

We reached Srinagar on the afternoon of 25th May. The atmosphere at the airport seemed relatively relaxed. As soon as we sat in the taxi we had hired to take us to our hotel, the taxi driver asked us: “Aap press walle hain? (Are you press people?). We said “yes” and added that we were a human rights team. “Then you must know my clients Tavleen Singh and Harinder Baweja?” he asked. “What do you think of their reports?” was my counter question to him. “*Harinder theek, theek likhti hai, par Tavleen, to baapre! Main to uske sath jane se bahut darta noon.* (Harinder’s writing is alright, but Tavleen! My God! I am scared of taking her in my taxi). The last time she came, I took her to a distant village where some woman had been raped. The Border Security Force (BSF) tried to stop us from proceeding to that village. She really gave it to them. She is not afraid of anyone. I shudder to accompany her anywhere because if she picks up a fight with the security forces again while travelling in my taxi, I will be finished.”

That a Delhi based woman journalist could get away by challenging the security forces, whereas a local Kashmiri would be afraid of even being her chauffeur gives one an insight into the relationship the security forces today have with the ordinary people of Kashmir.

“How are things now as compared to the last couple of years?” we asked. “Much better. There are far fewer confrontations between the militants and security forces. But the number of people being killed has not gone down. Things are likely to improve now that Yasin Malik has been released. He is among the most respected leaders of Kashmir. The day he was released from jail and brought back to Srinagar, the entire route from the airport to his house was lined up

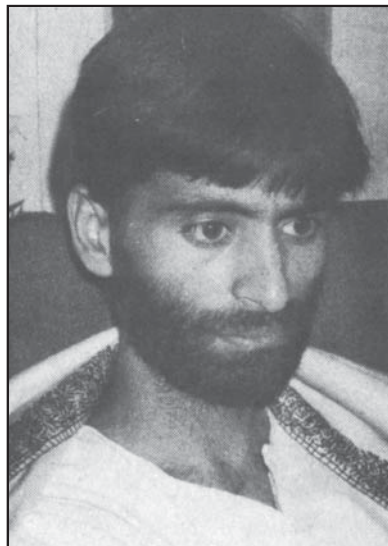
REPORT

Voices From Kashmir

Madhu Kishwar

During the last week of May 1994, I visited Jammu & Kashmir alongwith Mr. Kuldeep Nayar and Justice Tarkunde of Citizens For Democracy. This was not an enquiry team out to document cases of atrocities and human rights violations, even though wherever we went, by and large, this is what most Kashmiris wanted to talk about. &ur purpose was mainly to assess for ourselves whether instances of excesses by security forces had lessened and whether there existed any scope for a negotiated solution to the Kashmir issued The focus in this report is mainly on Kashmiri Muslims in the valley. We have not dealt with the point of view of people in other regions of Jammu & Kashmir or of Kashmiri Pandits not because their view point is any the less important, but because a peaceful solution to the problem cannot be found unless we build bridges of communication with people in the valley.

with people who had come out to greet him. It took him nearly seven hours to reach home from the airport —a distance normally covered in half an hour.” Even though our driver was clearly sympathetic to the JKLF demand for azadi(freedom), he made



Yasin Malik

no bones about his own priorities: “My politics is my *rozi roti* (daily bread). The day I have no customers, no one is going to come and feed me and my family. There are ten people dependent on me, including my two younger brothers. One of my brothers was picked up for interrogation because one of his friends who was arrested had given his name to the security forces. He was detained for interrogation and then let off. But they left him in such a bad shape that he was confined to bed for 20 days. He was released as he was able to convince them that he was not a militant.”

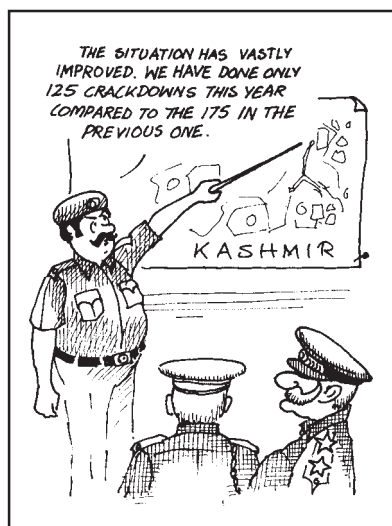
Militants Vs Innocents

One of the most noteworthy aspects of our interaction with Kashmiri Muslims of the valley was that every time we heard a tale of woe about arrest, torture or killing by the security forces, people did not try to hide the fact that the person targeted was a militant. I got the impression

that the information we got on this count was by and large reliable. They would even tell us whether the person concerned had given up militancy or was still a militant. For instance, we were told that one of the young boys arrested in Delhi on charge of trying to plant a bomb in Plaza cinema had given up militancy and had gone to Delhi for *mazdoori* (working as a laborer)--but he was arrested and made out to be an active terrorist. The same group of people had no hesitation in telling us as to who were genuine terrorists. People's anger and indignation was much stronger wherever an innocent person was targeted. Arrests of actual militants did not evoke strong indignation. Most people agreed that though the situation was in some ways returning to "normal", the feeling of alienation is stronger than before.

Even though on the surface things appeared more "normal", yet it would be wrong to assume that normalcy has returned. There has been no let up in crackdowns, whose frequency has actually increased. For instance, one of the localities called Batwal in Srinagar had recently gone through its 125th crackdown. However, there is a perceptible change in the pattern. Till recently, the security forces seemed not able to distinguish between ordinary people and militants; killings and arrests were totally indiscriminate. In recent months they seem to have focussed more on getting at the militants.

The word 'crackdown' refers to the security forces' cordoning off a city locality or an entire village with the purpose of conducting search operations. All the men, including young boys, of the area are asked to come out. Often the men are beaten, humiliated and many even tortured. For instance, in a village near Anantnag the security forces asked the men including very aged ones to come out and made them to roll in mud and filth.



The security forces then go from house to house ostensibly to search for arms or hiding places. But on most occasions they just loot the houses, vandalize and break up whatever comes in their view. Every now and then, they misbehave with women. There have been some instances of rape. We were provided details of only three cases and met one rape victim.

We reached Sopore on the 27th May, a day after a major crackdown by the BSF. The town is supposed to be a stronghold of pro-Pakistan Hizbul Mujahideen. This was the only place where we were faced with a hostile demonstration. Within minutes of our reaching Sopore, a large group of women gathered outside the house where we were having a meeting with local residents. They were excited and kept shouting pro-Pakistan and anti-India slogans like "*Yeh tamasha nahin hai, yeh matam sahi hai* (This is not a farce, this mourning is for real) and *yahan kya chalega - Nizame Musalmeen* (What will apply here? the rule of Muslims)" were shouted. I could not tell whether it was a stage managed show or a spontaneous demonstration. However, the mood was far more angry than at other places we visited probably because they had been subjected to a major crackdown on the previous day.

On the morning of the 26th May, all the men and young boys were ordered to gather at one place around 7 am. and were subjected to an identification parade. A young boy sitting in a Gypsy van was acting as the informer. Twenty three men were picked out and taken to a makeshift interrogation centre one by one. We met several of them in Sopore medical college hospital later in the day.

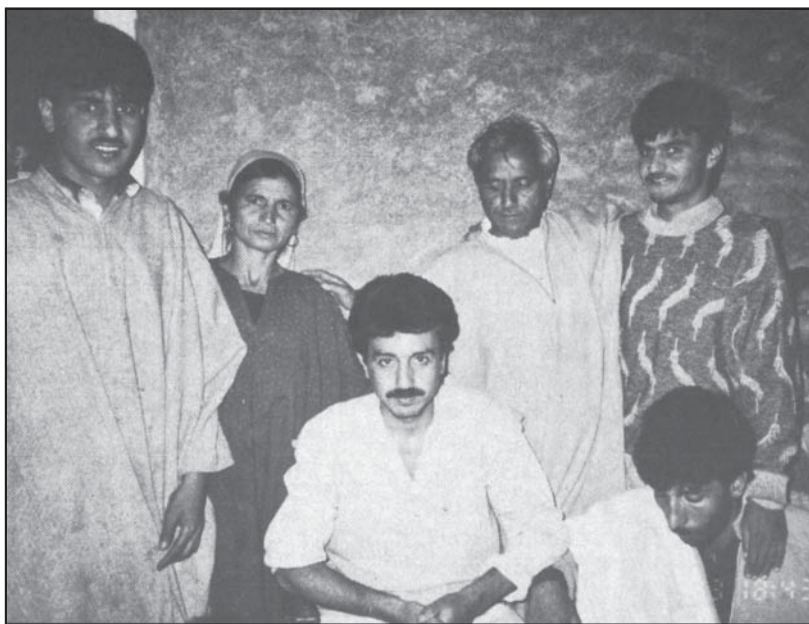
The first one to be picked up was a 45 year old man whose son was a militant but had been killed in cross fire four years ago. They asked the father to hand over his dead son's gun. When he told them that he did not have the weapons used by his son, he was tortured. Feyaz Ahmed Antoo, a 34 year old shopkeeper described his own ordeal thus:

"I was the third one to be called in for interrogation. They wanted me to tell them the hiding places of militants. I told them that I didn't know of any hiding places and that the militants had stopped coming here ever since the BSF established its bunkers around Sopore. They then stripped me naked and tied my hands behind my back. One of them kicked me and I fell down. They then placed an iron rod on my thighs. Four of them climbed on top of it. They stuffed my mouth with my own *banian* (vest). One of them caught hold of my head with one hand and with the other he began to pour water into my nostrils. Another jawan was simultaneously giving me electric shocks. After fifteen minutes of this, they asked me to accompany them to our old house. There they began another torture session. After a while they took me to the third story of our house asking me to show them the hiding places. When I said there were no hiding places to show, they tortured me a third time. When finally I was brought down, my mother was standing outside our new house. She

had a bag containing Rs. 6,37,000 in cash, several fixed deposit receipts (FDRs) and jewelry. They snatched the bag from her. I protested saying that this was our hard earned money, our bank has all this in its record. My brother-in-law also tried arguing with them. Consequently, he too was taken for interrogation and tortured. Later they returned the jewellery but took away the cash and FDRs. But they gave the FOR numbers and receipt for the cash. Our family runs a leather business. One of those they arrested was a young employee of ours. He was tortured the most. As he tried to run away they fired at him and injured him in the leg.” Everybody agreed that this young man was totally unconnected with militancy. The next day’s newspapers in Delhi carried the government version of this incident whereby they announced that the BSF had recovered Pakistan currency during a raid in Sopore town. Feroze Ahmed complained that the security forces not only looted their belongings but they drank liquor in their house, misbehaved with women, even bit their faces and threatened to kill all the young men of Kashmir.

Another one of those tortured was 35 year old Mohammad Mubashir Naik who is employed as a work supervisor in the Rural Development Department of the State Government. He admitted candidly that he was interrogated and tortured because his *saala* (brother-in-law) Tariz Ahmed Mima is a Hizbul Mujahideen militant. Mubashir was stripped naked and given the roller treatment. A metal rod was inserted in his penis and his anal portion cut up with a knife. He had bled for three hours through his anus till he was brought to the Sopore hospital and stitched up. They had also given him electric shocks through his fingers.

Each one of those admitted to



Mohammad Yusuf Lone (centre) with his family in Srinagar

the hospital had a similar story to tell. Sopore has experienced nearly 30 to 40 such crackdowns in recent years. The area has pronounced Islamic fundamentalist politics because this is the constituency of the Jammate-Islami leader Sayed Ali Gilani. However, the crackdown on the 26th May was not in retaliation against any provocation by the terrorists, though this time the BSF had targeted those families whose relatives were operating with the militants.

Back in Srinagar, Mohammad Jawad of Baghwanpura, Lal Bazar in Srinagar brought to us a whole case file pertaining to the continued detention of his son Mohammad Yusuf Lone, aged 25, who he insists has been wrongly implicated by the police. Yusuf was arrested in Delhi on the 25th April, 1992. His father was consumed by grief and kept asking us to look at the photos of his son saying: “Does he look like a militant to you?” He told us that he had sent off his son to work in Delhi because he wanted him far away from the

troubles of Kashmir. He was married on the 26th October, 1991 in Srinagar and returned to Delhi, just 15 days after his wedding. He was employed with Gulshan Carpets in Delhi since 1989, and lived at F-100, Lajpat Nagar. On the 25th April, 1992 there was a raid at the M-27 Lajpat Nagar office-cum-residence of the owner of Gulshan Carpets and Mohammad Yusuf was arrested along with six other people. He has been in police custody since then. Yusuf’s father complained that his son’s bail application has been rejected four times even though the police has not pressed any charges against him. In contrast, one of the seven arrested, Mohammad Akhtar Dar who is the nephew of the owner of Gulshan Carpets, has been released even though there are serious charges against him. The implication was that the latter had bribed his way out. Yusuf’s father also showed the many discrepancies in the paper work associated with his son’s arrest. The desperation of the family unable to get a proper hearing against the high

handedness of the police, as avenues of redressal had been shut off, explained why even those who are unsympathetic to militants are turning against the Indian government.

Army Needs Disciplining

It is not so much the brutality and torture which made people so despise the security forces. It is their utter lack of discipline and self respect which had made the armed forces appear an object of contempt rather than fear. We saw one of the houses which had been converted into an interrogation centre. The BSF had vandalized everything that crossed their sight. They broke the T.V. and crockery and whatever else they could lay their hands on. Even the wooden staircase had been chopped into pieces. One had to hang one's head in shame when we heard outbursts like: *"Unka to haldi mirch khatam ho jaye to raid karne aa jaate hain. Jo khana pina dikha kha liya—bachon ka doodh tak bhi. Purane joote tak hamare le jaate hain. Ghar mein aurton ke doodh ke liye bachaye paise bhi chura lete hain. Jo log ande tak chura lein aap soch sakte hain unki level kya hogi. Bade bahadur bante hain! Militants ko dekh kar to bhag jate hain, per innocents ko aakar moor jate hain. Jung lado, to jung ke usoolon ke sath."* (They come to raid everytime they run out of rations or even spices. They eat and drink whatever is in sight — even children's milk. They take away anything they can lay their hands on—even our old shoes. They even steal the little money women keep in the kitchen for the supply of daily milk. You can imagine the level of those who even steal eggs. They call themselves brave, but they run away at the sight of militants. And later they come and beat up the innocents. Fight a war if you will, but observe the rules of war.)

This role of behaving like a low level occupation army towards the



general population has reduced the armed forces' efficacy in combating genuine terrorism. Men who behave

like petty thieves and marauders are not likely to inspire awe or confidence. This is, unfortunately, not a new phenomenon for Kashmiris. Ever since Kashmir became a part of India, it has been denied free and fair elections barring once in 1977 and the state has repeatedly come under the Central Government's rule. Moreover, it is a border state whose future was supposed to have been decided through plebiscite in both India and Pakistan controlled Kashmir. Consequently, the state has experienced a heavy dose of army presence. The Indian army, like most armies in the world, has a tendency to treat civilians with contempt even in normal times. During the last few years

Seeds of Revolt

Yasin Malik, the celebrated JKLF leader narrated an experience of his childhood years, which, he says, made him acutely sensitive to die "slavery" imposed on Kashmiris.

"It was in 1976. Sheikh Abdullah was still the Chief Minister of Jammu and Kashmir. This happened in the month of July when Muslims were observing *rozās*. I was about eight years old then. I live in Lal Chowk area which is in the heart of the city. A big army vehicle driven by a drunk soldier drove straight on to the footpath. Even though no one was killed, people felt extremely angry at this irresponsible act

They were provoked not because this was an army vehicle but because the driver was drunk. Anyone who drives in such a state of intoxication is bound to provoke a similar reaction. So people beat him up. That very evening a whole contingent of Shaktiman vehicles of the army descended on the area. The soldiers were dressed in knickers and vests and carrying batons in their hands. I was a small kid then but I had this habit of

rushing out of the house to see what was happening whenever there was a noise in the neighbourhood. So I witnessed how the army began by beating up people on the street and then went on a burning spree. They set fire to several vehicles, a taxi stand as well as several buildings around the area. Whatever came in their way, they looted, vandalized and set on fire. While all this was happening, I had taken shelter in the ticket booking office near the Broadway bus stop. It was a small wooden structure on the road side.

Luckily for me, the army just broke that wooden structure instead of setting it on fire. Otherwise, I too would have been roasted alive. It was a miracle indeed that I survived that day. Witnessing that entire episode from so close made me for the first time, deeply conscious of our *gulami* (slavery). Even though I was aware of it even earlier, from the time of that incident the feeling of alienation kept strengthening in me as I witnessed more instances of such high-handedness."

it has become even more unrestrained. This has been the single most important factor for the alienation of Kashmiris who feel that they were never trusted with full citizenship rights and have been treated like a subject population under imperial rule.

Collapse of Administration

Today it is just not ordinary citizens who are complaining against the behavior of the security forces. Many senior bureaucrats feel no less aggrieved at being totally sidelined with the army taking over not only law and order from the police but also wanting control over day to day administration. Two officials narrated the following incident as an example of how the army men are behaving as though they are a law unto themselves.

“Around mid-April on a Sunday, some army men had gone for a picnic to Mansal lake near Jammu. Though this is a popular picnic spot, there is a sanctity attached to this place, especially the lake. It is a known, popularly accepted taboo that no one will fish or drink liquor in that lake. However, these soldiers carried liquor bottles with them and they wanted to carry their drinks with them while they went boating. The local tourist officer tried to stop them from doing so. The army men got so annoyed that they took out their belts and started beating up the tourist officer. The local policemen on duty at the spot tried to intervene and stop the violence. This further enraged the army men. They beat up the policemen, tied them up, and bundled them into their jeeps and took them to their base at Udhampur where the army men gave them another thrashing. Next day they brought them back to the *thana* (police station) these policemen were attached to and handed them over to the officer in charge. So confident were they of getting away with it that

they even insisted on taking receipts that the abducted policemen ‘had been handed over!’”

When the complaint reached the civil administrator in charge of the area, he wanted to order an enquiry and send the facts to the Governor asking for his permission to hold an enquiry into this incident. The Governor plainly refused. That is where the matter ended. According to a senior IAS officer (his name is purposely kept back), this is inevitable if you have a former army general head the civil administration. “He is not likely to accept that the army could be wrong. It gives the armed forces the feeling that they are supreme.”

placed under them. According to some responsible senior officials, “After the army was bestowed with unified command, both the number of casualties and militancy has gone up. Even very senior IAS officials have no say in the administration. In fact, they have been made answerable to the army. Given the total political vacuum, and the fact that even *panchayat* elections have not been held for so very long, people have no real channels of grievance redressal.” The lack of discipline in the army has become a serious menace. We were told that even the officers seem afraid of their men, who have become used to running amok and getting away with it. Even senior police officials are



Armoured Personnel Carrier patrolling Srinagar on Republic Day

Even though the army is supposed to aid the civil administration, in Kashmir, the army is actually running the show. A senior administrator complained: “In Kashmir, the army has been given special powers ever since 1947. Consequently, army officers have come to consider themselves as special creatures, altogether above law.” The army has been entrusted with unified command. The BSF and all other security forces have been

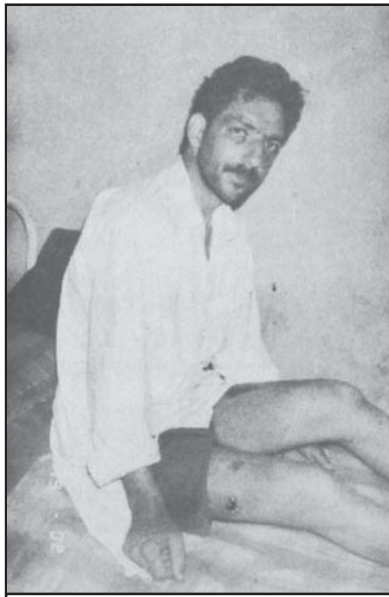
kept in dark about anti-insurgency operations not just in the Kashmir valley but also in Jammu area. This, despite the fact that some of the recent “successes” of the army in nabbing militants have been on the basis of information provided by the Jammu and Kashmir police. The army is hampered by the fact that, unlike the local police, they don’t know the local languages. Their “interrogation” often consists of no more than torture

sessions interspersed with the standard questions: 'Where are the arms? Where are the militants hiding?'

The sidelining of the bulk of local police is justified on the ground that they are sympathetic to militants. One of the senior government officials is known to have declared that all Jammu and Kashmir policemen are Pakistanis (agents of Pakistan). If there is truth in this, then they should have been put on trial and fired from their jobs. But that is not what has happened. The state police continue to draw their salaries while stripped of all responsibility. This has led to great demoralization and a sense of humiliation for being so mistrusted.

The existing political vacuum combined with the paralysis of the state government machinery has meant a total alienation between the army run administration and the local people. Nothing symbolizes it better than the life-style of the Governor and other senior army officials. The Governor's residence is an old colonial mansion situated miles away from the city and its suburbs. Built on sprawling acres of land between two mountains, it provides an idyllic view of the Dal Lake. But no human beings or human habitation are visible from this palatial mansion. Sitting in the Governor's drawing room, listening to his monologue on the successes of the army and his plans for the state, one was transported back a hundred years. His mannerisms, his style and thinking would have done any British Viceroy proud.

One heard this charge repeatedly that one reason why the army indulges in such frequent and large scale identification parades is that it provides an avenue for making money. There is a rule that whenever people are gathered for an identification parade, they are to be provided refreshments at the rate of Rs 6 per head. In actual fact this is seldom done. This rule provides the



**One of the victims of torture in
Sopore Hospital**

incentive to gather as many men as they can — often the number runs into thousands at a time — so that the money meant for refreshments can be pocketed.

The methods used to nab militants are often counterproductive because the forces do not distinguish between collaborators and ordinary citizens. Jamshid, a lawyer practicing at Anantnag courts, gave the following account of a crackdown aimed at pure humiliation of the entire local population: "My house is situated a few kilometers outside Anantnag. Last year around the 12th July 1993, some terrorists planted a mine on the road. When the news spread in our area, people began to flee their homes fearing an army crackdown. Only the elderly people were left behind. During the night there was a crackdown by the army. My old father was pulled out of the house at 3 am. along with other elderly people of the village. They stripped them naked, made them lie down in a dirty pool of water and beat them up ruthlessly till they were unconscious. Then they dumped them into trucks, still naked, and took them to

Khandura headquarters. When they were released in the evening because they were found innocent, my father and others were in such a state that they could not even talk."

Because of such ham-handed operations, the security forces are completely alienated from the local population. Consequently, their intelligence sources have also dried up and this has led to still cruder methods of interrogation and crackdowns.

Far from telling exaggerated stories of rape, I found that the people were as cautious while narrating incidents of sexual violence as they were when describing whether the person killed was actually a militant or not. There were no wild allegations of large scale rape of women. In the few places we held discussions, we were always given names and dates of specific incidents. For instance, the Anantnag lawyers mentioned only two recent cases of rape. One took place in early April. In a crackdown on village Vainagbal of Anantnag tehsil, the daughter of an old freedom fighter, Mohammad Rajabwani was raped by the army while she was alone in the house as the men had been dragged out. Another lawyer, M.Y. Shehardar, gave the following account: "In my village Sailia, there was a crackdown in the early hours of the morning. The BSF jawans ransacked a number of homes. My neighbor Ahmed was locked in a room and his wife Zainab was dragged into another room and gang raped. The husband pretended he had managed to save his wife, but the villagers knew he was merely putting on a brave face because she was bedridden for three days." People alleged that though hundreds of women have been raped, only a handful of cases have been registered because of the social stigma attached to being identified as a rape victim. Mohammad Sultan Butt, another lawyer, testified to the

following incident: "Some days ago a mine was planted by terrorists some 3 kms. from Anantnag which killed some soldiers. In retaliation, the RR9 army camp soldiers raided a house around 4 am. They did not find any militants there nor were any weapons recovered. They, however, took a ball of gunpowder and blew up the house, roasting seven people alive." The lawyers were no less upset about the fact that their elite status got them no concessions. "They force us to come out of our homes and work for them like coolies. They don't spare us even when we show our identity cards."

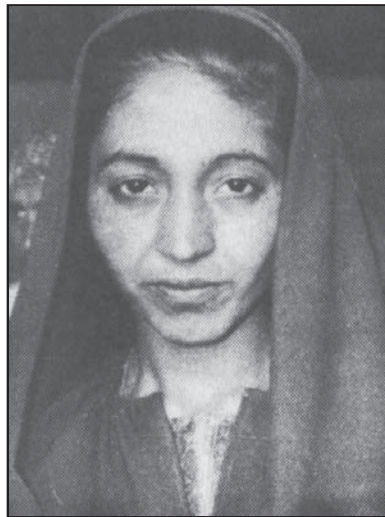
In Anantnag, a special bone of contention is the Muslim fundamentalists' insistence on calling the city Islamabad. The use of the Islamic name is seen as proof of their pro-Pakistan sympathies. The army personnel go around defacing sign boards which say Islamabad. The use of crude methods make people more firm in their defiance. A common refrain one heard was that militancy came on the heels of the BSF. People point to Bijbehara which was a fairly peaceful zone till not long ago. "As soon as they established a BSF camp in the area, incidents of terrorism began cropping up. As soon as the army/BSF is posted anywhere, the area becomes a problem zone." We were repeatedly told: "Their very presence is a provocation and a humiliation."

Personal Enmities Settled through Army

Armed with a whole range of draconian laws and estranged from the local people, the security forces feel no need to be discreet or discerning in their anti-terrorist operations. For every genuine terrorist they nab, there are dozens of innocent, unconnected people brutalized, tortured, maimed and killed. Despite the much publicized human rights abuses in international fora, in most cases the "excesses" go

unchallenged. As inevitably happens in such situations, a lot of personal enmities are being avenged by the local people through the army.

In the Baramula Courts, young Gulzara Bano narrated a harrowing tale of what appears to be not an atypical case of ham-handed anti-militancy operations by the army. Gulzara was married about two year



Gulzara Bano of Uri

ago to Bashir, a resident of Lacchhipura in Uri district bordering Pakistan Occupied Kashmir (POK). Bashir is the only son of his parents and has three sisters. His mother is dead. Apart from his own father's land, he has also inherited the land of two of his paternal uncles who died without leaving a direct heir. In addition, he runs a small business in Channawadi. He is considered one of the most well off persons in his village where most families have very small land holdings. According to his wife, this has caused much jealousy and resentment. In particular, he has had a long standing enmity with a man called Lassa, a neighbor of Bashir's family. Lassa has inherited a very small piece of land because he has five other brothers to share the family property with. Since Bashir

has had no child in the two years he has been married, Lassa and some other neighbors had threatened him openly that they were going to get rid of him and take over his land.

Instead of bloodying his own hands, Lassa apparently told the army that Bashir and his sister's husband were both militants. Consequently, both of them were arrested by the army and taken for interrogation, around the 9th of May. The wives of the two men were told nothing of their whereabouts, despite their best efforts to find out where their husbands were detained. On the 27th May, the day before we met Gulzara, the dead body of her sister-in-law's husband, Ali Asghar, who had been arrested along with Bashir, was handed over to the family. According to Gulzara, there were visible marks of torture all over his body. As soon as she saw what had become of Ali, Gulzara fled her home in panic and sought shelter with her younger sister who lives in a students' hostel in Baramula. The next morning she came to plead for her husband before the Deputy Commissioner of Baramula as also to seek help from local lawyers. That is how we chanced to meet her in Baramula courts where we had gone to meet members of the local Bar Association. "As soon as they went to bury Ali, I ran to Baramula. When I saw his dead body, I had lost all sense. I only have an old father-in-law who is half blind. There is no one to help or protect us among our neighbors because others too want my husband out of their way so that they can grab his land. Lassa had made a few attempts on my husband's life even earlier and would openly threaten to kill him. When that didn't work, they resorted to *mukbari* (informing) and got my *nanad's* (sister-in-law's) and my husband arrested by the army." People settling personal enmities, property disputes and fights over women through the

army is becoming a frequent occurrence.

Gulzara says: "Our area is not a militant stronghold. In fact, the militants mistrust the people of Uri accusing them to be *mukhbirs* (informers). We can't even come to Baramula openly. We have to keep hiding from the militants and their sympathizers. Otherwise they'd attack us for being *mukhbirs*. Once my husband and I came to this place together. My uncle's son who was studying in Srinagar had failed in class 10 exam. He asked us to accompany him to Srinagar so that he could get his paper rechecked. When we returned and reached the Baramula bus stand, the militants caught hold of my husband and beat him up because somebody told them we were Uri residents. The people of Uri have this reputation because we are near the border. Both sides suspect us of being informers."

Dilshad's account seemed more garbled than Gulzara's and less reliable. She used to live with her husband Mohammad Ashraf Khan in Srinagar and the family owns a bakery in Jawahar Nagar. He was arrested soon after Id in May this year. They have been married for 12 years and supply bread from their bakery to Srinagar's Medical Institute. She alleges that her husband has been burnt all over his body and face and the army is trying to get him to confess that his wife is also a *mujahid* (militant). "I have small children to look after. What kind of *majahidgi* (militancy) can I do?" she asks vehemently. She says all this has befallen them because her husband divorced his first wife and married Dilshad. "The first wife is a Gujjar from Uri. These Uri people are all bad people. She took her revenge on me by giving my photo to the army saying that I am a militant and I have hidden lots of arms and ammunition. On the one hand they have implicated us with

the army saying we are *mujahids*, earlier they got us into trouble with the militants saying we are army informers. Before the army took away my husband, the militants had abducted us both and subjected us to physical torture at the behest of my husband's first wife." She showed me a number of photographs of her body displaying torture marks. They had stubbed burning cigarettes all over her body apart from other

members arrested, tortured or killed. In the first round people were allowed a few minutes each to present their case. All we heard were standard stories of army atrocities. I then requested that I be allowed to talk privately to some women. They sent one of their women colleagues to sit with me. She became very uneasy because stories that began unfolding seemed far less stereotyped. As soon as the organizers realized that when



Women students protest against army operation

beatings. She was accused of informing on one of their comrades, Hamid Sheikh, leading to his arrest. According to Dilshad, the first wife felt let down by the fact that the militants did not torture her enough and let her off after a day or two. Therefore, she got them in trouble with the army as well. Dilshad's husband is in the army's custody and she says he is being badly tortured. I was not able to figure out how she herself has managed to escape arrest, though she says the army is on the look out for her.

We met Gulzara, Dilshad and others at a meeting organized by the Baramula Bar Association where they presented some victim families to come and give details of their family

allowed a proper hearing these women had more complex stories to tell — stories that indicted the militants as much as the army, they began obstructing me on the pretext that I had to go for lunch. Despite my best efforts to say that lunch was not important, I was not allowed to talk to more than three-four women and was whisked away for lunch. I requested the women to wait for us and promised that I would return soon after lunch. But I found our hosts had no intention of allowing me to go back. I had to struggle hard to come back to where the women were still waiting for me. But I was really surprised to find that a couple of women had changed their version altogether. The very same Dilshad who earlier seemed desperate

to talk to us began shouting and screaming that we Indians should leave Kashmiris alone. "You only come to see whether we still have any fighting spirit left in us. Please don't come here." I got the feeling she had in the meantime been tutored by some of the lawyers.

At Baramula we were feasted with a sumptuous lunch at the house of one of the lawyers—Khawaja Sarwar Shah. As we entered his prosperous looking home, he pointed to a bullet hole in the glass pane of his drawing room window. He told us the story of how this bullet had been fired at their house about a year and a half ago from a nearby army bunker. They had preserved the bullet mark like a proud medal to be displayed to all important visitors even though the rest of the house was freshly painted and spruced up. This lawyer and his friends indulged in militant anti-India rhetoric which I found amusing because earlier he had proudly shown me pictures of his maternal uncle prominently displayed in his drawing room because his uncle was once a Member of Parliament and had also been appointed as an ambassador of the Government of India. When I asked him why he was proud of an uncle who had been a collaborator of a government which he said he hated—he pretended he had not heard my question. But he could not similarly evade my question as to why he himself continued practicing law in the Indian courts instead of taking the gun since he was so enamored with the politics of pro-Pakistan *mujahidins*. His answer was not convincing: "When the time comes, I will also take up the gun. Right now I am serving the movement through the law courts."

There was a distinct difference in the tenor of discussion in our meetings with Kashmiri lawyers and political leaders and those with ordinary Kashmiris. The anti-India

sentiment of the latter was based on their personal suffering whereas some of the politicians and lawyers indulged in far more exaggerated rhetoric than their collaborationist past justified. Every mistake the Indian army made provided grist to their mill. These lawyers were far from willing to tackle the atrocities and human rights violations being committed by their supposed liberators. For instance, in a meeting held in the home of one of the victims of army killings in Dabrana village near Anantnag, people talked quietly and in measured tones as compared to the militant rhetoric of many lawyers. In the village there was no hysteria, no exaggerated political statements nor an inflated account of atrocities—just plain matter of fact description of how the army had been behaving with them. Describing a crackdown which took place on the 25th April, 1994, the villagers told us that at night they heard sounds of firing.

The next morning at 8 a.m. the army told them that militants had fired at the army and they had come to search the village. All the men were ordered to come out for identification. Four men were taken out of the identification parade — Ali Mohammad, Feyaz Ahmed, Farooq Ahmed and Javed Ahmed Shah — and were shot dead. The villagers without any coaxing told us that Feyaz Ahmed and Farooq were indeed militants, but Ali Mohammad, a 35 year old tailor by profession, was killed simply because they suspect every Muslim with a beard. Another villager Mohammad Amin told us that he shaved off his beard after that incident because the army specially picks on men with beards. Ali Mohammad's brother, Mohammad Ibrahim is employed in the BSF, but even that could not save him. As usual, during the crackdown, the army people looted a lot of stuff from

people's homes, including used clothes, tape recorders, boots, watches etcetera.

The people openly admitted that this village had produced three terrorists. Javed Ahmed was a first class first graduate in the mid 80's. He applied for admission in the engineering college. They asked him for one lakh Rupees as a bribe for admission. He then began looking around for a job but could not find one. He ran away and became a terrorist. We were told that another militant of the village has left for some foreign country. The third one, Farooq, has given up militancy and just wastes away his time. With a laugh we were told "*ab woh kabutar palta hia*" (Now he rears pigeons!) while his old and poor father does *mazdoori* (labours)." The young man was promptly produced before us when we expressed the desire to meet him.

Farooq was candid about his 3-4 year involvement with Al Jihad. "I joined them in 1990 because I did not get a job even though I was a matric pass. Therefore, I picked up the gun. My parents are very poor and my father supports the family by *mazdoori* — *reda chalata hai* (pulls a cart). I left a year ago because my parents are old and very poor. They were being constantly harassed by the army. If they don't stop harassing us, I may pick up the gun again." Would he give up militancy if he got a job, I asked. "No, I will not take up a job. Now I want to throw out Hindustan from Kashmir (*Hindustan ko bhagana hai*)." What exactly does he mean when he refers to Hindustan? "The army," came the unhesitating reply.

That is essentially the tragedy of Kashmir. An average Kashmiri identifies his affiliation with India in terms of army presence. Repeated spells of Central rule supported by a heavy and high-handed presence of the army has made them associate India with the arrogance and tyranny

of armed forces and near total suppression of democratic institutions.

However, despite the all pervasive hatred Kashmiris feel for the Indian government, many young men confess to having turned towards terrorist politics because they could not “get a job”. The job refers not to just any employment but specifically to government service. For instance, the waiter in charge of my room at Aahdoo hotel told me that he had “no job”. When I pointed out that he was employed as a waiter, he said “*Yeh to koi naukri nahin hoi, yeh to case hi thoda bahut kama lete hain.*” (This is no job. This is just a way to earn a little money). He gets a salary of Rs 800 and makes another Rs 1500 a month on an average by way of tips, but it is “not really a job” like the ones his two brothers have with the government. It is probably because as in the rest of the country, even a lowly government job implies not only a substantial, regular salary for no or little work but also unlimited avenues of money making through corruption. Kashmir has been notorious for its corrupt governance because the democratic checks and balances have been altogether missing. Kashmiris manning the government have made a lot of money. The army soldiers who go on a looting spree in towns and villages are often heard saying: “You have amassed a lot of wealth from India. First we will get that out and then talk to you about *azadi*. ”

Unbridled Corruption

The lack of professionalism is one of the most important reasons for the inability of security forces to isolate the terrorists and bring the situation under control. It is not just a matter of certain number of mistakes or lapses that are inevitable in a counter insurgency operation. Nor are the “excesses” by security forces a result of provocations by militants because



of the former having to work under extremely stressful conditions, as is often presented in our newspapers, magazines, television and now even popular cinema - such as in the film *Roja*.

The unprecedented success of *Roja* all over the country has been attributed to the realistic portrayal of how the security forces and government employees are risking their very lives out of sheer idealism in order to protect the unity and integrity of India. Unfortunately, the ground reality is substantially different. Many people in Kashmir, including the respected editor of Jammu based *Kashmir Times*, Mr. Ved Bhasin, told us that the security forces and certain sections of the bureaucracy have acquired a vested interest in prolonging the disturbance rather than seeing an end to it. The reason is simple — the scope for corruption and amassing huge wealth gets enhanced manifold when there is army rule and the officers have been given unchecked powers. Since all democratic institutions which can mediate between the state and the people have been wiped out in Jammu and Kashmir and as the army enjoys

unquestioned authority, security forces at all levels are indulging in open loot and extortion under the cover of anti-insurgency operations.

To begin with, despite the government propaganda about their trying at great risk to control the infiltration from across the border, people in Kashmir openly talk about the going rate paid to the BSF for crossing the border. Thus, the sharper and more jingoistic the rhetoric about stopping infiltration, the higher the rate demanded by the BSF for letting militants go across the border or come back with arms. Likewise with the much publicised “arrests of militants”. Often innocents are arrested solely for the purpose of extorting money out of their families. We were told that the minimum rate of letting an arrested person off is Rs. 20,000 and could be much much higher depending on the paying capacity of the family. According to reliable persons, there have been numerous instances of the release of even known militants through bribes. Similarly the weapons seized are often sold back to the very same militants from whom they were captured. The process is

simple. For example, the security forces capture ten guns, they show only three “seized” in the records and the other seven are given back to the militants for a consideration. Even shopkeepers are constantly threatened with arrests if they do not pay bribes.

Apart from tyrannizing even the innocent people, the very large presence of security forces is causing unprecedented damage to the ecology of Kashmir. Forests are being cut and wood is being sold illegally on a large scale by the security forces. Barren mountains are a testimony to the rapacious theft of forest resources that has escalated in the last few years. We heard stories of how senior officials get the famous *akhrot* (walnut) trees cut illegally to get the renowned carved furniture of Kashmir made through local craftsmen, who mostly have to work free for the army. People talk of officers carrying back truckloads of such furniture when their term comes to an end in Kashmir. One of the most commonly cited instances of corruption and vested interest of the paramilitary forces is that of a Central Reserve Police Force (CRPF) commandant who had been posted in Kashmir upto 1991, after which he was sent to Punjab. There he received a bullet injury in an encounter with terrorists. After that he was told that he would be given a posting of his choice. Normally people are expected to opt for a peace station, but he asked to be reported to Kashmir and manipulated his transfer in such a way that he was sent back to Padgaon, exactly where he had served earlier. The reason was obvious—he had made a lot of money there.

The army is still considered relatively more disciplined than the BSF or the CRPF but if the army is continuously used for crushing internal rebellions, it might become indistinguishable from the notorious BSF. To quote Ved Bhasin: “Our experience in the past is that wherever

BSF was posted, the situation deteriorated.” He feels that though the area has been handed over to the security forces on the ground that there is a serious law and order problem created by the militants, the lawlessness of the security forces is adding fuel to the fire rather than quelling it. Even though India has so far avoided going the fate of Pakistan where the army has gotten used to dominating the political life of the country, the situation in Kashmir is like an army ruled state. The army generals and the top officials of the BSF are constantly making political statements. They are also working at cross purposes, with BSF giving one version and the army or the CRPF giving an altogether different one about the same event. To put it very mildly, they all seem to be functioning at cross purposes in pretty much the same manner as the Home Minister Chavhan and his junior Rajesh Pilot who are more often than not singing contrary songs on Kashmir and sabotaging each other. The situation at the ground level is not very different from the situation at the Home Ministry level—one hand does not know what the other is doing. And when it does know, the attempt is to pull down the other rather than work as a coherent team.

The corrupt among the bureaucrats also seem happy at the state of affairs. In the prevailing atmosphere, the crores that are pouring in as development funds can be more easily pocketed because even the minimal checks on their authority that operate under ‘normal’ conditions, are absent at the moment.

Fear of Terrorists

The militants too, are a sadly divided lot especially since Pakistan began arming rival outfits to the JKLF. Apart from political rivalries between groups owing allegiance to different ideologies and political

interests, there is a great deal of mutual mistrust and hostility towards each other. As inevitably happens with groups pursuing underground politics, these outfits have all been infiltrated with intelligence agents from both India and Pakistan. Consequently, the level of mutual mistrust is very high. No one, not even their most celebrated heroes are spared. For instance, Yasin Malik has a very high level of credibility and respect at the popular level, for he was among the first to have crossed the border when he was a mere teenager and started this phase of secessionist movement. Yet, when he was released from jail after four years and began publicly admitting that the solution to the Kashmir problem cannot come through guns alone, one heard several people including his colleagues in the Hurriyat Conference (a platform of diverse Kashmiri organizations) suggest that he had made a “deal” with the Central Government. His open criticism of the criminal elements within the liberation movement and resolve to isolate and purge them seems to have caused further suspicion. In fact, some prominent people even hinted that the visit of our team was linked to the “deal” made in Delhi to co-opt Yasin. Two attempts have already been made on his life and most people fear that his life is in serious danger from rival militant groups now that he is emphasizing the need for a negotiated settlement rather than continue with the earlier warlike confrontation.

Those resisting takeover of the movement by criminal elements as well as those who wish to put an end to the mindless violence that has come to dominate in Kashmir face the greatest threats to their lives. However, the Pakistan backed outfits like Al-Jehad, Hizbul Mujahiddin, Harkat-ul-Ansar have come to acquire disproportionate gun power and it has become almost impossible

to restrain them just as it is impossible to restrain the provocative acts by government planted agent provocateurs.

The situation reminded me of the atmosphere of mistrust in the movement for Khalistan during the heydays of Sikh separatism. It 1986, I was invited to address a series of meetings in gurudwaras in the U.S. and Canada at a time when the overseas Sikhs had become very active in supporting Khalistan. The North American gurudwaras were then almost completely under the sway of Sikh terrorists. In the meetings I addressed, some people would adopt very aggressive postures and say the most militant things. After the discussion, I would have people sneak up to me and whisper in my ear, "*Madhuji*, don't heed so and so who took such extremist views. He is actually a Congress agent." There was a strong suspicion that many of those who were loudest in justifying bloodshed to achieve political ends were agent provocateurs. No one knew whom to trust. I found suspicion even between close relatives. People were afraid to talk sensibly because the militants would dub them as *sarkari* Sikhs. Thus, even those who had strong reservations about the path being pursued by Khalistanis would either keep quiet altogether or joined in supporting militants for fear of being dubbed government agents.

In Kashmir too, I found it hard to figure out, especially when talking to elite sections like lawyers and journalists, as to who was speaking out of genuine conviction and who was just adopting militant posture to remain above suspicion with the extremists, especially the pro-Pakistan elements whose gun power is as feared as that of the security forces, because neither of the two seem to be following any rules in their respective warfare. In all our meetings with



Syed Salahuddin of Hizbul Majahideen

lawyers' associations, for instance, the pro-Pakistan lobby was the most articulate. They were seldom challenged as vigorously, though many people let it be known quietly, that *pro-azadi* sentiment was far stronger than pro-Pakistan sentiment. Those in favor of merger with Pakistan are a small minority, but they seemed a determined lot. They successfully drowned the voices of those opposed to Pakistani interference because pro-Pakistan outfits are far better armed and far more determined to kill.

For instance Zafar Meharaj, a Srinagar based journalist, who is very close to the JKLF politics today says that he was known for being pro-India till not very long ago but had now come to the conclusion that coexistence within India is neither possible nor desirable. From the manner in which he expressed his politics, I got the feeling that he was bitterly anti-India. I was, therefore, surprised when I was told by someone who knew him well that he was put on the hit list of terrorists a couple of years ago for taking a moderate line. Consequently, he had to leave Srinagar and move to Delhi for a few years. I could not tell, therefore, whether his supposedly

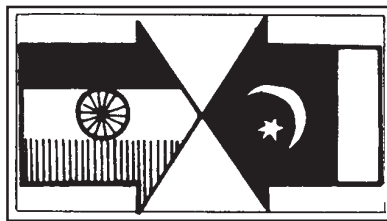
moderate pro-India politics gave way to strong secessionist politics under threat, or whether the transition was due to progressive disenchantment with the Indian state, or both. In fact, during the course of an interview, when he told me that he had shifted to Delhi in 1991 looking for a job in a Delhi newspaper, I had expressed my surprise saying: Why would someone who strongly believed in seceding from India move to Delhi — the capital city of the nation state with which Kashmiris were waging a virtual war? And that too at the height of the secessionist movement in Kashmir! Why did not he stay on and contribute actively to the cause he believed in?

His answer was: "I want to propagate the cause of Kashmiris through the national press. That is why I have left Srinagar." The answer did not sound convincing, even at that time. But when I heard the story about his being on the hit list of militants at that point, things fell in place.

Despite the routine abuse of power by the army and the BSF, people are not afraid to talk against the Indian government. However, they are far

more scared to talk against the high-handedness and atrocities being committed by the terrorists. Even men like Zafar Meharaj do not dare openly criticize them. In fact, they go out of their way to defend them. He goes no further than saying that militants have committed some “mistakes”. “They don’t forcibly extort money from people, they merely ask us for help. But such instances of extortion are very few.” When asked to give an instance of their “mistakes”, he says, “Maybe they should not come to people with guns when asking for money. They should send some unarmed person.” Today, the fear of the terrorist’s gun is far greater than that of government guns because the terrorist movement is totally hijacked by Pakistan trained mercenaries and some foreign elements who are extremely intolerant of any dissensions and altogether unscrupulous about whom they kill. Therefore, only a handful of courageous men dare condemn them openly. Sannaulah Khan, editor of Daily Aftab in Srinagar, is amongst the few who admit that the people do not like the doings of terrorists but the behaviors of security forces is such that they still are unwilling to condemn and confront the terrorists openly. He admits that though he personally disapproves of their politics, even in his paper he dare not refuse to print the militants’ hand cuts. It is in this context that Yasin Malik’s open condemnation of criminal acts of terrorists, his resolve to purge such elements from the movement and an open acknowledgment that guns alone will not provide a solution—provides a major breakthrough for resolving the Kashmir crisis. Sannaulah echoes a popular sentiment when he says that the Government of India will be committing a blunder if it does not respond sensibly to his offer for unconditional negotiations. He has taken a big risk — both personally

and politically — in saying that we are not fighting a religious war and also declaring that he has friends among human rights activists in India. His statement that the Dogras, Buddhists and Kashmiri Pandits are our brothers and that the problem can only be solved by taking their wishes also into account has annoyed the Islamic fundamentalists no end. But since he enjoys tremendous credibility and respect, he can change the political atmosphere provided the government of India acts sensibly.



As in Punjab, there are allegations galore that the government has unleashed its own criminals in the underground movement. Prior to separatist terrorism, criminals routinely got patronage from all political parties and money through anti-social activity and black-marketing. They used to be called the Rice-Brigade because many of them were involved in the broken rice trade, though most of their money came from illicit activity. It is alleged that these political goondas are being injected into the terrorist movement to give a bad name to militancy.

All Politicians Mistrusted

Politicians — of both the Congress and the National Conference (NC) and other smaller parties — are seen as having collectively created the mess. Sannaulah Butt gave a relatively nonpartisan account of the Kashmir crisis: “In 1947, we Kashmiri Muslims drove out Pakistani invaders. Once again in 1965, we thwarted Pakistan moves by handing over Pakistani

infiltrators to the Indian security forces. But the Indian rulers have let us down badly. They did not trust us nor allowed us to have any free and fair elections right from 1951, when elections to the Constituent Assembly were held. Sheikh Abdullah did not allow even one seat to be contested. People who dared stand against NC candidates were kidnapped, beaten and had their nomination papers rejected on bogus grounds. Sheikh Sahib never believed in democracy. He felt he was sent by God to rule Kashmir and felt outraged at the presumption that people should elect their own government.”

In the subsequent elections, a similar story was repeated. Bakshi Gulam Muhammad and Sadiq behaved no different from Abdullah. “Why do you then blame the Central Government for the doings of Kashmiri leaders?” I asked. “Far from stopping such misdoings, the Central Government encouraged this fraud on Kashmiri people because it did not trust us. They should have openly expressed their disapproval and displeasure at this state of affairs and ensured that such corruption and rigging did not happen.” As angry as they are with the Indian Government and the national political parties, one hears the same people talk of Morarji Desai with glowing respect because he was one politician who prevented his party and government from rigging the elections. “In 1977, all the leaders of the Janata Party, which was then in power at the Centre, had agreed that that time too the election would be rigged in favour of the Janata Party. Morarji Desai, however, put his foot down and insisted on a fair election. However, he could not prevent Sheikh Abdullah from rigging the votes in favour of the National Conference — which was totally needless because he would have won anyway.” As the Centre was not involved in manipulating and forcing a government

of its choice on Kashmiris, they felt really elated and to this day remember that one election and Morarji Desai with respect and fondness. It is not too far fetched to say that if the Nehru-Gandhi dynasty had half the good sense and political integrity that Morarjibhai displayed, today the Pakistan held Kashmir would be in rebellion and not Indian Kashmir.

Kashmir Valley Dominates

After his release from jail, JKLF leader Yasin Malik has been reiterating that his outfit will initiate a dialogue with not only Kashmiri Pandits living in refugee camps but also people of Jammu and Ladakh who cherish different ethnic identities than Kashmiri Muslims, that he will try to carry them along in the movement for *azadi*, recognizing the fact that the demand for *azadi* is currently being supported only by Kashmiri Muslims. The Kashmir valley and Kashmiri Muslims have so far dominated the politics of Jammu & Kashmir. Their conflict with the Centre came to override all other political considerations. Those talking of plebiscite to decide the future of Kashmir cannot for long ignore the fact that Jammu and Ladakh occupy a larger territory, have a larger population than that of Kashmir valley and that people in these regions do not share the political aspirations of Kashmiri Muslims. Of the total area of 1.01 lakhs sq.kms. in Jammu & Kashmir state, Ladakh is the biggest division with in area of 59,146 sq.kms. Jammu division comes next in size with 28,293 sq.kms. while Kashmir valley covers only 15,948 sq.km.

As per the 1981 census, Muslims in all three divisions account for 64.2 per cent of the total population out of which Kashmir valley Muslims are 49.7 per cent of the state population. Hindus account for 32.3 per cent of the state population. Most of them are concentrated in the Jammu

division where they constitute 66.3 per cent of the total population. Ladakh division is predominantly Buddhist who form who 51.87 per cent of the population.

The Muslims in Jammu and Ladakh regions are of a different ethnic stock than the Kashmiri Muslims. JKLF leaders admit that Jammu & Kashmir is "like a mini-India" in so far as its population is not ethnically or linguistically homogeneous. Even Kashmiri Muslims are politically divided, with



Shabir Shah, the most respected Kashmiri leader, known as the Nelson Mandela of Kashmir. He has been in prison for nearly 20 years. We were denied permission by the Kashmir Governor to meet him in Jammu jail.

only a small section supporting secession to Pakistan. The Ladakh and Jammu regions would want autonomy more from Srinagar control than from the Central Government. The separatist movement in Kashmir can easily trigger off counter separatism in Jammu and Ladakh. In a

free plebiscite, the majority are unlikely to vote for Pakistan. That is why Pakistan government is ruling out *azadi* as an option available to Kashmiris. But when Kashmiri Muslims insist on *azadi*, they risk not only annoying the Pakistan rulers, but also unleashing a similar demand from the Jammu and Ladakh regions. Yasin Malik is one of the few leaders to acknowledge the dilemma inherent in the situation.

My impression was that the average Kashmiri's anger and hatred is focussed on the Central Government and its armed forces. They display very little anti-Hindu feeling and would not be in favour of driving out Kashmiri Hindus. However, sections of the educated elite among the Kashmiri Muslims hate Kashmiri Pandits with a fair degree of gusto because in matters of education and employment it is they who come into direct conflict with the Pandits who are far better educated and, therefore, get jobs more easily. The literacy rate among the Pandits is 80 per cent in a state where the overall literacy rate was 26.7 per cent according to the 1981 census. The resentment of educated Kashmiri Muslims is due to the fact that the Pandits had gotten used to dominating on account of being economically and educationally better off and never reconciled to the spread of education among Kashmiri Muslims.

Whatever the reasons for their mutual antipathy, I got the impression that the educated sections among the Muslims would pose the real hurdles in the way of Kashmiri Pandits returning to their homes. The matter is further complicated by the fact that Kashmiri Pandit leaders have followed self-harming politics at the behest of the Bharatiya Janta Party (BJP) and the Home Ministry. The Pannun Kashmir outfit started at the instigation of Home Ministry have been

demanding a separate homeland in the valley for Kashmiri Pandits. This has made them even more suspect in the eyes of the Kashmiri Muslims.

So far, only Yasin Malik is talking of making efforts to get the Pandits return to the valley. He announced that he would visit the refugee camps and initiate a dialogue with them. However, he has not yet carried out this promise. It may well be due to the fact that if he were to do so the pro-Pakistan militants would intensify propaganda against him that he has become a Government of India agent. Even erstwhile liberals like Zafar Meharaj say, 'This is no time for the return of Kashmiri Pandits. They dissociated with the 'Kashmiri cause' by siding with the former Governor, Jagmohan. They can return only if they publicly admit their mistake and apologize for it.' This statement gives an idea of how deep the communal divide has become.

However, his wife Naseem spoke in a different tenor indicating that all is not yet lost. She described how passing through one of the Srinagar bazars recently, she saw a lone saree hanging from a balcony. She felt good at the sight and wished more such sarees would become visible. Since sarees symbolize Kashmiri Pandit households, more such sarees on the balconies would indicate that things have become normal and Hindus have returned to the valley.

I was reminded of our meeting with the Bar Association in Anantnag, where several Muslim lawyers repeatedly pointed to Motilal Bhatt, a Hindu lawyer, who had continued staying in Anantnag even after all other Hindu families left the town. This was to "prove" that the Muslims had not driven the Pandits out of Kashmir. They kept emphasizing that he was absolutely safe. Motilal Bhatt himself was most unwilling to say whether the situation was indeed safe

for Hindus, though he said that his family had not been attacked. But surprisingly enough in a huge gathering of his Muslim colleagues, he ventured to say: "We cannot freely express what the militants do because if we do, we will be killed the very same night." Very few Muslims were willing to say even this much openly, though in private conversations they did indicate that the pro-Pakistan terrorists were committing atrocities brazenly, including rape and abduction of women.

More Muslims Killed

As in the case of terrorist killings in Punjab, people outside Kashmir are unable to recognize the fact that as with Khalistanis, Kashmiri militants are killing more Muslims than Hindus. Of the nearly 5000 civilians killed by the terrorists, only 360 were Kashmiri Pandits. The rest were all Muslims. The militants thus represent an even greater danger to the Muslims than to the Hindus because the latter can at least count on government support whereas Muslims cannot expect to be similarly protected.

Most people we met were extremely sceptical about the possibility of an acceptable solution, though there was a widespread consensus that the problem cannot be solved through guns. Even though very few Kashmiri Muslims are willing to talk against terrorism as they are afraid of terrorist guns, yet there is no doubt about a growing disenchantment with terrorism. A senior Muslim bureaucrat said it all: "While Kashmiris are fed up with militancy, the army excesses are preventing the people from opposing the militants unequivocally." He thinks that though the alienation is deep, the situation is not hopeless and that the Kashmiri leaders would be willing to settle for genuine autonomy of the type envisaged in the arrangement worked out under Article 370 plus a credible commitment

that the Indian Government will not behave so badly in future. We heard frequently: "Even as we begin to get tired of militancy, your forces come and instigate us to come back to the battle field. Our movement has not gained as much due to the hard work of *mujahideens* as it has from the misdoings of the Indian Army. They have succeeded in estranging us from India better than the propaganda of *mujahideens*." However, even in the present polarized political situation, people were open and willing in their praise of a few army officers and bureaucrats who behaved with responsibility. Several such persons were openly named during the course of our stay in Kashmir. The criminalisation of the movement and the coming in of foreign mercenary terrorists trained by Pakistan to curb the influence of the *pro-azadi* JKLF has disillusioned even many of the diehard supporters of *azadi*. The transformation of Yasin Malik from a gun wielding militant to someone who is adopting Gandhian techniques of protest reflects a widespread recognition that violence will only breed more violence. Therefore, most leaders are beginning to talk of a negotiated settlement. However, there is a great deal of misapprehension even if a settlement were reached, the Government of India would then start dragging things. To quote Maulana Ansari: "Both sides will have to come without preconditions to the negotiation table. But we will have to set a time limit. Not like what happened with the Shimla Agreement."

One of the biggest grievances Kashmiris have is that the Indian Government is unwilling to include the Kashmiris when negotiating a solution with Pakistan. While most Indians are familiar with the term Pakistan occupied Kashmir (POK), it is not fully understood that the forced partition of Kashmir is something

Kashmiri Muslims have not made peace with. There are enough political symbols to remind them that this is supposed to be a temporary phenomenon. For instance, the state assembly is supposed to have 100 seats out of which 25 are reserved for the POK region. Likewise, the migrants who came to Jammu region after the forced partition, have not been given citizenship rights nor allowed to own property, hold jobs or vote in state elections under the specious plea that when Kashmir is finally united, they will go back to their homes. Likewise, the property of those who left for POK from the Jammu region has been kept reserved for them (as also their assembly seats) and not used for resettling POK refugees as happened with refugee property in other parts of India. Moreover, many Muslim families are divided on both sides of the border, which is in any case an unnatural border and has, therefore, remained porous through the decades following partition. Thus for a Kashmiri Muslim, "crossing the border" into POK does not have the same kind of connotation of illegality and anti-state activity that it has for the rest of mainland Indians.

Therefore, one major demand is that people from both sides, or at least political leaders, be allowed to interact with each other and find a mutually acceptable solution for unification of the two Kashmirs and to opt for a system of governance of their choice. Just as Indian Kashmiri Muslims are divided in three camps (those who favour *azadi*, those who wish to merge with Pakistan and those who wish to stay with India), likewise there is an equally serious conflict in POK.

It is a mistake to think that allowing a free flow of people between the

divided Kashmir valley will endanger India's security. Pakistan stands to lose much more. As Zafar Meharaj put it, 'Those who are now pro-Pakistan should be especially encouraged to visit that side so that they can see the reality for themselves.' If the Government of India were to make a unilateral declaration of this kind, it can put the Pakistan government on the defensive. The social and political scenario is far more bleak in Paki-



stan than in India and the ongoing conflict between various ethnic communities in Pakistan is far more murderous just as their democracy is far more fragile than India's. If India tries to compete with Pakistan in authoritarian measures, as we seem to be doing with regard to Kashmir, we are bound to lose the battle. However, if we build and strengthen democratic institutions in Kashmir rather than act as an occupation force, Pakistan is not likely to win the Kashmir battle. The Kashmiri Muslims are beginning to gravitate towards the

Muslim state of Pakistan not so much for religious reasons as because the Indian Government mistrusts them on account of their being Muslims. Otherwise there is very little in common between the Pakistani version of Islam and the benign Islam that the Kashmiris have evolved.

Towards Solutions

Various suggestions came up during our talks with different sections of Kashmiri leadership. Broadly speaking, there was a widespread consensus on the following:

Release of imprisoned leaders like Abdul Ghani Lone, Shabir Shah, and Syed Ali Gilani as a precursor to starting a political process.

Sending the army back to the barracks because it is a big irritant and is legitimizing militancy. The army should be called only if a disturbance on incident takes place.

Starting a dialogue for settling the Kashmir dispute without precondition or either side.

Allowing free flow of people between the two Kashmirs.

Including Kashmiri representatives in dialogues with Pakistan to settle the Kashmir dispute between the two countries.

Allowing the various regional groups—the Kashmiris, Dogras, Ladakhis, Buddhists, Punjabis, Kashmiri Pandits, Gujjars and so on to work out a mutually acceptable political settlement for the governance of Jammu & Kashmir.

All these are fairly reasonable demands and can easily pave the way for a solution provided the Central Government behave responsibly and in a trustworthy manner. □