

## Changing Nature of Insurgency in Kashmir: its Impact on the Kashmiri Cause of Self-determination with Special References to 2008 and 2010 Agitations

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### Abstract:

*The insurgent movement started in Kashmir in the 1990s by dissatisfied Kashmiri youth with an active support provided by Pakistan to liberate the state of Jammu and Kashmir from the clutches of India. The movement costs more than one lakh lives and a heavy damage of property worth in millions. The period beyond 1996 shows continuously a decline in the militancy due to the strong counterinsurgency campaign of the Indian security forces. Though the violent insurgent movement initiated in 1990 period lost the ground in Kashmir, but it was replaced by a much mature nonviolent reflected by 2008 and 2010 peaceful protests against the innocent killings. The period from 1990 to 1997 Jammu and Kashmir witnessed a number of insurgent groups with different ideologies from pro-Kashmir to pro-Pakistan stand. The main purpose of this paper is to analyse changing nature of militancy from the violent towards nonviolent way of resistance that the Kashmiri people shows against the Indian rule.*

### Introduction

The idea of an independent J&K was destroyed during the first week of October 1947, when Muslim rebels from J&K and Pakistani regular army forces on leave, disguised as tribesmen, started a revolt among the Muslim population (Asthana 2001, 61; Ganguly 1997, 9-10). Initially, this uprising was successful and captured the territory that is presently considered Pakistan occupied Kashmir (PoK). Rebel forces then consolidated gains and attacked Srinagar, the summer capital of Kashmir, thus directly threatening the J&K government. These attacks resulted in atrocities committed against the Hindu minority throughout Kashmir and a direct threat to the Maharaja's rule, which forced

him to reach out for military assistance from the former colonial ruler, Lord Mountbatten, and the new Indian government in New Delhi (Asthana 2001, 60-61). The new Indian government was hesitant to fulfill the Maharaja's request, since without an official request for accession into the new country of India that was ratified by the people of J&K; the Indian Army could not legally respond (Rajawat 2003, 7-9).

It was the Maharaja who finally signed the instrument of accession on 26 October 1947 which makes Jammu and Kashmir as the part of India, with India's jurisdiction only on the defence, foreign affairs and communication Union (Singh 2007). In rest of the matters Jammu and Kashmir enjoyed an autonomous status. Lord Mountbatten, the British Colonial magistrate, and India's new Prime Minister Nehru finally agreed that the Indian Army could deploy because of the rebellion in J&K, and that after the situation was secure the vote on accession into India or Pakistan would take place (Ganguly 1997: 10). The First Indian-Pakistani War, 1947 to 1949 would be the first of three wars over the disputed region.

On 28 October 1947, Indian paratroopers landed at Srinagar airport, repulsed the rebel army, and reversed the Pakistani gains, while at the same time India took its case to the United Nations to get a mandate for immediate Pakistani withdrawal. The United Nations passed two resolutions that ordered a ceasefire, withdrawal of the Pakistani forces from Kashmir, a minimization of Indian forces in J&K, and a vote from the Kashmiri people to decide to which country to accede, known as a Plebiscite (Schofield 1996: 24-25). Sumantra Bose argued that "the Plebiscite is the 1948 United Nations resolution that called for internationally supervised process whereby the future status of the state of J & K shall be determined in accordance with the will of the people" (2003: 39).

First Pakistan refused to withdraw its troops from its occupied part and later on, India refused to allow a free vote, fearing that the Muslim majority would vote to join Pakistan (Schofield 1996: 24-27). As a consequence, neither side withdrew its forces from the region, thereby splitting Kashmir in two. The armed conflict ended in 1949 when the United Nations mediated a ceasefire that drew a 500-mile border, splitting J&K into the regions of the Indian-and Pakistani-occupied Kashmir depicted on today's maps, thus setting the stage for the longest dispute in the history of the United Nations.

The UN resolution 'was adopted on 21 April 1948 called on the government of Pakistan 'to secure the withdrawal of tribesmen and Pakistani nationals from the state of Jammu and Kashmir not normally residents of state and who entered in the state for

the purpose of fighting. This resolution also request the government of India to reduce its troops to its minimum level, after which the circumstances for holding a plebiscite should be put in to effect “on the question of the accession of the state to India and Pakistan.

Developments during the 1980s both in terms of Government of India’s policies, political dynamics within J&K and evolving contours of regional security architecture had a profound impact on the trajectory of separatist movements in the state Jammu and Kashmir Internally, the then Prime Minister Indira Gandhi feared that if more self-rule were given to any Indian Muslim State, then other heavily populated Muslim states would demand the same and security and secularism would be at risk (Ganguly 2001: 90-91).

This resulted in a severe crackdown on Kashmir’s self-determination by banning secessionist groups and controlling local elections in order to prevent autonomous movements from gaining power and to ensure that New Delhi would have centralized control over local politics (Ganguly 1997: 84-90). In addition, laws such as the Terrorist and Disruptive Activities Prevention Act (TADA) were put into effect to crack down on anti-Indian efforts and to afford local law enforcement the right to search and detain pro-secessionists arbitrarily (Ganguly 1997: 84-90). The government experience during terrorist movement for Khalistan in Punjab reinforced the perception that secessionist movements should be dealt with firmly.

The secessionist movement gained a fillip after the 1987 state assembly elections amid widespread allegations of electoral malpractices. (Schofield 2008). This largely unfair election was the catalyst causing secessionists to turn to low-level violence to voice their discontent. From 1988 to 1989, the police had to regularly put down strikes, growing protests, and organized violence by the Kashmiri youth and secessionists (Akhtar 1991: 48-49). The lawlessness of the region increased until 1990, which caused the economic situation to worsen. This further fed the twisting of violence, causing many young Kashmiris to become militants (Akhtar 1991: 68-69). The final turning point occurred in December 1989, with the kidnapping of the Rubbia Saeed, daughter of the then Union Home Minister Mufti Mohammad Saeed. The situation in Kashmir quickly deteriorated, the Indian Army and the first insurgent organizations were involved regular encounters.

### **Insurgency and its impact**

In addition to local Kashmiri insurgents fighting against the Indian government, foreign fighters began to arrive on the scene from Afghanistan, Pakistan, and other Muslim countries from around the Middle East to assist the insurgents in their struggle against the Indian rule (Singh 2001: 184-185). The number of militants killed in Jammu and Kashmir from 1991 shows that a large number of militants were among them from other Muslim countries (See (Figure 2A)

1999- 1994		1995	1996	1997	1998	1999
Pakistan	80	28	44	55	43	31
Afghan	122	39	48	38	26	16
Sudanese	3	1	0	0	1	0
Yemen	0	1	1	2	2	0
Lebanese	0	0	0	2	0	1
Bahrain	1	0	0	0	0	0
Uzbek	0	0	0	0	0	0

*Source: South Asia Terrorism Portal*

Moreover, for the first time in Kashmir history, thousands of Hindus began to flee Kashmir after becoming the target of ethnic violence (Ganguly 1997: 107-108). The main reason for the migration of Kashmiri Pandits was the deteriorating law and order situation in the Kashmir especially the violent movement initiated in Kashmir by the younger generation who wants to liberate the Kashmir from the Indian occupation (Balraj Puri 2008). The Kashmiri Pandits began to feel insecure due to the presence of many militant organisations. The another reason for the migration of Kashmiri Pandits was the encouragement provided by the then the Governor of jammu and Kashmir Jagmohan, who promised every type of help and economic assistance to Kashmiri Pandits in India (Balraj Puri 2008).

	<b>Incidents</b>	<b>Civilians</b>	<b>Security persons</b>	<b>Militants</b>	<b>Total</b>
1988	390	29	1	1	31

1989	2154	79	13	0	92
1990	3905	862	132	183	177
1991	3122	594	185	614	1393
1992	4971	869	177	873	1909
1993	1457	1023	216	1328	2567

*Source: South Asia Terrorism Portal*

Kashmir's secessionists are fragmented into two opposing camps: those that want Kashmir independence from India and to become part of Pakistan, and those that want to form an independent nation of Kashmir. The role of JKLF and other pro-Independent organisations diminished because of the strong support provided by the Pakistan to the insurgent groups like HM, Harkat-ul-Ansar, LeT and Jaish Mohammed (Bose 2003).

One of the most active of the secessionist insurgent groups is the Hizbul Mujahedeen (HM), operates from Muzaffarabad which strongly wants Kashmir to be a part of Pakistan. "This group is the most powerful secessionist organization, whose goal is the secession of Kashmir by armed warfare in order to merge with Pakistan" (Santhanam 2003). The other major secessionist group is the Jammu and Kashmir Liberation Front (JKLF), whose goal is independence from India without joining Pakistan (Pelton 2000). JKLF had become very weak after Pakistan supported the groups like HM, LeT and Jaish Mohammed, Harkat ul Ansar, Al Bader, Al Arifen. The main reason for the loss of support of Pakistan for JKLF was its ideology to fight for the independent Kashmir. These militant groups remains active as far as the insurgency related incidents in Jammu and Kashmir is concerned (Habibulla 2008).

### **Changing nature of insurgency**

From 2000 onwards the entries of the militant organisations like lashkar Taioba (LeT) and Jaish Mohamed (JM) and Harkat-ul-Mujahedeen opened a new chapter in the insurgent movement in Jammu and Kashmir. Lashkar was founded by Hafiz Mohamed Saeed in 1990 with its headquarters based in Muridke near Lahore in Punjab province of Pakistan. In March 2000 Maulana Masood Azhar formed Jaish-Mohammed, a terrorist organisation from a split within Harkat-ul mujahedeen (HUM) shortly after his release from Indian prison in 1999 in exchange of passengers of Indian airlines flight IC 814 which was high jacked and taken to Kandahar. A majority of militants who left

HUM and followed Azhar into the newly formed group called as Jaish Mohammed. (CRS report for congress2004).

The attacks of LeT on security forces especially the series of *Fedayeen* attacks on security forces in Jammu and Kashmir and the attacks on Indian Parliament in 2001completely give the indigenious insurgent movement initiated by the local Kashmir's a different shape from insurgency to terrorism. The intentions and the way of operations of these groups played a crucial role in diluting the real motive of the insurgent movement. Due to the insurgency and the counterinsurgency campaign started by the Indian government hundreds of innocent people were killed from 1991 including the militants and security forces. The below mentioned figure shows the data thousands of persons including security forces were killed in the state of Jammu and Kashmir including the security forces and militants.

	<b>Incidents</b>	<b>Civilians</b>	<b>Security persons</b>	<b>Militants</b>	<b>Total</b>
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1995	1479	1161	297	1338	2796
1996	4224	1333	376	1194	2903
1997	3004	840	355	1177	2372
1998	2993	877	339	1045	2261
1999	2938	799	555	1184	2538
2000	2835	842	638	1808	3288
2001	3278	1067	590	2850	4507
2002	NA	839	469	1714	3022

<b>Year</b>	<b>Civilians</b>	<b>Security person</b>	<b>Militants</b>	<b>Total</b>
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2003	658	338	1546	2542
2004	534	325	951	1810
2005	521	218	1000	1739
2006	349	168	599	1116
2007	164	121	492	777
2008	69	90	382	541
2009	55	78	242	375

2010	36	69	270	375
2011	34	30	119	183
2012	16	17	84	117

*Source: South Asia terrorism Portal*

But after 2002 lack of active support for the violence by the people of Jammu and Kashmir because of the heavy toll of human lives lost in the insurgent period from 1990 up to 2002 in the Kashmir valley. More over the change of power from National Conference to People's Democratic Party under Mufti sayeed raised the hopes of the people for the peaceful and prosperous period in coming years in the J & K. That is why after 2002 the lack of active support for the gun culture and the swift counterinsurgency operations carried out by the security forces militancy and the number of militants decline in a dramatic manner.

### **Changing international environment and its consequences on terrorism in Kashmir**

The militant group Lashkar-Taiba who remain as the important organisation to fight against the soviet union along with the Afghan Mujahedeen under the leadership of Hafiz Mohammed Sayeed. Once the war gets over in Afghanistan LeT on its ideology of global Jihad began to send its cadres to Jammu and Kashmir. The group is the militant wing of Jamat-Ud-Dawa. The objective of the group is not only to make the Kashmir a part of Pakistan but also establish the Islamic government in India (Iqtidar 2009). After 2002 under the American pressure the group was banned by the Musharraf government. The group however operates the banner of Jamat-Ud-Dawa.

The earth Quake of 2005 which get the both the parts of Kashmir provided an opportunity for the Jamat-Ud-Dawa to take part in rescue operations and get the public sympathy of the public of Pakistan(Iqtidar 2009).The attack on the Indian parliament, After 2008 Mumbai attacks in which more than 173 people were killed due to the strong protest registered by the Indian government for the involment of Hafiz Sayeed, the government of Pakistan arrested Sayeed under the tremendous pressure from international community.

But all the efforts proved futile when he was released on 3 June 2009 by the High Court due to the insufficient evidences provided by the government of India (Iqtidar 2009). Both the organisations were involved in many suicide attacks in many parts of the country. All these developments played a very contributory role in the decline of militancy in Kashmir. In 2008 as per the information given by the Director general of police Kuldeep Khuda there are 1000 active militants operated in the jammu and Kashmir in 2008 (Hindustan times 15 June2010).

According to the Lt General 15 Corpus Om Prakash the number of militants further decline up to 119 active militants in 2011, but due the infiltration of militants from Pakistan side the number rose to 280 to 300 in 2012(Hindustan times 17 July 2012). The Kashmiri guerrillas are known for targeting police forces, local government officials and their relatives, and destroying infrastructure including buses, bridges, and government buildings from 1990 to 2000 (Ram 2002). These terrorist attacks have amounted to over 8,000 private dwellings and 4,831 shops destroyed by arson until 2002 (Medhurst).

However, after strong counter guerrilla efforts by the Indian Army, many of the insurgent groups in Kashmir have abandoned this form of warfare as too costly, since they have lost most direct engagements. Currently, the primary insurgent organizations that use limited guerrilla warfare as means in Kashmir are the HM and the LeT and JeM, AL Arifen, etc. The most of the attacks on the security forces currently done by these militant organisations for example in 2011 and 2012 only 47 security personal were killed in the jammu and Kashmir and 61 security personal were killed in 2013. These all attacks were carried out largely by the militant organisations belonged to LeT, JeM, and Al Arifen etc.

### **Transition of the Movement from Violent Insurgency towards Nonviolent Path**



After 2002 the terrorist activities began decline dramatically due to the important reason that due to the heavy destruction and killing of thousands of the people throughout Kashmir valley people lose faith in the violent movement for achieving the goal of “Azadi”. The another important reason for the decline of militancy was the lack of support from the Pakistan especially after 11 September 2001 attacks on America, which compel General Musharraf to ban the terrorist organisations like Lashkar Taiba and Jaish Mohammed in 2003. Though the situation in Kashmir on the one hand improves very rapidly as far as the militancy related incidents are concerned.

But on the other hand the resentment of the people against the India remains alive as the way people of Kashmir were suppressed by the oppressive polices of the government. The coalition government between Peoples Democratic Party and Congress under the leadership of Mufti Mahmud Sayeed took some strong measures to improve the situation as far as the use of illegal force on the part of the security forces in Kashmir are concerned (Habibulla 2008). The people who suffer more during the days of violence realised that violence is not the best method to fight against the mighty Indian rule especially under changing international environment. The consciousness among the people about the using of nonviolent path for fighting against the injustice and exploitation that the people of Kashmir met at the hands of Indian security forces from the 1990.

The new dimensions in the Kashmiri politics observed in 2008 when government transfer few Kennels of land to the Amaranth Shrine board, people protested against the land transfer until the government revoked the transfer order (Schofield 2010). Similarly in 2009 when two young sister- in- law Nelofer and Asia were raped by the men in uniform when they were returned from their Orchid located some two kilometres away from their home (Hoffman 2013). The failure of the National conference led government to punish guilty soldiers raised heavy protests throughout the valley. The Paramilitary forces especially CRPF prove very notorious and killed many innocent persons who were protested peacefully against the rape and murder of the girls. Though the team of doctors confirm the rape of two girls but the Central Bureau of Investigation (CBI) stated that the girls died due to the drowning in the water (The Hindu 2009). The people from all sections of the society including the Kashmir Bar Association under the leadership of Mia Abdul Qaoom raised objections against the decision of the CBI. The main issue that the people raised during the protests was the issue of AFSPA which gives a kind of licence to violate the rights of the people of Kashmir. the

reluctance of the central government to give sanction to prosecute those guilty soldiers prove very important factor for the loss of trust up of the people up on the democratic institutions of the country.

Similarly, in 2010 more than 120 innocent especially young persons were killed by the un provoked firing by the security forces during peaceful demonstrations who were raising their voice against the killing of innocent lives and the lack of authority of the state government to punish the guilty security personal because of the immunity they enjoyed under AFSPA (Jones 2013). The origin of 2010 unrest in the valley lays the killing of Tufeel Ahmad Matoo a student on 11 July 2010 by hitting tire gag shell on his head. Similarly another nine year old girl Fancy killed by the security forces when she was looking outside the window of her house. The people took to streets and a series of protests began for the justice of the killers of innocent lives. The government used heavy force to stop the protests which takes the death toll up to One hundred twenty three as per the official government reports.

### **Issues of fake encounters**

The state government tried the level best to persuade the central movement to either remove the AFSPA impartially or make some possible amendments in it so that the security forces will made more accountable. It was realised that peaceful movement that the Kashmiri people started for fight against the injustices and exploitation had put a tremendous pressure on the central government especially after the 2010 protests throughout the valley. The way the security agencies carried out fake encounters under the shadow of the draconian law like AFSPA raised many objections against the India who is considered as the champion of democracy. There are many examples of the fake encounters in Kashmir like in 1997; the alleged fake encounter had taken place in Peer Badeshwar sector on Line of Control in Rajouri sector where the said unit was manning the borders in 1997.

Mohammad Farooq and other two residents of village Kot Dhara under Rajouri police station in a written complaint to DDC Rajouri in March 2007 had alleged that their three persons Abdul Aziz son of Sher Mohammad, Mohammad Aziz son of Mohammad Hussain and Mohammad Yusuf son of Raj Mohammad were picked up by the 18 Dogra and were killed in fake encounter before leaving for new posting. The inquiry was done under the supervision of SSP Farooq Ahamad. The report found that

the soldiers of the 18 Dogra were involved in the killing of these innocent people but due to the lack of cooperation that had shown by the central government, no serious action had taken against the culprits (Kashmir Times 29 April 2013).

In this case again it was the support of AFSPA that demands the sanction of the central government before any action could be taken against the accused security personal. Due to the Lack of will of the army to prosecute any army personal in a civilian court, forces the central government for not giving sanction for prosecution of any security personal in any civilian court. This case raises many questions, about the credibility of security forces operated in the state of Jammu and Kashmir. This case is related with the Chiti Singpora massacre of Sikhs 20 March 2000 committed by the un identified gun men in which 43 Sikhs were killed, the government blamed up on the lashkar taiba militants for such killings but the circumstances and the location of the place very near to one of the army units raises many doubts about the identity of real culprits (Hindustan times 25 October 2010).

The Unified Jihad Council chairman Sayeed Salahuddin blame on Indian intelligence agencies for doing this horrible massacre only to show the bad image of militants to the US President Bill Clinton who was at that time on his official visit to India. After that incident the army claimed that they killed five militants of lashkar taiba who were involved in the killings of 43 Sikhs at Chiti Singpora Anatang in 2000. But the situation took U-turn when the local people claimed that the persons who were killed by the army were not the militants but were civilians. The state government under tremendous pressure gave the order of inquiry. After the investigations CBI on 19 March 2012 in its report says that the persons who were killed by the army before 12 years ago were not militants, but they were civilians and advocated serve punishment for those guilty army men (India Express 2012).

After a long tussle between the CBI and the Army on this issue, as army says that they enjoy immunity and cannot be prosecuted without the central Approval on the other hand the CBI pressed for the speedy trial so that accused will be given stern punishment. In 2012 in a controversial decision the Supreme Court asked the army either allow the prosecution of the accused in the civilian court or either do the prosecution under an army tribunal. The army decided to do the enquiry under the Army tribunal found that all the acceded were innocent and closed the case (25 January 2014). It was a surprising decision because after the highest Indian investigating agency found the Army personal guilty the Army decision was totally out of logic and it denied

the family members of those who killed from justice and allow the guilty Army men to enjoy free and dignified life. After the Army decision came CM Omar Abdullah called it injustice and asked the army to revise the decision (India today 12Feburay 2014).

## **Conclusion**

Indian government continuously talks, about the return of normalcy in the militancy affected Kashmir. The decline of violence in terms of militancy related incidents were highlighted by the government as the faith of the people in the democratic institutions of the country. The uprising of 2008, 2009 and the revolt of the people against the injustices, exploitation, oppression and suppression of the Indian government of the people of Kashmir through draconian laws like AFSPA, TADA and PSA to supress the freedom of speech of expression. But the uprising of 2010 is a clear indication that the people of Kashmir so alienated from the main stream politics, if the government still adopt delay tactics without accommodating the interests of Kashmiri people it will be a really challenge for the government to deal with the new nonviolent resistance of the people.

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