

KASHMIR QUESTION IN THE FOREIGN POLICY OF INDIA AN – ANALYSIS

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ABSTRACT

Kashmir Question Is An Atomic Flash-Point Between Two Of South Asia's Enemy Countries, India And Pakistan. India And Pakistan, Both Atomic Powers Have Several Times Engaged In Fighting Over The Kashmir Region. Utmost Kashmiris, On The Other Hand Have Been Fighting For Their Right Of Freedom Recognized By The UN For Many Decades. The Promise Made By The First Indian Prime Minister, Jawaharlal Nehru Which Is Also Envisaged In The Instrument Of Accession Of 1947 To Let Kashmiris Decide Their Future Through A Plebiscite Still Eludes Kashmir. In The Past Two Decades, The Region Has Been Witness To A Lot Of Violence Which Has Also Strained The Relations Between India And Pakistan. There Have Been Several Rounds Of Talks On Kashmir Between Regimes Of India And Pakistan. Sadly, There Has Not Been Any Substantial Positive Outcome In Resolving This Dispute. The Kashmir Dispute Has Been Analyzed Several Times In Terms Of Its Impact, Economic Or Political, On India, Pakistan And Also Kashmir. An Analysis Through A Kashmiri Pointof-View As To What The Kashmiris Want And How The Two-Decade Long Conflict Has Affected Their Resolve For Self-Determination This Paper Thus Reports The Results Of This Exercise And Discusses The Same In Light Of Kashmir Question In The Foreign Policy Of India.

KEYWORDS

Kashmir, Autonomy, Human Rights Violation, India-Pakistan, Indian Foreign Policy.

1. INTRODUCTION

Jammu and Kashmir have been struggling for their right of self-determination from more than six decades. The issue of Kashmir started just after India's independence and the birth of Pakistan in 1947. At that time there were around 560 princely states under British India and Kashmir was one of them. The delay in deciding Kashmir's future by Maharaja Hari Singh - the last king of independent Kashmir - after the British left was the root cause of Kashmir conflict. The tribal invasion caused by raiders from Pakistan made the Maharaja feel insecure and he decided to seek help from India. India's viceroy Mountbatten promised him militarily help and in return Maharaja signed the "Letter of Instrument of Accession to India", which stands controversial ever since. And with that Instrument of Accession, the Kashmir dispute has stared into the faces of the two nuclear neighbors for more than decades

On 1947 India's first Prime Minister Pandit Jawaharlal Nehru announced on All India Radio that "Kashmir future will be decided by the means of plebiscite". However, the promise of plebiscite is still pending. India claims that people's participation in elections shows that people are happy and there is no demand for any plebiscite. Pakistan and those opposing this viewpoint on the

other hand say that the elections have never been free and fair in Kashmir and when they have been so, the people have voted for governance issues like roads, electricity and other amenities, and not for sorting out the Kashmir dispute. Meanwhile, the number of people having lost their lives during the past two decades of Kashmir is overwhelming with some agencies putting the number at around 89,000 and the number of enforced disappearances at 10,000. There are around 600,000 to 700,000 Indian troops in Kashmir and aspersions have often been casted on the freeness and fairness of elections conducted under such heavy military presence. On the other hand, the Indian army has often been accused of grave human rights violations like torture, custodial deaths, disappearances, rape and molestation in the state. The army has often invited censure from international human rights International A statement issued on the floor of the J&K Assembly by the Deputy Chief Minister on August 1st 2006, revealed that there are more than 600,000 security forces in Jammu Kashmir. That means the ratio of deployment to people is 1 soldier for every 18 persons. This is an incredibly high concentration of troops for an area whose population is not more than 12 million. Officially the number of militants operating in J&K has come down to 1500. Despite such huge military setup in J&K and several efforts to bring this dispute to an end, a long-lasting solution eludes the people of Kashmir who bear the main brunt of this conflict Therefore this study looks at the solutions to this dispute from the perspective of the people of Kashmir and presents their views in the light of realpolitics of the region. The results of this study show that there is an overwhelming desire for independence in Kashmir, however at the same time this does not look like a feasible solution to this dispute. That Kashmir is a vexed issue, involving interests of different stakeholders and thus making it difficult to solve this conflict is substantiated by the results of this study conducted in five main districts of the state. In view of India's asymmetrical relationship with Pakistan—population, size, economic strength and relative military power—Delhi has invariably resisted the role of a third party or the United Nations in its conflict with Pakistan; it is precisely for these reasons that Islamabad has favoured such a role, with the hope that 'internationalization' would provide a favourable resolution of the Kashmir dispute. India's disillusionment with the international community over Kashmir began soon after Independence, when Prime Minister Jawaharlal Nehru took Pakistan's aggression against India in Kashmir to the United Nations on 1 January 1948.

Instead of being seen as the aggrieved party, losing Indian territory to an armed attack by Pakistan—following the signing of the Instrument of Accession by the Hindu ruler of the predominantly Muslim province of Jammu and Kashmir on 26 October 1947—India became a party to the dispute. Subsequent UN Security Council resolutions advocating the future of Kashmir on the basis of a UN-mandated plebiscite—after the withdrawal of armed forces by both countries from divided Kashmir—were ignored by Delhi, as was the United Nations force, the UN Military Observer Group in India and Pakistan (UNMOGIP). Since the UN-sponsored ceasefire to the first India-Pakistan war over Kashmir on 1 January 1949, UNMOGIP has been deployed to monitor the ceasefire line—currently, the Line of Control (LoC) (the de facto border dividing India and Pakistan-administered Kashmir). For Islamabad, however, the UN Security Council resolutions on Kashmir boosted its position on Kashmir, and justified its stance that it was a territorial dispute between the two sides. This contradicted Delhi's view that Kashmir was 'not a disputed territory', with the only point of contention being Pakistan's 'illegal occupation of a portion of the state', fortified by a Parliamentary resolution to this effect in the early 1990s. Even though it was clear that neither Pakistan nor India were inclined to withdraw forces from divided Kashmir, Islamabad was not averse to using UN Security Council resolutions on a plebiscite in Kashmir for political purposes. However, Indian and Pakistani positions on a plebiscite and the status of Kashmir appeared to change in December 2003-January 2004. In an

interview with Reuters in mid-December 2003, Pakistan's President Musharraf, in a bold move, publicly offered to drop Pakistan's traditional demand for a UN plebiscite in Kashmir, and meet India 'half-way' in a bid to resolve the Kashmir dispute. Musharraf reportedly stated, '... we are for the United Nations Security Council resolutions whatever it stands for. However, now we have left that aside'. Although this was subsequently denied by Pakistani officials, it was clear that this was simply a recognition that a UN plebiscite could never have been implemented, in view of Indian and Pakistani intransigence. Yet, it had been a major irritant to Delhi, which welcomed Musharraf's statement. Subsequently, in the joint press statement of 6 January 2004, following the meeting between Indian Prime Minister Vajpayee and Musharraf, on the sidelines of the twelfth South Asian Association for Regional Cooperation (SAARC) Summit in Islamabad, Delhi implicitly agreed that Kashmir was disputed territory, by explicitly agreeing that Kashmir was to be settled 'to the satisfaction of both sides'.

Not with standing India's aversion to a 'third party' (including UN) role in its dispute over Kashmir, this did not apply to assistance in formally ending wars, or in the 1990s, preventing the outbreak of full-fledged conventional war. The second India-Pakistan war in 1965, for example, ended with a UN Security Council-sponsored ceasefire on 23 September 1965. Three months later, Indian Prime Minister Lal Bahadur Shastri and Pakistani President Mohammed Ayyub Khan met in Tashkent and signed an agreement to formalize the end of the war and the withdrawal of their armed forces to positions held prior to 5 August 1965. The erstwhile Soviet-brokered 'Tashkent Agreement' of 10 January 1966 also pledged continued negotiations and the observation of ceasefire terms on the ceasefire line.

During this period, American policy towards South Asia remained fairly ambivalent, although an attempt at engagement on the Kashmir dispute had been made during the Eisenhower Administration in the 1950s.⁴ Although the Kennedy Administration was able to initiate direct negotiations between India and Pakistan—in the aftermath of the 1962 India-China war, the talks failed; by the mid-1960s the United States had virtually given up on Kashmir. During the 1971 India-Pakistan war, the United States 'tilt' towards Pakistan—through the deployment of an aircraft carrier task force in the Bay of Bengal in the midst of the war—whatever its intent or purpose—made it difficult for India, among other reasons, to develop a satisfactory 'comfort level' with the United States on security issues. Despite American economic and military sanctions on Pakistan in 1979 in an attempt to stem its covert nuclear weapons programme, Pakistan's role as a front-line state against the Soviet occupation of Afghanistan in the 1980s alleviated this situation. The demise of the former Soviet Union, along with India's economic liberalization in the aftermath of the 1991 economic crisis, began to lead to more favorable Indo-American relations. In the late 1990s, high publicity American engagement with South Asia took place on nuclear issues, sparked off by multiple Indian and Pakistani nuclear tests in May 1998. On 11 and 13 May 1998, India carried out a series of five underground nuclear tests, twenty-four years after its first 'peaceful nuclear explosion' on 18 May 1974. This was promptly followed by six Pakistani nuclear tests on 28 and 30 May 1998. Although the immediate American reaction was to impose economic and military-related sanctions on both India and Pakistan, their respective importance in United States foreign policy soon generated less coercive measures to counter proliferation. In a significant development, within the Lahore Memorandum of Understanding (MoU), both countries agreed to develop confidence-building measures (CBMs) in the nuclear and conventional fields aimed at the avoidance of conflict within nine months of the nuclear tests. The Lahore documents—signed at the Summit between Vajpayee and

Pakistani Prime Minister Nawaz Sharif in Lahore—appeared to provide the momentum towards enhanced and formalized nuclear stability in South Asia.

2. REVIEW OF LITERATURE

Being one of the intractable unresolved conflicts in the world, the Kashmir issue has attracted attention of many researchers, scholars and authors. A number of books and articles have been written on the Kashmir conflict. This review of literature presents a snapshot of some important related works. India, Pakistan and the Kashmir Dispute by Robert G. Wirsing 1994 looks at almost every detail of the Kashmir conflict, starting from the very context of the issue to boundary intricacies. An excellent analysis, it however focuses less on the issue of selfdetermination of Kashmir. Another eminent author, a British historian Alstair Lamb in his book “Kashmir: A Disputed Legacy, 1984-90” (1991) argues about the veracity of the Instrument of Accession and concludes that it was not signed by Maharaja Hari Singh of Kashmir on 26th of October 1947, a day before the Indian troops arrived in the Kashmir Valley to defend Kashmir against the raiders from the Northwest Province of Pakistan. Lamb argues that not only India’s legal claim to the state of Jammu and Kashmir is fraudulent but that the accession was the outcome of a conspiracy between INC leaders, the Maharaja’s government and senior Indian army officers including some British. This book too did not touch the idea of self- determination for the Kashmiris.

In his book *Kashmir, 1947: Rival Versions of History* (1996) Prem Shankar Jha’s offers a direct rebuttal to Lamb’s recounting of the events about Kashmir’s accession to India. He provides counter historical material and testimonies, such as that of Field Marshal Sam Manekshaw, to prove that the Instrument of Accession had actually been signed. This book has focused more on the historical perspective of Kashmir Conflict, the idea of selfdetermination for Kashmiris has not discussed in detail. Another well-know British author on Kashmir affairs, Victoria Schofield states in her book *Kashmir conflict* (1996) that “once understood the challenge for now is to move on, the history on Kashmir cannot be re-written: an analysis, however, of all the relevant aspects of the struggle makes it easier to understand the depth of disappointment and, at times, hatred which has caused all sides”.Victoria Schofield’s discusses almost every aspect of the Kashmir Conflict. However it focuses less on selfdetermination of Kashmir. Like Lamb, Schofield also doubts the authenticity of the Instrument of Accession signed between the Indian government and Maharaja Hari Singh. Schofield writes, that “Maharaja Hari Singh left the Srinagar Valley in the early hour of the morning of 26th October or, as Mahajan confirms, at 2 am. The journey at night in winter by road from Srinagar to Jammu could be expected to take at sixteen hours”. Comparing these details with the details taken from the diary of the then acting British High Commissioner in Delhi, Alexander Symon, Schofield concludes that the whole incident of signing of Instrument of Accession is of questionable.

Placing the Kashmir issue in the larger context of Indian politics, Bruce Graham (2008) in his book *Hindu Nationalism and Indian Politics* focuses on the rise and fall of Bhartiya Janata Party (BJP) in India. However, Graham speaks only a little about the role of Bhartiya Janata Party in Kashmir Conflict. He states that “the Jana Sangh had early taken the position that Kashmir was an integral part of India, that the reference of the dispute to the United Nations should be withdrawn”, and the proposal for plebiscite should be abandoned but its main concern was to exert pressure on the government of India to change its policies towards the Government of Jammu and Kashmir. He argues further, that it is impossible for Indian government to deny the

idea of a plebiscite because “Article 370 (Appendix E) of the Indian Constitution provided that Article 238, which applied to Part B states in general, should not apply to the state of Jammu and Kashmir and that the power of the Indian Parliament to make laws for the state should be limited to matters specified in orders of the president of India”, in consultation with the state government regarding the areas by the Instrument of Accession (foreign affairs, defense and communications) and with its concurrence in other matters. Graham concludes that the rise of BJP “espoused causes such as advancement of Hindi, which had given it strongly northern bias, and had adopted extreme attitudes in foreign policy, as in the case of the Kashmir Dispute”. Another book *The State of Martial Rule* (1990) by Ayesha Jalal focuses more on the origin of Pakistan’s political economy and the extra burden of Kashmir dispute on newly born Pakistan. Jalal argues about the expense incurred during the partition era and the unsettled dues. Financially weak itself after World War II, the British government was already under a debt of the over 1 billion sterling (just for undivided India). She has highlighted Pakistan’s problems like economic, social, political, and military and challenges from tribal areas and the Kashmir dispute. At the time of partition, Pakistan took a loan of 2 billion US dollars for setting up the country’s legal system, building up its parliament and other needs. However just after partition, Pakistan came under the expense of war for Kashmir. Jalal argues that Kashmir dispute is a bone of contention between India and Pakistan since independence of India and formation of Pakistan. She further argues about much-controversial topic of the tribal raiders in 1947. According to her the percentage of Pakistan Army members among the raiders was not more than 5%. However she adds that “one has perforce to conclude that the government of Pakistan with the connivance of Frontier Ministry was actively promoting the sentiments that had encouraged the tribesmen to invade Kashmir”. About Kashmir issue Jalal argues that just for keeping Kashmir dispute alive India and Pakistan are spending endlessly on military. This book too did not discuss the idea of self-determination for the Kashmiris.

Subalterns and Raj: South Asian since 1600 by Rispin Bates (2007) covers all the facets of India before and after independence and the formation of Pakistan and the emergence of Kashmir dispute. Bates mentions about the Kashmir conflict in the chapter titled *The Nehruvian era*. He speaks about the behavior of Maharaja Hari Singh and the situation in which he signed the Instrument of Accession.

According to Bates “when Hari Singh formally acceded to India, Mountbatten insisted that the troops could be deployed in support of the Maharaja only if the accession was subsequently confirmed by a referendum”. Bates suggests that the Instrument of Accession was signed by Maharaja of Kashmir but on the condition of having a referendum. Even at the time of the ceasefire the main “condition of ceasefire agreement was that a referendum should be held to determine the fate once normality was restored”. Pertinent to mention that the demarcation of contributions made by Jawaharlal Nehru, Indira Gandhi and Rajeev Gandhi towards Kashmir issue has been minutely examined by Bates Holman Penman in his book *Nuclear proliferation in the Indian Subcontinent: The SelfExhausting “Superpowers” and Emerging Alliances* (2000) highlights that one of the objectives of Pakistan to become a nuclear power was the Kashmir conflict. “As the defeated side in two wars, Pakistan has had every reason to see India as a main threat to its national security”. And Kashmir was the instigating reason for the first two wars between the two countries. “India’s refusal to implement two United Nations Security Council (UNSC) resolutions calling for a plebiscite in Kashmir as a peaceful means for settling the dispute between the two neighbours has prevented its settlement to this date”. The continuation of its current divided status and India’s control of its larger part have created an unstable situation

conducive to military confrontation the two sides¹. However Hooman also mentions that Pakistan's objective to become a nuclear power is an attempt to avoid a major confrontation with India. "Pakistan's main objective was to put the forgotten issue of Kashmir on the international agenda". Hooman further adds that Pakistan's nuclear capability now grants it some assurances that the international community cannot remain idle and watch the escalation of the conflict between two nuclear powers over Kashmir. This book too did not discuss about the idea of self-determination for Kashmiri people .

3. GEOGRAPHY, AREA, SEX RATIO OF SOME DISTRICTS IN JAMMU AND KASHMIR

The State of Jammu and Kashmir is one of the largest States of the Indian Union and is situated in the lap of the mighty Himalayas. It lies between 32°-15' to 37°-05' latitude north and 72°35' to 80°-20' longitudes east. It occupies the North west niche of India, bounded on the north by a little of Russian Turkistan (Uzbekistan) and in the North-East by Chinese Turkistan, on the east by Tibet, by Pakistan in the South-West and West and in the North-West by Afghanistan. Punjab and Himachal Pradesh states border it in the South-thus strategically the state borders the territories of four countries China, Russia, Pakistan and Afghanistan. The state of Jammu and Kashmir has a geographical area of 222, 236 sq.kms. Comprising 6.93 per cent of the total Indian territory which includes 78,114 sq.kms. under illegal occupation of Pakistan and 5,180 sq.kms. illegally handed over by Pakistan to China and 37,555 sq.kms. under illegal occupation of China in Leh (Ladakh) district. This leaves the state with an area of 101,387 sq.kms which is demarcated into 14 districts, 59 tehsils and 121 C.D blocks which are further delimited into 2,661 panchayats, 75 urban areas and 6,652 villages.

Jammu and Kashmir ranks 19th in population size among the states of India in census 2001. A glance of the table 1 reveals that the state of Jammu and Kashmir has a population of 10143700 persons in census 2001. Further break-up of male and female population shows 5300,574 of male population and 4,769, 343 of female population. The distribution of population reveals striking variation at the district level. According to the 2001 census figures the accentuation of population is mostly found in the districts of Baramulla, Srinagar, Anantnag and Jammu. Out of the fourteen districts of State, Jammu has the highest population (1571911) and Kargil has the lowest (115227). In Leh and Kargil district only a little population is found due to undulating topography and harsh climate which restrains people from setting here. Sex ratio (number of females per one thousand males) is one of the basic demographic characteristics of a society and also a sensitive indicator of women's status. Jammu and Kashmir ranks 26th in sex ratio among the states of India

TABLE NO. .1 District wise Population, Sex ratio and Density-2001

S.No	State/ District	Persons	Male	Female	Sex Ratio	Density
1	Jammu and Kashmir	10143700	5360926	4782774	900	99
2	Kupwara	650393	341303	309090	929	269
3	Baramula	1169780	614816	554964	909	254
4	Srinagar	1202447	649491	552956	871	556
5	Badgam	629309	326050	303259	918	433
6	Pulwama	652607	335544	317063	938	452
7	Anantnag	1172434	610007	562427	922	294

8	Leh (Ladakh)	117232	64306	52926	805	3
9	Kargil	119307	64955	54352	901	8
10	Doda	691929	363526	328403	905	59
11	Udhampur	743509	399686	343823	871	162
12	Pounch	372613	194213	178400	916	222
13	Rajauri	483284	257336	225948	891	182
14	Jammu	1588772	850302	738470	881	508
15	Kathua	550084	289391	260693	907	205

Source: Census of India, 2001

4. UN RESOLUTION AND INSURGENCY

Origins and Characteristics of the Insurgency Sovereignty over the Indian state of Jammu and Kashmir (J&K) has been disputed ever since India and Pakistan gained their independence in August 1947. As laid out by the plan for partition under the Indian Independence Act of 1947, rulers of the princely states were allowed to choose either to stay within India or move to Pakistan. (See Figure 2 map Jammu and Kashmir.) On October 22, 1947, armed tribesmen and troops from Pakistan's North-West Frontier Province crossed the border into Kashmir, aiming to capture Srinagar, the capital of J&K. Unable to deal with this invasion formally, signed an Instrument of Accession on October 26, 1947 India and Pakistan. Security Council established the UN Commission for India and Pakistan (UNCIP) and became involved in the conflict. A cease-fire was arranged by the UN for December 31, 1948, and the UNCIP Resolution of August 13, 1948, was formally adopted by the following January. When the UN ordered both sides to hold at their current positions, Pakistani forces had not yet completed their withdrawal from the territory they had seized by force. As a result, they were able to acquire over one-third of Kashmir. Since that time, India and Pakistan have fought two additional declared wars, in 1965 and 1971. Following the 1971 war, the leaders of both countries signed the Shimla Agreement, stipulating that they would not attempt to alter the ad hoc, newly dubbed line of control (LoC). A movement for independence also exists within J&K and has steadily grown since the late 1980s. After the failed Soviet campaign in Afghanistan, a large number of Mujahideen shifted east to J&K with a great deal of support from the Pakistani government. Furthermore, with the continual encouragement and support of the Pakistani Directorate for Inter-Services Intelligence (ISI), the Mujahideen began to view J&K through a religious lens as a jihad. In the 1990s, tensions in the region increased as did the level of violence. Coordinated attacks.

5. STRENGTHS OF THE INSURGENTS

Historically, Islamic militant groups and paramilitary forces have directly helped the Pakistani government obtain strategic and military objectives.³ In turn, Islamabad has granted such organizations very wide latitude to operate throughout the country. Pakistan's regional proximity to Afghanistan and the Middle East has come under the spotlight since the terrorist attacks on September 11, 2001. President Musharraf, although a U.S.-declared ally in the Global War on Terror, has continued to maintain an ambiguous stance on terrorist activities and crossborder infiltration into J&K. In 1999, when many Indian battalions were rapidly redeployed to the Kargil area to battle the cross-border intrusion, there was an increased flood of militants into the Kashmir Valley. As a result, the successful outcome of the Kargil conflict was underscored by disappointing setbacks in COIN operations across J&K. There were many attempts by the ISI to

disrupt the 2002 elections by finalizing the formation of the Kashmir Liberation Army, an organization that would establish a unified command structure and communication network for terrorist groups across J&K. The existence of such an organized and well-established terrorist network in the region would undoubtedly reduce the visible link to the ISI's direct involvement in cross-border terrorism and therefore mask any semblance of guilt.⁴ Following the decline of the Jammu and Kashmir Liberation Front (JKLF), there remain over a dozen terrorist groups currently reported to be active in J&K. The percentage of foreign contingents among the ranks of these outfits has risen sharply, from 6 percent in 1992 to over 50 percent. Three such groups—Lashkar-e-Toiba (LeT—“Army of the Pure”), Jaish-e-Mohammad (JeM—“Army of the Prophet Mohammad”), and Harkat-ul-Mujahideen (HuM— “Movement of Holy Warriors”)—are directly supported by the Pakistani ISI in hopes of reproducing the successes of the Afghan insurgency against the Soviets.⁵ These three groups have been consistently effective in carrying out their operations and are suspected to have formed links to Osama bin Laden's al Qaeda network. Lashkar-e-Toiba has the reputation as being one of the largest and most brutal terrorist organizations in the state. None of its members, who number nearly 1,500, are of Kashmiri origin. ⁶Terrorists from LeT assaulted the Cantonment in Delhi's Red Fort in 2000, and the group is suspected, along with members of JeM, to have carried out the attacks on the Indian parliament in Delhi on December 13, 2001. The organization has two objectives, both driven by firm ideology. It wants to establish a fundamentalist theocracy and to effectively expand and export its local struggle to the entire country. In the LeT's view, the insurgency in Jammu and Kashmir is religious in nature. In the fall of 2002, Jaish-e-Mohammad was classified by U.S. Secretary of Defense Donald Rumsfeld as one of the “deadliest organizations in the terrorist underworld.” ⁷Launched in 2000, the JeM is a relatively recent addition to the array of terrorist groups operating in Jammu and Kashmir and has been deemed responsible for the 2001 Indian parliament attacks mentioned above. This attack is the only instance in which the group has operated outside Jammu and Kashmir. The group has vowed to “liberate” Kashmir and other important religious sites across the country. ⁸Harkat-ul-Mujahideen took numerous tourists and security forces personnel hostage in the mid-1990s to try to compel the government to release its arrested leaders. For this same purpose, suspected HuM terrorists hijacked Indian Airlines Flight IC-814 in 1999. They diverted the plane and, with the support of the Taliban regime, flew to Kandahar, Afghanistan. Despite a decade of fairly consistent action, the HuM's operational abilities have been weakened since 2000 and the creation of the JeM (which has drawn many HuM recruits). Despite this, its militancy was heavy-handed and therefore served to initially alienate much of the Muslim population. Relaying promises of financial rewards and protection for families from the reported abuses of the Indian forces, insurgent groups were able to consistently recruit young men. In the early 1990s, when the ISI began to drape the veil of religious jihad over the local unrest, it also began considerable information operations in Jammu and Kashmir. Almost all terrorist groups, including the three mentioned above, are very active in recruiting from rural areas, where the presence of security forces is scarce or inconsistent. In 2002, terrorist organizations issued a decree for girls to not go to educational institutions and to remain veiled. To force compliance, terrorists beheaded three girls and threw acid at others who were not wearing veils. ⁹Owners of stores selling alcohol have also been attacked following the issuance of similar decrees. Such incidents have helped further sap widespread support from the locals. All three of the groups mentioned above have also employed the use of Fedayeen (sacrifice) squads on multiple occasions. These missions are considered to be high risk rather than suicidal. In many instances, small groups of terrorists infiltrate an operational area of security forces, fortify themselves in a favorable position, and proceed to kill as many security personnel as possible before being cut down. Lieutenant General Arjun Ray, a retired officer who served for 38 years

including in Jammu and Kashmir, recalls that “Kashmiri militants generally put up a fight when their group is stiffened by a few mercenaries. Left to themselves, they prefer to hit and run.”¹⁰ Although the use of suicide bombers has not been widely implemented in J&K, the LeT has shown itself to be skilled in the use of improvised explosive devices (IEDs). The targets of these land mines and other explosives include military convoys and other vehicles belonging to security forces, as well as civilian targets.

Characteristics of the Counterinsurgent Forces The Indian Army is divided into several command areas: Northern, Western, Eastern, Southern, Central, Army Training Command, and a newly constituted Andaman and Nicobar Joint Command. Each of these is commanded by a lieutenant general. Northern Command has its headquarters in Udhampur, Jammu and Kashmir, and has been a frontline for each of India’s wars since independence (including the 1962 SinoIndia War). It has also bore the brunt of COIN operations and guarding the LoC against infiltration and, in 1999, was tasked with flushing out the Pakistani intrusions in Cargill. In 1994, when the militancy was at its peak, the Indian government approved the creation of a new military unit, the Rashtriya Rifles (RR), to deal with insurgency, the security of rear areas, and other special operations. Regular army units could therefore be released from the consistent attrition common during frequent COIN operations and follow their standard doctrine for deployments. RR personnel, although drawn from army ranks, were retrained in people-centric operations. In 2000, Delhi authorized the expansion of the RR by 30 battalions, planning to bring the total up to 66 after five years.

Weaknesses of the Counterinsurgents by 1990, it became apparent that J&K was gripped by a higher level of insurgency than had been experienced before. It was quickly determined that the regular army, already engaged in curtailing cross-border infiltration along the LoC, could hardly cope with the full range of COIN operations. Furthermore, the heavy-handed tactics of a purely military approach to the insurgency was resulting in inadvertent civilian deaths and collateral damage. This, coupled with the consistent difficulty of determining the location of militants among the population, was causing increasing alienation and discontent. Interservice quarrels in 1993 following the creation of a Unified Headquarters (UH) in J&K caused additional setbacks. Created to coordinate operations among the army, paramilitary, and police forces, the UH was ineffective and counterproductive. As India’s oldest paramilitary force, the Border Security Force (BSF) wanted to place the Rashtriya Rifles under its command. The RR units, staffed by regular army personnel, looked down on the BSF’s abilities and dismissed such notions. Furthermore, early RR battalions lacked cohesion, as they were assembled by amalgamating soldiers from different battalions.¹¹ Northern Command also began the challenging task of reorienting soldiers to COIN operations by adapting a political approach that concentrated on the population rather than on the militants. Language differences, unit traditions, and a high degree of equipment variance at the battalion (or even the company) level were all barriers to successful early deployments in the Valley. It was not until after the Kargil War that Northern Command was able to act on lessons learned from early mistake.

5.1 STRENGTHS OF THE COUNTER INSURGENT

Northern Command has since been heavily involved with additional civic and developmental operations. Following the success of its initial large-scale operation, the Indian government approved funding for additional projects. In the early years following the end of the World War II, the Indian Army composed a doctrine for COIN operations, using as a foundation the British

experience in Malaya. Since then, the doctrine has been refined by putting theories to practice and adapting them to alleviate problems common across the spectrum of operations. Further lessons were learned through the army's experiences against the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka and the North-East insurgencies. The Indians quickly recognized that the very nature of COIN operations is one of constant unpredictability. Lieutenant General Ray writes: The only certainty is uncertainty. Low-intensity conflict is all about high-speed change, chaos, and disorder. It demolishes in one stroke all traditional military concepts applicable to general war. The contradictions are simply too many.¹²

To successfully and consistently combat insurgent forces, COIN forces must create and maintain a secure environment that can be regulated with relative ease. This requires the deployment of security forces across the region. According to Indian doctrine, there are five important steps must be taken to successfully conduct COIN operations: separation of civilians from insurgents the use of a linear grid system physical domination of an area of responsibility (AOR) restraint in use of airborne and land-based firepower civic action (winning the hearts and minds).

The first requirement to successfully carry out COIN operations is to isolate the insurgents from the local population by temporarily shifting the civilians to villages already secured by Indian forces. This better allows security forces to effectively screen the locals for insurgents. As the threatened regions of J&K are vast and require large numbers of security personnel, the Indian Army has regulated its COIN operations through the use of a grid system. An army battalion's AOR is essentially demarcated by the level of insurgent activity and the ease with which operations can be carried out (because of such factors as terrain and size of local population). The large grid can then be further divided into smaller sections that can then be monitored easily by a company- or platoon-sized unit of soldiers. If necessary, fire support can also be called in to deal with larger insurgent groups. As COIN operations are often conducted on the platoon level (or sometimes even squad level), the implementation of such a system helps to reduce gaps and allows a unit not only to observe its AOR more consistently but also to dominate it.

With a strong physical presence in an area and vigorous patrols conducted during both day and night, security personnel are able to observe and regulate a given village and the access it has to its surroundings. Soldiers cultivate human intelligence (HUMINT) through a cache of local assets and agents. Direct familiarity with the villagers can help soldiers detect the presence of any unusual or suspicious persons. Additionally, the Indian Army made a conscious decision to severely curb the use of airborne and artillery-based firepower while conducting COIN operations to minimize collateral damage and corresponding casualties. The excessive escalation of firepower during firefights has severely disrupted the local population and caused a much higher unintended casualty rate. Two unsuccessful COIN campaigns—the U.S. military in Vietnam and the Soviet Army in Afghanistan—yield examples of the negative consequences that result from the continued overuse of heavy firepower in civilian areas. Forces carrying out COIN missions must have a formidable resource of men and equipment, as this sort of restraint can be costly. In close-quarters combat, casualties to the COIN forces will be unavoidably higher than if using distanced artillery strikes or air support. In addition to traditionally military operations, it is of vital importance to actively engage and promote interaction between the security personnel and the civilian population. Lieutenant General S. C. Sardeshpande reaffirms that “counter insurgency operations must, of necessity, be an intimate mix of military operations, civic actions, psychological operations, and political/social action.”¹³ Good media relations can also effectively “showcase” COIN operations, providing increased comfort to the local population and even

intimidating insurgent groups. Active and continuous interaction with both local and international media groups can serve as a force multiplier. Keeping the population informed can only help to alleviate any alienation within it. Recently, 15 Corps of the Indian Army launched an expensive and ambitious project, Operation Sadbhavana. The brainchild of Lieutenant General Arjun Ray, it was a large-scale venture aimed at improving life for the civilians of Ladakh in J&K. With an initial cost of close to \$1 million, the plan called for constructing schools, hospitals, and community development centers and providing water and electricity. The project also included tours for locals to different parts of the country and the improvement of roads and bridges across the state. The project was widely acclaimed and declared a success.¹⁴ It is important to note that these civic actions were conducted on a significant scale and in a transparent, genuine manner. The government determined that worthwhile facilities for the population had to be properly planned and initiated, with proper follow-through to start winning hearts and minds. A clear and visible difference in the lives of the locals was also needed if they were to begin trusting security personnel. Otherwise, the feelings of alienation would foster further anti-Indian sentiment. Anit Mukherjee, who served in the Rashtriya Rifles in Kashmir and Nagaland, writes: After the first year of conducting operations with questionable results, my unit made a significant shift toward people-friendly operations. That meant taking off shoes before searching mosques, deciding not to search old men, women and children and even letting insurgents escape rather than risking a firefight in a built-up area. Over time, our hard work paid off. Tips became more frequent and reliable. As we gained the trust of the locals, we succeeded in preventing recruitment while eliminating insurgents.

In recent years, the amount of violence in J&K has decreased, largely because of a substantial shift in Indian COIN strategy. However, insurgent groups continue to enjoy sanctuary in Pakistan. With the help of the ISI, the insurgents are able to rearm, train new recruits, and then redeploy into J&K. The border is still too porous; Indian security forces are simply unable to guard the entire stretch of the LoC from infiltration. Military success, regardless of how extensive, can never defeat an insurgency. Indian soldiers, as part of their indoctrination into COIN operations in the state, are told that the insurgency will end only when an effective political solution is developed and adopted; military action alone is not enough. Until that time, the violence across J&K can only be managed by security forces.

6. DISCUSSION

Analysis based on the present situation suggests that this option is very much feasible. This solution would perhaps satisfy all parts of Kashmir. Especially in the Indian-administered Kashmir, the majority of people who are struggling for their freedom are from the Kashmir Valley. People in Jammu are Hindus who share the same religion as majority Indians. And they will not have any problem remaining as a part of India. Same is somewhat the case with Ladakh. However this solution also has some limitation. First of all India will never want be happy to lose a territory like Kashmir Valley which has huge strategic as well as touristic value. Kashmir has a very unique strategic value as its border connects with Pakistan. An independent Valley will always remain under the threat of extremists from Jammu and with the back-up of a bigger entity like India, the worry compounds further.

7. CONCLUSION

The quantitative analysis of the data shows that the demand for Kashmir's independence is high among the people of Kashmir. However the full independence for Jammu Kashmir does not seem to be possible due to likely opposition from India and maybe even by Pakistan. And another option of joining Pakistan is not only unacceptable to the majority in Jammu Kashmir but it is somewhat of an anathema to India. The option to give more autonomy to Jammu Kashmir within India seems to be a feasible idea to India and to those who wish to remain under Indian administration. But that option will be unacceptable to Pakistan, those who want to join Pakistan and those who wish for full independence. The last option is that of maintaining the present situation, that is maintaining the status quo, which means Jammu Kashmir remains under Indian control, contested by Pakistan and the rebels, the area continues to face constant security problem, the Indian security forces continue to stay in J&K in huge numbers and accusation of them violating the human rights of the Kashmiris continue.

Kashmir conflict is no doubt an intractable conflict making all parties to search for a formula to resolve the conflict peacefully. What could be the political framework that will accommodate the Kashmiris aspiration for self-determination, the interests of India and Pakistan is the real challenge for those who seek peace in the region. The above discussion shows that people of Kashmir are not happy with the Indian administration. This is evident given the frequency of protests in the valley. On the other hand, instead of co-opting the dissident and separatist voices in the valley, the human rights violations seem to have only accentuated the demand of separation. Considering the ground geo-political realities in the Indian sub-continent, the most workable solution to the Kashmir dispute seems to be minimizing the security forces in Kashmir and granting basic human rights to the Kashmiris, reliving them from daily frisking, and focus should be on creating more employment and education opportunity for Kashmiris. While this may not be the ultimate solution to this issue, it may well prepare some ground for a better solution and meanwhile relieve the people of the region from their day-to-day turmoil.

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