front, which included dissident Muslim groups—both irredentist and secessionist—contested the elections in the Valley with the slogan, "A Contest between Islam and Secularism." However, there had been a massive rigging of the elections. Although the Muslim Front received 32% of the popular vote, it managed to win only four seats. Because the Front was widely popular, the Valley's population was outraged at the election results. For details, see Reeta Chowdhari Tremblay, "Responses to the Parliamentary & Assembly Elections in Kashmir Valley, Ladakh and the Jammu Region and the State-societal Relations," in Ramashray Roy and Paul Wallace, eds., *India's 1999 Elections and Politics in India* (New Delhi: Sage Publications, 2003), p. 409.

28. Rajesh Kadian, *The Kashmir Tangle: Issues and Options* (New Delhi: Vision Books, 1992), pp. 9–37.

29. In the author's interviews conducted in 1996 and 1998 with Kashmir Hindu refugees in camps in Jammu and surrounding areas, several of them pointed out that Jagmohan, governor of Kashmir (1984–89), had encouraged their departure from the Valley with a promise to bring them back to their home in the near future. They also confirmed stories of arbitrary killing of Hindus in the Valley. For Jagmohan's version of the story, see Jagmohan, *My Frozen Turbulence Years* (New Delhi: Allied Publishers, 1992).

independence, etc. became official days of celebration. Conversely, days commemorating events associated with India such as Republic Day and Independence Day were denounced and marked by a complete shutdown of the Valley. October 24, the day marking the Treaty of Accession, became termed the “Day of Occupation.” Second, the militant groups called for all individuals in the Valley associated with the ruling NC party to publicly announce their resignation from the party in newspapers, under the heading “Declaration of Disassociation.” Fearing retaliation, two-thirds of party members withdrew their membership.

Third, India had for years tried to make a case for Kashmir’s accession to India by pointing to the citizenry’s record of strong participation in local, state, and national elections. But the militants ensured that voters stayed away from the 1989 parliamentary elections in Kashmir in droves, by threatening physical harm to anyone voting and by destroying several polling stations through arson. As a result, voter turnout in three parliamentary constituencies in the Valley barely reached 4%.³⁰ By ensuring only negligible Kashmiri participation in 1989 Lok Sabha (People’s House, the lower house of India’s Parliament) elections, the secessionist/nationalist groups felt they had accomplished their objective of delegitimizing Indian claims that the Kashmiri population supported the Indian state. The groups also succeeded in disassociating formal from informal nationalism.

During the first few years of the ethnonationalist insurgency, the militant violence committed by both indigenous and imported groups, such as the Pakistan-based Harkat-ul-Ansar (Movement of Helpers), led to reciprocal state repression as India responded with an increased military presence in the Valley and around the LOC. During the early 1990s, more than a half million Indian military and paramilitary personnel were deployed in the Valley.³¹ In the course of counterinsurgency operations, the Indian security forces were accused by the local population of arbitrary detentions, torture, arson, and rape. India became increasingly subject to international censure for human rights violations by groups such as Amnesty International and Human Rights Watch, and also to Pakistani lobbying at the international level against the Indian role in Kashmir. As a result, India took measures to better monitor the behavior of its own security forces during the mid-1990s and allowed international civil society organizations to enter the state to review the human rights situation.

At the same time, the Indian government began reviving the democratic political process by conducting both legislative assembly and parliamentary

30. Ganguly, *The Crisis in Kashmir*, p. 152; Tremblay, “Elections in Kashmir,” p. 328.

31. Iffat Malik, *Kashmir: Ethnic Conflict, International Dispute* (Oxford, U.K.: Oxford University Press, 2002), p. 304.

elections. The Indian attempt to revive the normal political process in Kashmir was aided by Pakistani actions of exclusively supporting, both financially and militarily, the *jihadi* groups in the Valley.³² This marginalized the highly popular indigenous groups such as the JKLF, which became operationally less effective than the foreign groups, partially because of foreign assistance to the latter. Continued violence by the *jihadi* groups, both local and Pakistan-based, and their harsh impact on the daily lives of the Kashmiri population backfired and gave a window of opportunity to the Indian government to hold elections to the state legislative assembly in 1996. Although the elections were boycotted by all separatist groups and voter turnout was only about 40%, India was subsequently gradually able to reactivate normal administrative and political governance after these elections. As a result of these efforts, the state has had three legislative assembly elections, in 1996, 2002, and 2008.³³

India has continued its dual strategy of aggressively trying to eliminate the militants while trying to engage moderate separatist groups in dialogue. India's counterinsurgency measures during the past seven years have brought fatalities in the state to low levels in comparison to the 1990s, indicating a diminishing armed insurgency. According to a study by the Institute for Conflict Management, the total number of deaths declined from 4,507 in 2001 to 777 in 2007. More significantly, the number of civilian deaths declined from 1,067 in 2001 to 164 in 2007.³⁴ As recently as May 2008, India was aggressively trying to convince and cajole moderate factions of the Hurriyat Conference to participate in the upcoming October elections. Local Kashmiri newspapers reported that Hurriyat leaders such as Mirwaiz Omar and Abdul Ghani Bhat were beginning to soften their stance and trying to convert their hardcore supporters to start thinking about participating in the elections.³⁵ This response by Hurriyat Conference leaders was certainly also related to the new global political environment after the events of 9/11 and the subsequent "war on terror" that strengthened India's hand in implementing its strategy of counterinsurgency and political engagement of the militants in the Valley. But recent events—namely,

32. There is an important distinction between the foreign militants who seek *jihad*—a fight against the West and its values and the spreading of global Islam—and the local nationalist groups who seek *azadi* for the state of Jammu and Kashmir.

33. Tremblay, "Elections in Kashmir," pp. 309–39.

34. The Institute for Conflict Management, "Jammu and Kashmir Assessment—Year 2009," at <<http://www.satp.org/satporgtp/countries/india/states/jandk/index.html>>, accessed July 25, 2009.

35. Riyaz Masroor, "Renewed Kashmiri Tinderbox," *Himal South Asian* 21:9 (September 2008), at <http://www.himalmag.com/Renewed-Kashmiri-tinderbox_nw1047.html>, accessed April 16, 2009.

the Amarnath land dispute—changed all of this, as we will see, and once again inflamed demands for *azadi* in Kashmir in 2008.

The 2008 Amarnath Shrine Controversy and Renewed Demands for *Azadi*

Small, seemingly innocuous decisions can sometimes have enormous unintended political consequences. In May 2008, the Jammu & Kashmir government announced that it would transfer 99 acres of land in the Kashmir region to the governing board of a Hindu shrine. That decision, and the ensuing chain of events, reinvigorated and fueled the Kashmiri secessionist/nationalist movement as, for the first time in almost 18 years, the Valley witnessed recurrent large-scale demonstrations. A newly mobilized younger population, with few or no memories of the 1989 protests, resurrected a chorus of earlier slogans such as: “This Kashmir Is Ours; We Will Decide Its Future”; “Asia’s Peace Lies in a Kashmir Solution”; “Demolish the Bloody Line; Unite the Two Parts of Kashmir”; “Aai Zalimo Aai Jabiro, Kashmir Hamara Chod Do” (Vacate Our Kashmir, O Oppressors); “Ham Maang Ke Lein Ge: Azadi” (We Will Demand, We Will Get It: Freedom); “Galli Galli Main Shoar Hai; Azadi Ka Zor Hai” (There Is This Noise in Every Street; It Is the Force of Freedom).³⁶

All this was reminiscent of the events of the late 1980s that culminated in the Kashmir Valley’s mass-supported opposition to India, the breakdown of the state’s administrative and governance framework, and the handing over of the Valley to Indian security forces to deal with an escalating ethnonationalist insurgency. India had appeared to pull itself out of that crisis over the past decade through successful counterinsurgency operations and a reactivation of the normal democratic political process, but the Amarnath land episode from May-September 2008 eroded much of this progress and breathed new life into the Valley’s demands for *azadi*. The popular reaction demonstrated the depth of alienation and resentment seething under the garb of supposed reemerging “normalcy” in the Valley.

The Land Transfer Decision: Mobilization and Counter-mobilization

The Amarnath pilgrimage known as the *yatra*, which is usually held in early July, is an annual Hindu religious tradition to pay homage to Lord Shiva. The Amarnath caves, at an altitude of 4,000 meters, are located 140

36. Arundhati Roy, “Land and Freedom,” *Guardian* (London), August 22, 2008, at <<http://www.guardian.co.uk/world/2008/aug/22/kashmir.india>>, accessed July 25, 2009; Athar Parvaiz, “No Violence, Just Slogans on Their Lips Now,” *Kashmir Times*, August 2008, at <<http://www.kashmirtimes.com/>>, accessed July 25, 2009.

kilometers from Srinagar, the summer capital of the state of Jammu & Kashmir and by far the largest city of the Kashmir Valley. A three-meter-high ice Shiva *lingam* (idol of Shiva) in the caves is an important object of worship, the viewing of which is considered by pilgrims to be equivalent with a meeting with Lord Shiva himself. The cave was discovered in the 18th century and the Amarnath *yatra* has played a significant role in the expression of Kashmiriyat, which entails the peaceful co-existence of Hindus and Muslims in the region. The *yatra* has been essential to the realization of Kashmiriyat over the past 150 years.³⁷ The government of Jammu & Kashmir has been responsible for the security, transportation, and housing needs of pilgrims en route to the caves, and the local Muslim population has traditionally looked after their arrangements, especially for food and shelter.

From the 1989 secessionist/nationalist movement to the present, it was essential to both the Indian government and the local Kashmiri people that the pilgrimage take place without disruption. The *yatra* provided economic benefits to the local population; for the Indian government, it symbolized the carrying on of business as usual against the backdrop of potential political discontent. In addition, the *yatra* has been important for locally based militant groups such as the JKLF to give credibility to their claims that their nationalist goals are purely political, not religious. However, the pilgrims going on this *yatra* have been targeted by *jihadi* groups such as the Lashkar-e-Toiba (Army of the Pure), halting the journey during 1991–96. Despite the heavy presence of Indian security forces, 22 pilgrims were massacred on their way to the caves in the year 2000. In more recent years, the number of pilgrims has risen dramatically, largely as a result of vastly improved security arrangements and facilities. Compared to 12,000 pilgrims participating in 1989, the number rose to 400,000 in 2007, and in 2008, more than half a million pilgrims had visited the site by August.³⁸ In order to accommodate these vastly increased numbers, the previously two-week pilgrimage period was extended to two months.

The Shri Amarnathji Shrine Board (SASB) was constituted in 2000 by an act of the Jammu & Kashmir state legislature on the recommendation

37. On the concept of Kashmiriyat, see Riyaz Punjabi, "Kashmir: The Bruised Identity," in Thomas, ed., *Perspectives on Kashmir*, pp. 136–37. For one of the best histories of regional identity and the fluctuating basis of Kashmiri identity in relation to class and ideology, see Chitrlekha Zutshi, *Languages of Belonging: Islam, Regional Identity, and the Making of Kashmir* (New York: Oxford University Press, 2004).

38. Arundhati Roy, "Land and Freedom: Civil Society Appeals PM for Peaceful Resolution in J&K Crisis," *Kashmir Times*, August 15, 2008, at <<http://www.kashmirtimes.com/>>, accessed July 25, 2009.

of the Nitish Sengupta Committee, which had been appointed by India's Rajya Sabha (Parliament's Council of State) in 1996 to prevent similar tragedies after more than 250 pilgrims died in a snowstorm.³⁹ The SASB consisted of eight members including the governor of the state as its ex-officio chair. The SASB's duties included overseeing the smooth operation of the ritual aspects of the worship, the management and administration of the shrine and its funds, and the general convenience of the pilgrims. Regarding the latter, the SASB Act assigned three particular responsibilities to the board: the construction of buildings to accommodate worshippers, the construction of sanitary facilities, and the improvement of means of communication.

In October 2004, the SASB sent a project report to Jammu & Kashmir's forest department requesting an assignment of 455 acres of land for seven halting places for the pilgrims. This was granted in May 2005, but the state government overruled its department, arguing that this decision contravened provisions of the Jammu & Kashmir Forest Conservation Act of 1997. That decision itself was later reversed by the state's high court, whereupon the SASB requested that the state government regularize the use of the government land by formally transferring a few plots to the board. Three years later, in May 2008, the state cabinet passed a proposal diverting 99 acres of forest land to the SASB for Rs 2.5 crores (\$538,213).

This decision was immediately met with widespread opposition in the Valley. The government's coalition partner, the PDP (People's Democratic Party), threatened to resign from the government unless Chief Minister Ghulam Nabi Azad, of the Congress Party, withdrew the order. Setting aside their differences, the separatist groups in the Valley—including the two major factions of the Hurriyat Conference, led by Syed Ali Shah Geelani and Mirwaiz Omar Farooq, respectively—created a civil society group called the Action Committee Against Land Transfer (ACALT, popularly known as the Kashmir Action Committee), which included journalists, human rights advocacy groups, trade unions, teachers, traders, writers, and industrialists to generate a unified response to the government's decision. It was also agreed that the coordination committee of the ACALT—consisting of Geelani and Mirwaiz Farooq; Yasin Malik of the JKLF; and representatives from the Kashmir Chamber of Commerce and Industry, Fruit Growers Association, Employees Joint Action Committee, the Kashmir Bar Association, and the House Boat Owners and Hoteliers

39. On the SASB, see Office of the Divisional Commissioner, Jammu & Kashmir Government, *Amarnath Ji Yatra* [Amarnath pilgrimage], at <<http://kashmirdivision.nic.in/about/services/amryatra.htm>>, accessed July 25, 2009. Also see SASB's website, <<http://www.shriamarnathjishrine.com/the-holy-shrine.html>>, accessed July 25, 2009.

Associations—would be solely responsible for organizing protests and demonstrations.

The first mass protests in the Valley against the land transfer decision occurred on June 23, resulting in the security forces killing one person and injuring 40 others. In response to the first call by the ACALT coordination committee, 60,000 people gathered in the city of Srinagar on June 27.⁴⁰ Protests, reportedly on a scale unparalleled in the Valley's recent political history, swept through the Valley over the next eight days, resulting in the death of two more persons and 200 injured. This mass anger was directed against the state government and also the central Indian state. Apprehensions about the apparently shifting demographic balance in the state, which supposedly threatened Muslim identity, added fuel to the fire caused by the Amarnath land transfer controversy. For example, many local newspapers such as *Greater Kashmir*, the *Daily Etalaat* (Daily Bulletin), *Rising Kashmir*, *Srinagar Times*, and the *Daily Aftab* (Daily Sun) carried reports and presented data from the Indian census documenting a consistent decline of the Muslim population from 72.4% in 1941, to 68.3% in 1961 and 66.9% in 2001.⁴¹

These massive protests and strong pressure from the central Congress leadership prompted Chief Minister Azad to withdraw the government's decision on the Amarnath land transfer on July 1, 2008. The Jammu & Kashmir government's decision to cancel the transfer to the SASB coincided with the end of S. K. Sinha's term as governor of the state. Sinha had been personally involved in the creation of the board and its proactive agenda. N. N. Vohra replaced Sinha as government on June 25, and one of his first acts was to try to resolve the ongoing political crisis. In his capacity as chairman of the SASB, Vohra sent a letter to the chief minister withdrawing the board's earlier request for forest land for the pilgrims, with the intent of resolving the crisis by formally transferring the management of the pilgrimage back to the state government. Azad, in reversing the land order, said the state government would look after the logistics of the pilgrimage including security, lodging, and temporary housing on the way to the caves and that the SASB would look after the religious rituals associated with the *yatra*.

The Valley's Muslim population was quick to claim victory, while Jammu's Hindus saw the reversal on the decision as a capitulation to Kashmiri

40. *Daily Aftab* (Urdu ed.; Srinagar, Kashmir) June 28, 2008, at <<http://www.dailyaftab.com/>>, accessed August 13, 2008.

41. Arjmand Hussain Talib, "Kashmir's Myth of Discrimination," Kashmir News Service, August 12, 2008, at <<http://www.knskashmir.com/articles/Myth%20of%20Discriminat.htm>>; "Changing Demography in Conflict Zones," *Daily Rising Kashmir*, June 26, 2008, at <<http://www.risingkashmir.com/>>; and Praveen Swami, "Kashmir's Politics of Hate," *Kashmir Herald*, August 13, 2008, at <<http://www.kashmirherald.com/main.php?t=OP&st=D&no=385>>.

Muslim fundamentalism. In response, they launched a violent resistance movement under the leadership of the Amarnath Sangharsh Samiti (Resistance Committee), which closely resembled the ACALT in terms of its constituent members. Never had the Hindu-majority Jammu region of the state witnessed such unity among its population in opposing a government decision. A call for agitation was given by Hindu nationalist groups, and the general population participated in the protests overwhelmingly and violently. In the name of both Indian and Jammu nationalisms, protestors destroyed government property and even attacked army troops. Curfew after curfew was imposed in the city of Jammu and other major cities, but with little effect. Jammu's population—both men and women—defied the curfews, beating *thalis* (stainless steel plates) and shouting slogans in praise of Lord Shiva such as *Bhum Bhum Bhole* (Hail Shiva). Much like the Kashmiris in the Valley, Jammu's Hindus boycotted the official ceremonies for India's Independence Day as acts of protest. The Janamashtmai procession, celebrating the birth of Lord Krishna on August 22, also saw a novel feature—inclusion of a Shiva *lingam* and a replica of the Amarnath shrine—demonstrating the emerging centrality of the issue to the region's Hindu population. Educational institutions, government offices, hotels, and shops remained closed for nearly two months.

The political strife and controversy were ratcheted up when Jammu's protest strategy was expanded to include an economic blockade of the Valley. On July 2, Hindu nationalist organizations such as the BJP; Vishwa Hindu Parishad (World Hindu Council, VHP); and Bajrang Dal (Hanuman Group) blocked the Jammu-Srinagar highway—the only land route connecting the Valley to the outside world—thus effectively preventing the transport of all goods into and out of the Valley. This blockade lasted a full week. On the export side, the shipping of fruit from the Valley to the rest of India was halted, giving the Kashmiri separatists the idea to hold a “march to Muzaffarabad” in Pakistani-controlled Azad Kashmir to provide an alternative outside market to Kashmiri fruit growers. On August 11, 50,000 to 250,000 Kashmiri protesters attempted to cross the border but were stopped by the police. On the import side, the Valley experienced a sudden shortage of petrol, medicine, and other essential goods, but the Indian government was slow to respond. It took six days for the army to be called in to force open the road. Meanwhile, several national BJP leaders including Lal Krishna Advani and Arun Jaitley lent their support to Jammu's resistance movement.

By August 15, the Kashmiri Action Committee had reduced its objectives to four distinct demands: (1) the right to self-determination; (2) the opening up of all trade routes with Azad Kashmir; (3) demilitarization, by replacing Indian forces with U.N. troops and revoking the Armed Forces

Special Powers Act and the Disturbed Areas Act; and (4) the release of Kashmiri prisoners in Indian jails.⁴² Several hundred thousand people in the Valley participated in each of five agitation marches in mid-August to protest against the economic blockade and appeal to the international community, particularly the U.N., to intervene in the Kashmir issue. By the third week of August, more than 20 protesters in the Valley had been killed by Indian security forces.

Unlike the violent Jammu demonstrations, the Kashmiri protests, though massive in numbers, were largely peaceful. All major leaders of the Valley's secessionist groups repeatedly emphasized the need to conduct peaceful protests. They realized that the 1989 movement had lost the support of Kashmir's masses largely because of the escalating violence emanating from both the militant groups and the security forces. In addition, despite internal differences among the separatist groups regarding their goals (an independent state of Jammu & Kashmir, versus affiliation with Pakistan), the ACALT coordination committee decided to present a unanimous public agenda of *azadi*, amorphously defined, to the outside world. For example, when the Hurriyat hardline leader Syed Ali Shah Geelani called during a public rally on August 18, 2008, for a merger with Pakistan, he was immediately made to withdraw this comment by the other separatist leaders.⁴³ During a press conference only hours after his speech, he apologized and stated that the movement was larger than his own personal political preferences for Kashmir's constitutional status.

Underlying this public posturing of maintaining a united front, there nonetheless remained deep ideological differences within the separatist camp, including those between Geelani, Mirwaiz Omar Farooq, and JKLF leader Yasin Malik. While Geelani advocated an Islamic Kashmiri state merged with Pakistan, Malik's separatist politics have always stood for an independent but secular and united Jammu & Kashmir. Farooq, on the other hand, adopted a more middle-of-the-road and pragmatic position (to engage with India as well as with pro-independence groups such as the

42. "Protests to Continue, Open Trade to Muzaffarabad: Mirwaiz," *Kashmir Times*, August 16, 2008, <<http://www.kashmirtimes.com/>>; "Geelani Asks Pro-India Leaders to Resign or Face Social Boycott," *Daily Excelsior*, August 14, 2008; "Open Road to Muzaffarabad: Mirwaiz," *ibid.*, August 16, 2008; "Stronger Geelani's New Slogan: Ham Pakistani hain, Pakistan Hamara Hai" (We are Pakistani, Pakistan is ours), *ibid.*, August 19, 2008, at <<http://www.dailyexcelsior.com/>>, accessed July 25, 2009.

43. "Hawk Geelani Says He's 'Sole' Azadi Leader, Then Apologizes," *Indian Express*, August 19, 2008, at <<http://www.indianexpress.com/news/hawk-geelani-says-hes-sole-azadi-leader-then-apologises/350505/0>>, accessed July 25, 2009; and "Differences Crop up amidst Unity Efforts," *Kashmir Times*, August 19, 2009, at <<http://www.kashmirtimes.com/>>, accessed July 25, 2009.

JKLF), while a majority of the members of his Awami Action Committee party tend to support Kashmir's association with Pakistan.

The two-month long agitation in Jammu in 2008 was called off on August 31 after an agreement was reached between a governmental panel and a conglomerate of Hindu groups. A joint declaration announced that the SASB would be allowed temporary use of the forest land during the Amarnath *yatra* and that a reconstituted shrine board would be responsible for conducting the pilgrimage. However, title to the land would remain unchanged in government hands. It was also agreed that the shops and other structures on the controversial land would remain the responsibility of the permanent residents of Jammu & Kashmir. While there was jubilation in the Jammu region over this decision, the agreement was perceived by Muslims as capitulation, not compromise, sparking a fresh round of protests in the Valley. Kashmiri separatists and the PDP, in fact, rejected the accord, whereas the NC welcomed it as "a very good sign."

To preempt a more demonstrable reaction in the Valley, the government imposed a regional curfew lasting almost a week, put the secessionist leaders under house arrest, banned newspapers, and shut down cable television. Fortunately for the government, the month-long observance of Ramadan had a dampening effect on protest activity in the Valley, even though it witnessed two major shutdowns and demonstrations in September. Taking advantage of this lull in protests, the central Indian government worked quickly on two fronts to further diffuse the situation. It coordinated with Pakistan to open a trade route across the LOC to Azad Kashmir, thereby responding to one of the main demands of the ACALT coordination committee. And after broad consultation with various constituencies in the state, the Indian Election Commission recommended that state legislative assembly elections be held in Jammu & Kashmir in November. Voter turnout in the Valley reached an impressive 55% despite the call for a boycott by Kashmiri ethnonationalist groups.⁴⁴

Although a further escalation of the crisis was averted through the formation of a new civilian government in Jammu & Kashmir (and the deployment of more paramilitary forces), the message emerging from the elections was clear. The NC won the largest number of seats (28), followed by the PDP (21), Congress Party (17), and BJP (11). The government was formed by the NC with the support of Congress. The vote was largely cast in favor of more-efficient governance and meeting the daily needs of the people, not necessarily against *azadi*. As one voter in the Valley perceptively remarked, "We want *azadi*, and at the same time we also want *azadi*

44. The Election Commission of India, at <<http://ceojammukashmir.nic.in/jkla08.html>>, accessed April 16, 2009.

from erratic power supply and bad roads. We are voting because we need to have our representatives who will address our local issues.”⁴⁵ Thus, the steps taken by the Indian government to control the ethnonationalist impulses of Kashmir’s Muslims appear to be stopgap measures at best, in the light of continuing desires for some form of political *azadi*—whether increased political autonomy, independence, or unification with Pakistan. The factors that have given rise to demands for *azadi* remain deeply embedded within the Valley’s Muslim population. The Amarnath land controversy demonstrated how an apparently insignificant event can reactivate these simmering discontents against India and in favor of secession.

Differences between the 1989 Insurgency and the 2008 Movement

For all their similarities, there are several important differences between the recent disturbances and those of 1989–90. These differences not only affect possible solutions to the “Kashmir problem” but also our academic understanding of its contemporary dynamics. The Kashmir problem has, in fact, evolved in many important ways since 1989, as evidenced through an analysis of the 2008 mobilization caused (at least proximately) by the Amarnath land controversy.

First, the 1989 separatist movement was largely political, as opposed to religious. The great majority of the Valley’s population appeared to support the essentially secular secessionist cause within the framework of the traditionally composite Kashmiri identity known as Kashmiriyat. In contrast, the recent demands for Kashmiri freedom from Indian rule appear to be increasingly situated within the communal theme of protecting an exclusive Muslim Kashmiri identity. The migration of virtually the entire Hindu community out of the Valley during the 1990s has created a pronounced demographic transformation in the Kashmir region. The Valley is now characterized by a homogeneous population and a monolithic culture. As a result, the post-1989 generation of Kashmiris in the Valley is increasingly deprived of the secular traditions and daily secular practices of the past. This has led to the conflating of political goals (separating from India to protect a distinct Kashmir history and identity) with Islamic goals (protecting the Muslim character of the Valley for fear of religious-ethnic subjugation). The land transfer has been interpreted by the Valley’s Muslim population as a first step to possible government-sponsored Hindu

45. Showkat A. Motta, “Large Turnout in Kashmir Polls No Approval of Indian Rule,” *One World South Asia*, January 9, 2009, <<http://southasia.oneworld.net/todayshdlines/large-turnout-in-kashmir-polls-no-endorsement-of-indian-rule/>>, accessed April 16, 2009.

domination of the region, which could eventually alter Kashmir's Muslim-majority status.

Despite their deep Islamic undertones, the recent protests have nonetheless kept the public face of a nonsectarian political movement; the underlying dynamics may be more disturbing. *Azadi*, freedom from the Indian state, has remained the unifying theme among the irredentists, who seek a formal association with Pakistan, as well as the secessionists, who want an independent and united Jammu & Kashmir. This difference, while less evident publicly during the Amarnath land controversy, remains entrenched within the political dynamics between Kashmir's different Muslim ethnonationalist factions and groups.

Second, the recent disturbances engulfed the entire state of Jammu & Kashmir, whereas the 1989 secessionist/nationalist movement was largely confined to the Kashmir Valley and, in an attenuated way, the Muslim-majority towns in Jammu, Doda, Rajouri, and Poonch. Thus, a sharp communal and regional polarization has developed, pitting Jammu's Hindus against the Valley's Muslims. In 1953, when the notion of special status for the state of Jammu & Kashmir received widespread support in both regions, Jammu's Hindu nationalist groups remained only a small minority decrying this special status.⁴⁶ In contrast, they succeeded in 2008 in mobilizing Jammu's population to support the complete restoration of government land to the SASB for the Amarnath *yatra*. These Hindu nationalist groups, including the BJP and Sangh Parivar (Family of Associations),⁴⁷ framed the recent Jammu agitation in terms of Indian nationalism and Jammu's rightful place in the larger state of Jammu & Kashmir.

By contrast, the Valley's Muslim population interpreted the land transfer as a civil occupation threatening its demographic dominance and diluting its religious/cultural identity. The SASB was seen as a foreign institution imposed on the state by the Indian authorities, whose activities were perceived as a Hindu invasion of the Valley. Jammu & Kashmir's deepening communal polarization was further evidenced in the November/December 2008 state assembly elections. For the first time ever, Jammu's Hindu population appeared to prefer the BJP over the Congress Party. In the Valley, voters continued to support either the NC or the PDP—two parties that supported Valley residents' demands against the Amarnath land decision and advocated meeting the citizenry's daily needs. In essence, the more

46. For a detailed discussion, see Reeta Chowdhari Tremblay, "Jammu: Autonomy within an Autonomous Kashmir?" in Thomas, ed., *Perspectives on Kashmir*, pp. 153–67.

47. Sangh Parivar refers to a family of all organizations associated with the cause of Hindu nationalism. The RSS volunteers organized this group in order to unify the Hindu nationalist movement.

Jammu raises the slogan of protecting Indian nationalism and Jammu's rightful place in the state, the more hardened Kashmiri Muslims become in their demand for *azadi*. Thus, the communalization of the Hindu position serves only to elicit a parallel communal response from the Valley. The result is a continued sharpening and crystallization of religious identities in the two regions, making the Kashmir problem increasingly intractable.

Third, Kashmir's secessionist leaders seemed to have climbed a steep learning curve in their increasingly judicious use of violence and intimidation in comparison to the past: violence was integral to the movement in 1989. It was directed primarily against the security forces but also against the civilian population. The violence then entailed killing so-called intelligence agents of India (mostly Kashmiri Hindus), intimidating and killing local party workers, threatening to kill those who participated in elections, and extorting money from ordinary people.

In contrast, the 2008 demonstrations were largely peaceful. Their leaders urged the masses to remain peaceful and concentrate on their political demand for *azadi*. They understood that any retaliation by the Indian forces would only strengthen their own cause and that the civilian population, if it became the target of secessionist violence, would abandon the movement as it did in the mid-1990s. Thus, it is no accident that while Jammu's demonstrations were intensely violent, those occurring in the Valley remained peaceful. Nevertheless, the security forces killed more people in the Valley than in Jammu, giving further impetus to Kashmiri demands for *azadi*. Unlike the situation that eventually developed in the 1990s, the peaceful nature of the demonstrations in 2008 allowed the indigenous nationalist groups to dominate the political discourse during the protests instead of the *jihadi* groups supported by Pakistan. Religious undertones aside, the groups were also able appropriate *azadi* demands as their own, not connected to the agenda of any external actors.

Toward a Solution

The recent Amarnath *yatra* land dispute has shown how deeply embedded identity issues remain in the political life of the Valley and now, perhaps, in the entire state of Jammu & Kashmir. Although in early 2008 it may have appeared that the *azadi* movement had few local supporters in the Valley, it is clear that this was not the case and that sentiments for *azadi* are very much alive. It took an administrative decision to transfer a small piece of land to a Hindu shrine board to mobilize the Valley's population once again to challenge the Indian state. A major crisis was averted, at least for the time being, through the combination of a cautious and well-conceived strategy by the Indian government, a newly restrained approach to violence by the secessionist groups, and good timing in terms of the

month of fasting during Ramadan. As we saw, the Indian government persuaded Jammu's Hindus to accept the compromise of temporary usage of the contested land rather than legal ownership of it. The government also calmed down the Valley by imposing a week-long curfew and putting ethnonationalist leaders under house arrest, while meeting a key secessionist demand by working with Pakistan to open the trade route across the LOC.⁴⁸ Furthermore, the Election Commission of India, after consultations with all political parties and with government officials, gave the green light to holding state legislative assembly elections in Jammu & Kashmir in November.

Although the secessionist groups urged Kashmiris to stay away from the polls, voter turnout of just over 55% in the Valley and 61.5% in the state as a whole was impressive.⁴⁹ The two main Kashmiri Muslim parties, the NC and PDP, clearly identified their intent to respond to people's daily needs. For the latter party, this was a continuation of its campaign manifesto of 2002, "Issues of the Common People," promising a corruption-free government, unconditional dialogue with militants, disbanding the counterinsurgency Special Operations Group (SOG) accused of human rights violations, and providing a "healing touch" to those affected by militancy. Voter turnout in the 2002 elections was 45%, and the PDP had won 16 seats in majority of the separatist support-based constituencies in the Kashmir Valley. Although the NC won 18, the Congress and the PDP agreed to a Common Minimum Program (CMP), shifting from government formation to the issue of governance (the Congress Party had emerged as the strongest party in the Jammu region, and thus a solid partner for the PDP-Congress coalition).

The NC followed suit in the 2008 elections, producing even better results as turnout improved, even in constituencies with a massive separatist support base. For example, turnout in 2008 was more than respectable in Anantnag, Kokernag, Bijbehara, and Kulgam at 38%, 57%, 58%, and 60%, respectively, as compared with 7%, 15%, 17%, and 24%, respectively, in 2002. The NC and PDP split the seats in the Valley, 19 and 20, respectively. The Congress Party, associated with the Amarnath land dispute and generally viewed as pro-India, elected only three members in the Valley.

The results in the Jammu region were quite different as supporters of the Jammu agitation won 14 seats, 11 for the BJP (its best showing ever),

48. It should be noted that opening up trade routes through the LOC was actually foreseen as part of an ongoing mutual agenda of confidence-building measures between India and Pakistan, but the unrest in Jammu & Kashmir certainly contributed to its quicker formalization.

49. All information on 2008 elections is from the Election Commission of India website, at <<http://ceojammukashmir.nic.in/jkla08.html>>, accessed April 16, 2009.

and three for the Jammu and Kashmir National Panthers Party.⁵⁰ The BJP also increased its popular vote from 8.5% in 2002 to 19% in 2008. The election results echoed a regional divide: the Kashmiris voting for governance issues and the residents of Jammu responding to the government's reversal of the Amarnath land transfer decision and their perceived discrimination within the state. The formation of a new civilian government may have no more than postponed an escalated Kashmir crisis. In fact, it would be naïve to interpret Kashmiri Muslims' enthusiastic participation in the elections as indicating a mitigation of their ethnonationalist sentiments. Any future event similar to the Amarnath land row that Kashmiri Muslims perceive as being a threat to their identity or economic security will likely trigger a similar ethnonationalist mobilization.

Until and unless long-term solutions can be found to the demands of Kashmir's nationalists, they are likely to continue to express themselves periodically, and with mounting intensity, through mass protests.⁵¹ Although India has made great strides in controlling the external sources that have historically exacerbated the Kashmir problem, through engaging Pakistan to resolve the two countries' many differences, New Delhi now needs to rethink its overall Kashmir strategy and find lasting internal solutions to the problem. At a minimum, there are two things that will have to be done. First, the principle of asymmetric federalism needs to be reaffirmed. There is no doubt that the abandonment of asymmetric federalism based on the principle of accommodating differences has been the major source of the present dilemma and the likely spawning ground of future crises. The best India can hope for, and what it must do, is to try to ensure

50. The Jammu and Kashmir National Panthers Party is based exclusively in the Jammu region. The party largely seeks benefits for the scheduled castes and the refugees in the state. Its support base is very limited. Although its standing improved in the elections from one seat won in 1996 to four in 2002 and three in 2008, it remains a very marginal party.

51. Once again the Valley has been witnessing ongoing sets of massive protests against the state in its handling of the Shopian rape-murder case. Two women, 22 and 19, were raped and murdered in the town of Shopian in south Kashmir, 51 kilometers from Srinagar, on May 29, 2009. There is a general belief in the Valley that security forces were involved in the rape and murder. In June, in order to put a stop to almost daily public protests, the state administration put the leaders of several separatist groups under house arrest. Amid public outcry, Jammu & Kashmir Chief Minister Omar Abdullah appointed a judicial enquiry panel, which submitted its interim report on June 20, recommending that the role of security forces be further investigated. On the basis of this report, several police officers were suspended for their negligence in handling the case. In August, the state government handed over the case to the Central Bureau of Investigation (CBI). Meanwhile, in his Independence Day address, Omar Abdullah apologized to the people of Kashmir and assured the public that his government would not tolerate human rights violations by the security forces. The situation remains volatile, and the pendulum, any day, can swing in favor of demands for *azadi*. See Amitab Mattoo, "Kashmir after Shopian," *Economic and Political Weekly* 44:28 (July 1–17, 2009), pp. 39–43.

that demands for *azadi* are converted back into demands for autonomy within India. Within this context, a constitutional dialogue must be initiated with all political actors including the secessionist and nationalist groups within the Valley, affirming the principles of asymmetric federalism that have worked in the past.

Second, as recent events have shown, Jammu is also now at the crux of resolving the Kashmir issue. The united front that Jammu Hindus presented in their recalcitrant response to the Amarnath land decision should be seen as a major cause of concern for the Indian state. As mentioned earlier, it is almost axiomatic that demands for *azadi* in the Valley become more ardent as Jammu residents appeal more insistently to Indian nationalism, Hindu sectarianism, and a history of being discriminated against within the state. The only lasting solution one can visualize to remedy this explosive disequilibrium is to create autonomous regions of governance within Jammu & Kashmir—a solution proposed by many since the early 1950s—while concurrently offering the state more autonomy within the Indian Union.⁵² Because the state is multilingual and multiethnic, autonomy for its three distinct regions could help respond to the demands of the various “communities” within the state. This two-level autonomy—the autonomy of the state of Jammu & Kashmir granted constitutionally by India and the internal autonomy of its three regions—is an attractive solution to break the current impasse exacerbated by a very proactive and hardened Hindu population in Jammu.⁵³ In other words, until the recent land dispute erupted, the Indian government had to deal fundamentally with only the Valley’s Muslim population and could count upon the support of Jammu’s Hindus to endorse its Kashmir policies. The summer of 2008 changed this political environment and shifted the “Kashmir crisis” to a more complex ground where regional polarization within the state will have to be dealt with, along with the Valley’s *azadi* demands. Unless this is done through negotiation with the various actors involved, the future does not bode well for the state of Jammu & Kashmir.

52. For examples of proposals for internal autonomy within Jammu & Kashmir, see Balraj Puri, *Jammu and Kashmir: Regional Autonomy (a Report)* (Jammu: Jay Kay Book House, 1999); and Behera, *State, Identity, and Violence*, pp. 277–304.

53. As early as 1948, Balraj Puri advocated an internal regional autonomy solution for the state of Jammu & Kashmir. Despite endorsement over the decades of the principle of devolution of power to the three regions by several commissions and two government regional autonomy committees, major political parties such as the NC, Congress, and PDP have remained silent on this issue. These proposals do not have any support in the Valley and have been largely perceived by Kashmiri Muslims as reflecting communal demands of Jammu’s Hindus. There is also a fear that devolution would lead to the division of the state on communal lines: Muslim-dominated and Hindu-dominated regions. For details, see Behera, *State, Identity, and Violence*, pp. 256–302; and Tremblay, “Jammu: Autonomy within an Autonomous Kashmir?” pp. 157–59.