

## **Democracy of Denial: A Situational Analysis of Kashmir crisis**

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**Abstract:** *Neither of them wants to lose the gamble or be defeated in the battle because, on Kashmir depends the survival of both Pakistan and India. The defeat of any one of them would expose the hollowness of the philosophies they have nurtured with sweat and blood. Kashmiris themselves feel seriously that they have become sandwich between the two hypocrite states one being the Pseudo- Islamic and the other being the Pseudo- Secularist. The primal question is what is the basis of their claim? Is Kashmir the basis upon which they have constructed the ideological foundations of their states respectively that the success of one would result in failure and humiliation of the other, nay, failure of the philosophical foundations of statehood of the other? Pakistan stakes its claim to Kashmir on the ground like Islamic Unity and Muslim majority population. Its failure to get Kashmir would amount to failure of two nation theory and in particular failure of the Islam. On the contrary India claims Kashmir on the basis of secular credentials and argues why a Muslim majority state could not be assimilated into its secular society.*<sup>1</sup>

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### **I. INTRODUCTION**

The partition of the country in 1947 rubbed the salt on the wounds of the people. Instead of receiving a fair as they were awaiting for the dawn, to get wedded with the damsel albeit right to life and liberty but to their disappointment the ‘damsel’ was not only stolen away, but Kashmiris were emotionally and physically molested by the two rival states while these folks remain hitherto awaiting for the return of the damsel yet no chance is spared to make her return impossible. In the course of events the polarization along ethnic lines was prompted by these states both overtly and covertly, wherefrom a paradoxical situation arose which on one hand disappointed Pandits who were not pleased with power being vested in the hands of a Muslim politician, on the other hand the aspirations of the Buddhists of Ladakh were lost in the bigger Hindu-Muslim question. Thus bred an ethnic conflict, which is an inevitable consequence of political and social modernization of nations, which are economically less developed and ethnically more plural. The ethnic question gains strength in particular, when the effects of modernization and access to power and education are unevenly spread. As a result the struggle for being the same culminates in being different. In the course of modernization traditions are invented which are gradually traditionalized. The old categories are revalued and the new values are re categorized. The participatory democracy may lead to dissident civil war and bureaucratic benevolence may give way to bureaucratic force. This in ultimate analysis points towards the essentialist and epochalist modes of nationalist dialogizing defined by Greetz being helpful in an analysis of what took place. According to him, essentialist mode is built out of symbolic forms drawn from local traditions. This he likens to vernacular language, in the sense that it is ‘psychologically immediate and socially isolating’. Epochalist mode is built out of the forms implicated in the general movement of contemporary history, and Greetz likens this to a lingua franca, which is ‘socially deprovincializing’ but ‘psychologically forced’.<sup>2</sup> Psychological warfare was in fact unleashed by colonialism in constructing a communal discourse where British constructed India for themselves primarily in terms of religious communities Hindu, Muslims, Sikhs and so on. Indian elites in their interactions with colonial state as well with each other aided and abetted this construction; they made for themselves communal histories with their roots deep in the past. At the same time, in opposition both to the communalizations and to the ‘fundamental unity of India’.<sup>3</sup>

An honest evaluation of Kashmiri mind appears to be appearing neither. They are not Pseudo – Islamists and hence their perception of Islam is different from the Islam espoused by the Pakistan, which bears only physical features and is used for the purpose of identity and nothing more. For over centuries Kashmiris practiced the Islam that has a content, which is pure and simple, based on Jihad al Nafs “self abnegation”, love, tolerance and humanity. Their secularism is galvanized by Shaivaism as its basis that teaches self abnegation not usurpation,

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<sup>2</sup>Hutt, Michael, *Unbecoming Citizens – Culture, Nationhood and the Flight of Refugees from Bhutan*, pp- 160-162, Oxford University Press 2003.

<sup>3</sup>Robinson Francis, *Islam and Muslim History in South Asia*, pp- 14-15, Oxford University Press 2000.

self control, and self centeredness and vengeance, self restraint not self aggrandizement and peaceful co-existence not the violence and intolerance, debate and discourse provided it does not hurt the sentiments of others, wherein no human would trench on other ecological systems that would deny the other its right to life and existence. They are not Pseudo secularists that only bear a label and is bereft of the core and content. They are the simple folks whom the destiny had welded together for thousands of years, who being emancipated welcomed at different epochs of their political history new philosophical thoughts like Hinduism, Buddhism and Islam have made Kashmir a nursery where people were trained to live in peace not in pieces. The Third Buddhist Conference speaks lot about Kashmiris mind and intellectual abilities. In this way ethnicity permeates beyond the horizon of Kashmiri personality to that of Kashmiri identity.<sup>4</sup>The present ongoing movement in Kashmir contains both territorial and ethnic components. The three great empire of Great Britain, Russia, and China met on the border of Jammu and Kashmir state and hence the historic strategic position of the state. The late Maharaja of Kashmir and Sheikh Mohammad Abdullah who had little in common, shared and worked in their way for a similar objective, namely an “Independent Kashmir”. The Britishers wanted to dominate the strategic area directing through an Independent Kashmir and thus tamed the Maharaja accordingly. The Independent Kashmir basis its claim both on peculiar geography and political remoteness of the State from the centre of power as well as cultural distinctiveness. It is a sense of cultural distinctiveness, which lead to ethnic movements making their claims by virtue of an alleged “community of culture”. They possess and share the culture by a state of unitedness. Thus, ethnic separatism in contrast to Islamic separatist movement, is based upon cultural differences, as the members are different not only from their rulers, but also from their neighbours in one or more significant cultural dimensions. Thus, the uniqueness of each ethnic community demands political separatism so that it can run its own affairs according to inner laws of the cultural community, International intervention and support cannot be ruled out for national sovereignty so as to protect the internal right of self- determination which includes the right of ethnic groups, minorities, fundamental rights, empowerment of the people through fair elections, federalism and non -centralization. To all this, secession is an exception because secessionist movements, which deny these very rights, lack moral legitimacy to that extent. However, if internal rights are implemented in letter and spirit the legitimacy for the external right of self -determination in the sense of secession and independence not being ruled out in extreme cases- the same may not be considered desirable and necessary. The former US Deputy Secretary of State Stroke Talbot had aptly remarked that endeavours are made to define and apply the concept of self-determination in a way that is conducive to integration and not disintegration in a way so as to lead to lasting peace than recurrent war.

Self Determination is a principle of internal policy and to that extent a principle of democratic government but a question of primacy looms large as to whether the people should be given the right to ratify the Maharaja’s accession or be allowed to opt out to join Pakistan? And if so under what circumstances? The principle refers to maintenance of international relations among states based on mutual respect thus preserving their sovereignty.

Marxism- Leninism has a proletarian – revolutionary presentation of the question of national self -determination; that it is not a right to autonomy or cultural autonomy, but a right to state secession; the right to secede is dependent upon the expediency to secede and is subordinate to the struggle for the class aims of the working class, the struggle for socialism. It implies a consistent expression of struggle against all national oppression. It is for one thing, means of implementing another very important principle- the principle of proletarian internationalism – and serve as a tool in the establishment of conditions of peaceful co-existence in the world.

The decision about Kashmir will have to be political and economic and not on the basis of religion. Accepting the Pakistani thesis that Kashmir being Muslim must be presumed to go to Pakistan tantamount to giving up every principle that we have stood for and making the position of 40 million Muslims of India very difficult. T.K.Oommen advances an argument in this regard by saying that religion can’t provide authentic content to nationalism, particularly in a society featured by religious diversity. Admitting that states are formed on the basis of religion means going back to the Middle Ages in Europe or elsewhere. However, if the self determination movement does not believe in the values of freedom and as it happened in some cases, becomes intolerant, fascist and terrorist in character, democracy and federalism can satisfy the urge of self determination better than secession or independence. Moreover, should not the right of the dominant ethnic identity be limited to the extent it respects the rights of sub identities and freedom of individuals within it? As Suzuki argues (1996): “it is fundamental to self determination that the power demanded by a group must be shared”. Thus Kashmir’s right of self determination whether within or outside India would have legitimacy to the extent it is willing to share its powers with Jammu and Ladakh.

The closing decade of the last millennium saw the greatest division among the Kashmiris who had held together despite minor provocation and war of words. The new generation was born in the age of contradiction and brought up on ideological conflicts and Kashmiriyat or regional patriotism meant nothing to them in the

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<sup>4</sup>Wani Gull Mohd. & Others, 1993, *Reflections on Kashmir Politics*, Ashish Publishing House, Delhi.

changing times. Most of them were for wild excitement, adventure and easy money and it did not take them long to fulfill their dreams in the company of those who wanted to hold the weak in terror. It was at this point of time that impoverishment by their exclusion from the economic organization of the State and their alienation from all political processes, the Hindus of Kashmir lost the initiative and became the hostages to what was later termed as “the Muslim identity of Jammu and Kashmir”. As the secessionist forces gained the upper hand, pressure was mounted upon them and thousands abandoned their homes. No wonder that during the last four decades about two lakhs of Kashmiri Hindus quietly migrated to other parts of the country. The traditional population balances, which formed the bases of coordinate plurality of the State, was being replaced by a communal identity of the Muslims which found its legitimacy in Islamic fundamentalism. Even the Muslims who did not support the secession of the State gave way after they saw the apathy with which the Government of India watched the death and destruction of Hindus and Kashmir. The policy of denial of employment avenues to the displaced persons has been wrecking havoc on the very survival of this community. This community thus has been living with the most traumatic experience of the destruction of its social fabric, economic familial and environmental relationship and infrastructure. The adverse social, psychological and health consequences suffered by this 5000 years old ancient community have been enormous, particularly due to the loss of its distinct territory, ethno-cultural heritage and identity. This displaced community is a victim of sinister design unleashed by Pakistan sponsored terrorists to deprive the ancient and indigenous Kashmiri Pandits of their right to the territorial locus in Kashmir, so that its social and political order is altered to a mono-ethnic Islamist extremist agenda. This minority community has been deprived of its ancient habitat, language and culture in the Kashmir valley.

India lacks a national policy or institutional legal framework concerning displaced persons. Moreover, the government systematically refers to internally displaced persons as ‘migrants’. At the same time, India shuns International scrutiny over the Kashmir problem and as such denies the international humanitarian access to internally displaced persons. Lamenting upon the pathetic role played by the Indian Government for improving the plight of Kashmiri Pandits, the less said the better it will be. No political party in Jammu and Kashmir Government or centrally influenced one takes the rehabilitation of Pandits as an electoral issue. It’s so because Pandits community is taken to be in small numbers and as such their existence or elimination does not seem to bother them. Moreover, their rehabilitation or favouring their settlement is an uphill task for both the State government and the Central Government. It’s so because due to the fact because this endangered community is beyond doubt pro-Indian in soul and Kashmiri in constitution. The Government till date has done nothing concrete to substantiate their livelihood economically and socially. Then ofcourse there is the security concern. Dumping them in one area and then asking them to exercise their will within the demarcated boundary is itself a crucial threatening issue.

The most serious problems surfaced by virtue of the flaw in basic assumption underlying the dichotomy between the refugees and internally displaced persons, which threatened the very basic sanctity of the realm of human rights. It has been said that internally displaced persons suffer more than refugees. This may be, because refugees, by definition, have already their own country- the locus and source of their persecution- and may be benefitting from the international assistance and protection, which are inaccessible to the internally displaced persons.

There are, to be sure, arguments in far of maintaining the status quo by having one regime (refugee law) for the victim still within the bounds of their own state. The fear has also been expressed that a synthesis could result in dissipation of funds and goodwill for refugees in the face of growing compassion, fatigue and retrenchment in refugee policy. Is not sovereignty still a potent force that can deny international protection to internally displaced persons no matter how degrading or genocidal their treatment? (*Luke T.Lee; Internally Displaced Persons and Refugees : Towards a Legal Synthesis ? Journal of Refugees Studies, Vol. 9, Oxford University Press, p-27-40, 1996*).

The ethnic identity is described as a static feature and this view, in modern political science and sociology, is said to be traceable to Max Weber<sup>5</sup> nevertheless it is difficult to find what might be called the ideal primordialists in the literature on ethnicity and nationalism. The term Primordialism which is the root of primordialist has often been used to denote the view of ethnic identity as attachments derived from place of birth, kinship, relationships, religion, language and social practices – something that is primarily based on descent. These core features are said to be acquired at birth, they persist through time and are sometimes claimed to provide the basis for understanding the rise and development of nations.<sup>6</sup> For example Clifford Geertz has argued that primordial attachments are ‘given’ but a closer reading reveals that Geertz thinks that attachments can also to some extent, be acquired in a culture. As such Geertz does not consider culture to be

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<sup>5</sup>Widman Stein, *op.cit.*, p- 11 citing Max Weber

<sup>6</sup>Widman Stein, *Kashmir in Comparative Perspectives- Democracy and Violent Separatism in India*, p- 11, Routledge Publications 2002.

entirely static.<sup>7</sup> Indeed it is even difficult to describe Anthony Smith's position on the role of ethnicity in the development of nationalism as primordial if one insists on static nature of ethnicity. But can the ethnicity be a characteristic feature of personal identity that can change, at least to some extent over time? More crucial differences appear when some theorists try to explain violence and separatism within the spectrum of views agreeing that ethnicity is to large extent the prime mover in the casual chain that leads to violence. All the same the historical determinism cannot be ruled out in other words it is said that an area that is conflict ridden in the past is likely to stay so. Ethnic Divisions, which often have a historical origin, make a co-existence difficult. Contrary to this some writers exaggerate this position greatly because in their opinion ethnic conflicts are caused by irrational feelings or some unique form of passion that will inevitably erupt when different groups come into contact. This is not only caused by antagonism rooted in history rather because difficult ethnic identities act as repelling magnets which make the blood in people's vein to boil. The symptoms like this are present in Horowitz's abstraction on the subject as well. It is deducible from his assertions that internal dynamics which are typical of political parties based on ethnicity are the main causes of violent conflicts. In his opinion economic theories cannot explain the extent of the emotions invested in ethnic conflicts. He does not subscribe to the view that economic factors contribute to the secessionist or separatist movements as he concludes: "economic interest may act either as an accelerator or break on separatism. Yet among the most frequent and precautionous secessionist backward groups in backward regions, economic loss or gain plays the smallest role and ethnic anxiety the largest".<sup>8</sup> His arguments are further elaborated with references to group psychology and the emphasis is clearly placed on the uniqueness of ethnicity this is evident from a detailed discussion of the conflict promoting character of ethnic party systems. Horowitz describes what he calls the ethnic two party systems where the competitive behavior of an ethnic party is limited to its own ethnic group. Whereas in non-ethnic two party systems the centripetal forces continue to influence voters in the buffer of the right and the left somewhere in the middle consequently political positions of the parties are therefore constantly moving closer together. On the other hand in ethnic party system the buffer remains constantly missing. This is why ethnically based parties are mainly concerned with their flanks within ethnic spheres not across them and centrifugal forces always adopt radical and non-parliamentary policies and approaches. The extremism further increases by the fact that the incentive to use violent means may increase after an election in an ethnic party system if the results are in favour of one, and the other is locked in disadvantageous position. This is most challenging attempt to grasp the dynamics that could explain why ethnic conflicts occur.

It has generally been observed that a tendency to form parties along ethnic lines is very strong mostly in deeply divided societies, in particular when few major ethnic groups meet at the national level of the polities. As such the definition of ethnic party system denotes deep divisions, which is one of its main important characteristics. Besides it introduces the ethnically based party into the party politics. On this very basis it is argued that ethnic party system fosters ethnic conflict. But why do groups suddenly become politically polarized along ethnic lines, perhaps, Horowitz can't explain. The analysis of his theory leaves much unsaid about how institutions such as the public service sector, the police, the party organizations and the institutions like that promote or counteract mobilization and conflict. In this regard great importance is attached to constitutions and electoral system. Furthermore Horowitz attaches great importance, so examines, how do political parties regulate recruitment to their cadres. These assertions are a part of the dialogue between Horowitz and Arend Lijphart on the question of the nature of the constitution such divided societies should espouse. Constitutions may indeed be important but something more is probably needed to explain social instability. In this regard it is pertinent to mention that neither Horowitz nor Lijphart lays much emphasis on the fact that power relations and patterns of mobilization in many of the third world states they cite as illustrations, are more often determined by factors other than the intricacies of the constitutions. In this regard the case of Jammu and Kashmir State of India Union can be cited as an example to prove the inadequacy of the theory Horowitz has floated. Although he argues that ethnic parties are tactical democrats as opposed to democrat by principle.<sup>9</sup> He does not explain why ethnic parties fail to accept a minority position over an extended period, whereas the facts confirm to the contrary because there have been ethnic parties that have accepted minority positions over a long period. There is little doubt that party polarization along with ethnic lines has led to many problems. In certain situations parties tend to assume more and more antagonistic positions which may produce violence. As many writers propose that ethnic sentiments are charged with stronger emotions than other aspects of human identity that is why ethnic party competition is more conflict prone than other forms of competition. This position belongs to a school of thought which considers heterogeneous societies inherently unstable. That may be on occasions manifest that

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<sup>7</sup> *Ibid*; citing Clifford Geertz

<sup>8</sup> *Ibid*; citing Horowitz

<sup>9</sup> *Herbert Tingsten has been the one who used this label to denote who supports a democratic system as long as elections have good prospects of winning. If elections are lost the tactical democrat abandons the democratic system while as democrat by principle always supports democracy whatever the outcome to his/her own party.*

ethnic conflicts are more likely to cause acts of gross inhumanity than Church- state and class conflicts. In similar vein the ethnic sentiments can be a source of blind ferocity and orgies of passion.<sup>10</sup> It may not be out of place to refer to Rousseau and other classical Republicans who generally hold that patriotic feeling and political participation rested and could only rest on social, religious and cultural unity, because they were the political expressions of a homogeneous people.<sup>11</sup> According to Walker Connor ethno-nationalism and genocide are caused by non-rational core of the nation which provides unique ‘emotional well-springs’ that make people willing to die and kill in the name of the nation. In the support of his theory Connor refers to a number of ethno-nationalist movements that have caused widespread suffering and he links his argument to Freud’s attempts to grasp the emotional source of national identity. This view appears to have confirmed by the report of Journalists on other conflicts as well as the one in Jammu and Kashmir which has often been described as an ethnic conflict stemming from the peculiarities of the Kashmiri mind.

Cultural breakdown of the Kashmiri’s it seems can’t be explained within Marxian paradigm according to whom nationalism has no place in the industrial economy because units are created without boundaries as a result of which nationalism would finally have to exit the historical stage. The recent ethnic and nationalist mobilization is an embarrassment especially for Marxist one can at least point out that ethnic and nationalist mobilization was not expected by social scientists of the left in 1970’s.<sup>12</sup> The Marxian theory that power is the prerogative of the ruling class; and the conflict and violence is the result of struggle between the ‘haves’ and have – not’s’. As such violence may take two distinct forms; one is the reactionary violence of the bourgeoisie controlling means of production at the cost of the poor and the other one is revolutionary violence of the proletariat, the consequence of the exploitation by the latter, which is unavoidable in the process of acquiring power for and by the poor. This would then be sufficient to float a hypothesis that socio-economic theories can still be useful to the study of present kind because the strains of development and socio-economic differences may well help to produce the discontent that spill over into violent separatist movements. The class may not be synonymous with ethnic group but class differences between groups in society can be found to exist in those societies which have an antagonistic relationship. Such a theory while addressed to Kashmir constrains one to study the problem in its historical context as has been argued that the road to modernity leads to situations where traditional ethnic identities may clash when confronted with the demands of the integrative process associated with the modern state.<sup>13</sup> This view has been reinforced by Sameul Huntington who has argued that the phase between the traditional society and the modern – the modernization phase – is associated with political instability.<sup>14</sup>

Kashmiri society is traditionalistic yet it does not concur with Marxian paradigm that violence, is the mid-wife of any traditionalistic society. It is to the credit of sense of solidarity and feelings of oneness that Kashmiri have long back dared to launch a struggle against the exploiters. The peaceful strike of Shawl weavers in 1865 and the Silk factory workers agitation in 1924 clearly bring out the solidarity of laboring masses against the economic and political oppression vis a vis oppressors and confirm Marxist Philosophy that economic units are above nationalism and national boundaries.<sup>15</sup> Tradition is politicized by consciously resurrecting the memories of past struggles and by juxtaposing historical narratives of subjugation and oppression with illusions to mythology and folklore eulogizing heroic conquests and victories against the enemy.<sup>16</sup> All this may be true to communities other than the Kashmiris because in Kashmir Folklore is spread over fantasy than about the victories and subjugation of Kashmir or its people because both Hindu as well as Muslims attributed such events to Karma or acts done as such submitted to their fate without being the fatalists. The concept of Jihad in Islam and Dharma Yudha in Hinduism and the Martyrdom of Gurus among the Sikhs are examples of religion legitimizing the use of violence. The same did not break the cultural piebald of the Kashmiri people because they in real terms understood the meaning of Jihad and did disseminate the same among their people in the Gurukul, schools and mosques respectively the message that was discernible from Dharma Yudha, and Jihad. The same interpreted by these people to emphasize on introspection and self -control. This is well discernible from the Rishi order which has shaped the Kashmiri mind both of the Hindu’s and Muslim’s. Within this mind frame both the communities managed to live together because they did not suffer any identity crisis since the land was not molested by the foreigners hitherto. This kind of unison was attributable to Kashmiriyat explicable in terms of Piety, honesty, righteousness, and hospitality rather than a culture associated with nationalism, land and language. The same culture is exhibited by these people unconsciously where they speak of themselves even

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<sup>10</sup> *Pierre van den Berghe cited in ibid*

<sup>11</sup> *Ibid at page 15*

<sup>12</sup> *Widman Stein , op.cit, p- 19 , citing Craig Calhoun*

<sup>13</sup> *Widman Stein, op.cit; at p- 11 citing Clifford Geertz*

<sup>14</sup> *Id; citing Samuel Huntington at p- 20.*

<sup>15</sup> *Wani, Gull Mohd. Et, al; Reflections on Kashmir Politics, Ashish Publishing House Delhi, 1993.*

<sup>16</sup> *Bahera, Navnita Chada, State Identity and Violence: Jammu, Kashmir and Ladakh, pp- 21-30, Manohar Publishing House, Delhi, 2000.*

in the contemporary times. This amply shows that the cultural heritage of Kashmiri people is a blend of individuality, independent thought, an emphasis on learning and respect for all religions and equality of justice. The same were the essentials of Kashmiriyat.<sup>17</sup> This was confounded by a reputed Hindu Journalist who now a migrant confirming that 'his generation of Hindus and Muslims had always felt a keen sense of unity. Yet the Muslims suffered discrimination, but it was at the hands of the rulers not the people and that distinction has had always underpinned the relationship. Now the Pandits are bitter towards the Muslims he refuses to concede the death of Kashmiriyat'. He is determined and so firm that he observes, "kashmiriyat can't die, it is in the soul, psyche, culture and personality of the people, Hindus and Muslims and something of it must still survive."<sup>18</sup> The extent of Kashmiriyat may be gathered from the observations made by the Hindu Women who when asked about the terrorists, replied, "They are my cook's son, my maid's husband, the mali's brother. They are young men who may have known and cared for how we can hate them? They are misguided murderers but they are our own people. We can't hate we weep". As such there was no gap between reality and expectation prior to societal violence in Kashmir.<sup>19</sup>

The post- independence influences affected people to such an extent that their actual physiological and psychic spiritual actualization became less than the potential one. This shows that the abysmal gap between the reality and the expectation is the nursery of the societal violence.<sup>20</sup> But the things worsen when the state power is very described as part of structural violence which without any scrupulously defends injustice as something normal and natural or in a few cultures divine as well. Thus marginalized through structural violence the people are not rendered only economically poor but also culturally and socially alienated as well thus are driven in a pathological state of dependency<sup>21</sup>. A civil society requires trusted political institutions as well as interpersonal trust. People socialized into an undemocratic political regime have good reason to distrust the institutions of a repressive state.<sup>22</sup> After independence, the spurt in provincialism, often rooted in ethnic and linguistic assertions, found expressions in the clamour for linguistic states.<sup>23</sup> The problem of Jammu and Kashmir needs to be examined within this frame. This is in particular true where violence occurs as a result of mobilization taking place along ethnic lines. Violence in fact may be the result of differences that initially lead to strong polarization of communities and subsequent emphasis on ethnic identity in politics assumes importance. In this regard a study of historical roots of separatist demands and antagonism among communities in Jammu and Kashmir would prove useful.<sup>24</sup> This is so required because at the onset of 21<sup>st</sup> century the State of Jammu and Kashmir has become a cause of nuclear flash point between India and Pakistan thereby not only threatening the stability of South East Asia but the life of the suffering people.<sup>25</sup> The problem of inadequate representation of the Kashmiri identity continue to plague regional stability in south Asia as a result attention has been drawn by incessant writings on the subject to its constructive nature, to the fact that ethnicity is devised and deployed often consciously as part of an explicit political agenda using whatever is at hand<sup>26</sup>, be it religious, linguistic or cultural signifiers. This agenda is usually- but not always- implicitly linked to issues of socio-economic and cultural wellbeing. It results in erosion of culture and spiritual wellbeing and hence the need arises to reclaim in territorial homeland that would renaissance. Where it is not attended to it is likely to result in territorial homeland that would reproduce the dynamics of nationalism itself and the same would become hostage of the subsequent ethnic mobilization by subsets of identities within itself. Thus like nationalism we cannot fix imagination of ethnicity within the parameters of space and time, they are indeed liable to move in response to differing cultural and political contexts. Viewed within this frame specific ethnicity can be a particular form of self-awareness and political representation which in particular circumstances can become extremely polarized against other forms of identities and associations. In such circumstances are deeply paradoxical for it claims for itself permanence, a Primordialism even that is belied by its origins and its own mutability. This can be seen particularly in case of Kashmiri identity within the regional context of emerging and contested ideas of what are

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<sup>17</sup> See: *Walter Lawrence Bose, Sumantra; The Challenge in Kashmir – Democracy, Self Determination and a Just Peace, Sage Publications, 1997.*

<sup>18</sup> *Alen Campbell, op.cit; citing Stpal Sahini at p- 239*

<sup>19</sup> *Ibid*

<sup>20</sup> *Roy Laser A; Wrestling Against Shadows – Minorities – Globalizations – Violence, p- 76-96, 2002*

<sup>21</sup> *Ibid*

<sup>22</sup> *Rose, Richard, Shin, Doh Chull; Democratization Backwards: The Problem of Third World Democracies, British Journal of Political Science, p- 354, Cambridge University Press, 2001.*

<sup>23</sup> *Hasan, Mushirul; Making Sense of History, Society, Culture and Politics, p- 77, Manohar Publishers Delhi.*

<sup>24</sup> *Ibid. p-15 citing Horowitz*

<sup>25</sup> *Ganguly Rajat and Macduff Ian, Ethnic Conflict and Secessionism in South and South East Asia, Causes Dynamics, Solutions, 2003.*

<sup>26</sup> *Ibid; at p- 57*

to be Pakistan or India. It is in the wider context of this competition that the definition of Kashmiri identity becomes factionalized and largely ideological<sup>27</sup>. The universality of ethnicity in the Indian context warns us of difficulties, if not impossibilities of devising political sentiments on such transient identities especially when it is more connected with history of state building and formation.<sup>28</sup> Given the current political climate an enlightened Muslims Leadership will certainly develop but Allama Iqbal's requisite of power would have to be satisfied by a collaborative effort involving an all-party all religious legislature.<sup>29</sup> The same appears to have been pleaded by scholars while insisting upon that unless a Muslim liberal intellectual class emerges, Indian Muslims will continue to cling to obscurantist Medievalism and Communalism, causing their social and cultural death. A worst possibility is that of Hindu revivalism destroying even Hindu liberalism, for the latter can succeed only with the support of Muslim liberals who would modernize Muslims and try to impress upon these secular democratic ideals.<sup>30</sup>

Causes of Violent separatism: The absence of the ideological content among the militant groups in the valley, it appears, is the most striking feature of the present Kashmir crisis. The crisis is superficially political in nature but a digging at its roots reveals its economic content and cultural identity as well. The same may be pleaded on the basis of some cogent reasoning, which forms a basis to study violent separatism in Jammu and Kashmir. Among the approaches to study and analyze the crisis the most striking are cultural, socio-economic and political approaches that may be relevant and apply to the instant case. The cultural identity "die not" caused the conflict and the socio cultural conditions were at the most secondary factors but the political factors have remained at the bottom as the most vibrant and influencing ones.

Political explanations: Pt. Nehru while referring to Kaul Von Clausewitz's definition of war 'as merely the continuation of policy by other means' remarks that his insights are anticipated in the discourse on real politic presented by Chanakya in Artha Shastra more than two thousand years ago. An understanding of the rationale behind the strategy of violence becomes essentially relevant to the study of violent separatism. Because the same, according to Clausewitz,<sup>31</sup> constitutes a strategy to achieve certain political goals. This does not suggest over emphasizing on the rationalistic approach since violent action by certain groups may also be the only desperate option in some situations, rather than the result of careful weighing of the alternatives and ordered preferences. It is however possible to understand and explain violence in terms of what Atul Kohli, Joel Migdal and Vivienne Shue<sup>32</sup> call a state- society approach which suggests that violence can be a result of choices and also a symptom of the character of certain institutions in the society. This implies that socio-economic factors should be considered, but all the same the inclusion of state and political parties and their elites should be insisted on to analyse that they exert independent influence in causing revolutions and thus become equally applicable to explain the violent separatism. It may not be out of place to mention that in the study of revolution ideas of anxiety, alienation, rising expectations and the like play important role as to cause disequilibrium, role conflict, structural strain and so on yet the factors that play decisive role are on the whole political ones because the structure of power, alternative conceptions of justice, the organization of coercion, formation of coalitions, the legitimacy of state, all these traditional concerns of political thought provide large scale structural changes like industrialization, modernization and urbanization affect the probabilities of revolution as they shape the potential contenders for power and transform the techniques of governmental control and shift the resources available to contenders and governments. This is what Linz,<sup>33</sup> has to suggest where he argues that the crucial variables in the political perspectives are the political actors, their capacities and their formulation of political demands. It undermines the consensus of democratic parties thus affecting their capacity to cooperate. Such crisis is the result of the lack of efficacy of successive governments when confronted with serious problems that require immediate decisions. In this context breakdown is the result of processes that are initiated as a result of government's incapacity to solve the problems for which disloyal oppositions offer themselves as solutions. Kohli, while accommodating Linz, attempts to analyze the main threats to the democracy in India including the rise of ethnic conflict and argues that the rise of conflict and uninhibited ethnic mobilization has resulted from the breakdown of institutions and patterns of power distribution in the states in India. The de-institutionalization of power distribution in the states in India. The De-Institutionalization of party structures, police and the bureaucracy poses the biggest problem since laws and rules become more difficult to uphold in an atmosphere of fierce political competition. In his view the role of

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<sup>27</sup> *Ibid*; at p- 59

<sup>28</sup> *Id*; p-61 citing Ayesha Jalal

<sup>29</sup> Salman Khurshid, "Islamic Renaissance", *The Times of India*, 2<sup>nd</sup> March 2004

<sup>30</sup> Rama Chandra Guha, *Double Defect*, *The Times of India*, 23<sup>rd</sup> March, 2004, p-18

<sup>31</sup> Widmalm Stein, 2002, *Kashmir in Comparative Perspective- Democracy and Violent Separatism in India*, Routledge Publication, p-10

<sup>32</sup> *Ibid*; p-13

<sup>33</sup> *Ibid*; opp.cit, p-15

state becomes pivotal in containing or promoting the conflict which revolves around variables considered decisive in the governability of a democratic state are like quality of leadership, leadership choices, prevailing ideology, the degree of intra-elite harmony and the design of such dominant political institutions as the party system and the legislative and executive relations. The same is important because political opportunity structure in which separatism may gain strong momentum is decided not only by the presence of discontent among the citizens or by the resources available to organization that aim to pursue certain political goals but the extent or success of the advances by the separatists depend on the political environment and decisions by leaders as the same may trigger an unexpected spiral of violence. The political factor as has been discussed by Kohli refers more specifically to the breakdown of the institutions, and the power struggle among the elites than to the ideological content as suggested by Sharma and Mishra.<sup>34</sup> As such it may be primarily argued that neither the historical and/or cultural background nor outside intervention contains the main explanatory reasons for the discontent. In case of Kashmir it dates back to 1953 and reached its climax only in 1980's. Scholars conversant with Kashmir studies have described the period of 1980's as the key period that finally led to violent separatism. This power struggle can explain, as it was, at least a contributory if not exclusive factor of the crisis. Paul Brass<sup>35</sup>, Ashutosh Varshney and Sumit Ganguly<sup>36</sup> have drawn the same line as early as 1992. Sumit Ganguly supplies credence to this argument and gives support further to Kohli's views where the former pleads that the combination of political mobilization and de-institutionalization produces political violence. One of the causes of such de-institutionalization may be delineated from the casual role of ethnicity. In this context the two perspectives authored by John Stuart Mill<sup>37</sup> in his discussion of political institutions in consideration on representative government. This may be from the 'top-down' which is outcome of choice made by decision makers, the second proposes the opposite to the 'bottom-up' perspective which lays emphasis on the growth of the government, than the government that is being formed. Within this frame the governments are projected like organism that have functional characteristic like human beings. Such governments carry with them the emotions and sentiments of the general public unlike the top-bottom theory. Where these emotions of people are not carried along the crisis is bound to happen that may lead to violent separatism.

However the most vaguely defined but also the most intensely debated nowadays are the cultural explanations. The theories of conflict, violence and separatism that use culturally specific explanations. The theories of conflict, violence, and separatism that use culturally specific traits as explanatory components usually emphasize the role of ethnicity and ethnic factors. This kind of enquiry has produced variety of suggestions and suppositions, in particular during the last two decades and since the fall of the Berlin wall. The theories of conflict, violence and separatism that use culturally specific traits as explanatory components usually emphasize on the role of ethnicity or ethnic factors. Because it is widely argued that conflicts such as the one like Jammu and Kashmir is ethnic in nature and rooted in cultural difference --- a theoretical proposition -- that needs to be tested. And the same caution has to be observed because the theory development in this field has been of varying quality as the literature on ethnicity has expanded so has the usage of the concept. In this regard it may not be out of place to mention that ethnic conflict has also come to be used as a general label of movements with diverse political goals. What used to be called civil war insurgency, communalism or separatism has lately been renamed as ethnic conflict. Actually most authors today consider ethnic identity a characteristic of personal identity that can change to some extent over the period of time. Ethnic Conflicts are caused by irrational feelings or some unique form of passion that will inevitably erupt when different groups come into contact. This is not only caused by antagonism rooted in history. It is difficult ethnic identities act as repelling magnets. Which make the blood in people's veins to boil? Howowitz<sup>38</sup> is of opinion that an internal dynamic, which is typical of political parties based on ethnicity are the main cause of violent conflicts. He has elaborated it further by the 'conflict promoting character of ethnic party'. He describes it what he calls the ethnic party system where the competitive behavior of an ethnic party is limited to its own ethnic group because its members are committed and cohesion is maintained by the centripetal forces. On the other hand in the 'non-ethnic two party systems', centripetal forces operate that attract the voters located some where in the middle operating from left and right. In an ethnic party system a defeated ethnic group in the elections would naturally assume to be more prone to take radical and non-parliamentary action. This is a most challenging attempt to grasp certain dynamics that could explain why ethnic conflicts occur and the role of party dynamics has to be kept in mind where we examine the case of Jammu and Kashmir. We can find many cases where party polarization along ethnic lines has led to problems, to say the least. As Howowitz points out that in certain situations parties tend to assume more and more antagonistic positions, which may produce violence. The violence in Jammu and Kashmir

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<sup>34</sup> *Ibid*; p-16

<sup>35</sup> *Das veena, Uberoi, Gupta Dipanker, Pluralism and identity, Sage Publications, p-61*

<sup>36</sup> *Ibid*; p-21

<sup>37</sup> *Ibid*; p- 22

<sup>38</sup> *Ibid*; p-24

confirms this phenomenon because the violence in the valley shows a strong connection with the mobilization that occurred along ethnic lines. But violence then, can be regarded as only as a symptom or outcome of other problems as well. The need arises to determine as accurately as possible the factors that cause the strong polarization of communities and the emphasis on ethnic identity in politics. As a result the culture of the group whether ancient or newly fashioned it has affected a change in values, which was politically induced only to break a homogeneous culture of a society that was pluralistic in nature. This was geared around a basic notion to further promote ethnicity and nationalism, which could be attributed to competition between the elite groups craving for political power in the state. All the same, the mobilization occurs on the basis of political interests as it can be even attributed to socio-cultural interests as Carl – Ulrik Schierup<sup>39</sup> confirms the same. The critique implies that factors other than ethnicity must be examined, too, when analyzing the causes behind Kashmir crisis.

Can there be some kind of socio-economic causes behind this turmoil in Jammu and Kashmir because unlike ethnic theorists the Marxists scholars generally search underneath mobilization as economic content explicable in terms of a hidden class struggle. Notwithstanding the criticism leveled against Marxian assumptions one feels like agreeing that Marxist influenced socio-economic theories may help to study the instant crisis because the strains of development and socio-cultural differences may contribute to the discontent among the masses and spill over into violent separatist movement especially where top-bottom based political system is in vogue. Although class is not synonymous with ethnic group yet class differences between the groups in the society produce antagonistic relationships. Thus it becomes imperative to seriously consider between socio-economic development, discontent and the violence.

Notwithstanding the criticism leveled against the traditional/ modern clash as a basis of separatist violence, one feels like admitting that modernity leads to situation of instability as Samuel Huntington<sup>40</sup> argues because traditional ethnic identities may clash when confronted with the demands of the integrative process associated with the modern state confirms Clifford Geertz<sup>41</sup>. Further more modernization always eradicates traditional values and creates a gap in identity paving the way for fundamentalist identity which may be religious or otherwise. This is so because lack of economic development or large scale changes may cause frustration and discontent, which may be expressed through demands for separate statehood. In this regard the views of Robert Gurr<sup>42</sup>, are relevant who attributes violence to ‘relative deprivation’ which refers to the gap that may appear between an individual’s expected and real well being where from breeds the tension because of a conflict between ‘ought’ and ‘is’ which in essence refers to collective value satisfaction and that which disposes men to violence. However a sociologist has to look at the nature of the gap which cannot be measured yet it should be justifiable that polarization and violence may be predicted. The same is confirmed by Paul in whose opinion almost in all movements that threaten social order the social inequality gives legitimacy to their political goals. This view is by and large supported by Edward Muller Seligson<sup>43</sup> who found that inequality in land and income coupled with repressive order promotes high levels of political violence, which can be averted either by total oppression or absolute liberal treatment of political opposition that is the only option in democracy. In the former case, the violence against dissidents, their imprisonment, killing, and torture, is bound to produce violence, and leaves small space to dissidents to organize and express their discontents. The results are same where there is semi-repressive regime that allows some expression of discontent and organization but fails to give dissident groups opportunities to participate effectively in political decision making. Kurt Schock has opined that political opportunity structures can have a moderating effect on political violence and the same is confirmed by Gurr where he argues that the state and its institutions can play a crucial role in the development approaches using more detailed case studies like statistical studies can not, reveal inner and intricate dynamics that lead to conflict, yet their importance does not mitigate.

Search for Refuge and/ or Refugee status: The aftermath of migration was more powerful and disastrous both to the identity and the being of Hindu Migrants. The apathy of the government vis a vis tribulation of migrants was on account of division in the bureaucracy that was dominated by the Muslims who on account of political favouritism had reached the highest positions toed the official line and supported the processes of Islamisation of the state and its Muslim precedence. The personnel of Indian Administration, too, failed to rise to the occasion consequently the Hindu’s sprawling on the streets in the temple city of Jammu were left without any shelter or relief not even a temporary one. The hunger and disease might have taken a heavy toll but for the efforts of the voluntary Hindu Organisation, which immediately swung into action.

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<sup>39</sup> For details see Widmalm Stein

<sup>40</sup> *Ibid*; *opp.cit*, p-23

<sup>41</sup> *Ibid*

<sup>42</sup> *Ibid*;p-27

<sup>43</sup> *Ibid*; p- 28

The exodus of Hindus was followed by wide spread depredations of their places of worship back home. The Hindu religious, cultural and minority institutions were destroyed with greater zeal. The buildings in which the officers of the Hindu social organisations were located were also burnt down or subjected to bomb attacks. Hindu educational institutions were either burnt down over by desperados supported by militants. Almost entire organization of Hindu schools and colleges run by the Hindu Educational Society, the Dayanand Anglo – Vedic Organization and the Vishwa Bharati Trust were either burnt down or ceased by the militant sponsored Muslim Organization in a swift maneuver. The Minister of the State for Home stated in the Indian Parliament that 38 temples and Hindu shrines were demolished, damaged and desecrated in Kashmir during the year 1998-99. Apart from the vandalism unleashed against the places of worship the actual figure may be higher. The state government did not bother to collect information about 68 temples and shrines located in the remote villages or more ancient and sacred places. The situation further worsened with the demolition of Babri Masjid in 1992<sup>44</sup> when traditional Muslim intolerance towards Hindus erupted into widespread attack on Hindu temples and places of worship. As a result thirty nine temples were demolished, burnt and desecrated by frenzied mobs who cried for death to India and the Hindus. The destructions of the temples and religious institutions were evidently aimed to destroy the Hindu religious tradition and culture and to pave the way for total Islamisation of Kashmir. The militant organizations followed a systematic policy to uproot Hindus from Kashmir and inflict economic and social sufferings on them to break their resolve to return home. This policy was followed right from 1989 when they were dispossessed of their land, orchards, business establishments, trade, shops and all that fell within their localities and means of production. This is testified by the fact that between 1999 to 2004 around 18,000 houses were burnt down or destroyed, many more houses were occupied by mercenaries who served the militant organizations<sup>45</sup>. All this happened in time of legislative enactments like Jammu and Kashmir Migrant Immovable Property (Preservation, Protection, and Restraint on Distress Sales) Act, 1997 which has failed to check the prevalence of fraudulent mutation and distress sale, due to the failure of the State government to protect such properties. The State Government without mincing words informed the Jammu and Kashmir Legislative assembly that 653 houses and 2000 canals of Land of migrants were under illegal occupation. The State Government informed the National Human Rights Commission too that it had completed the job of making inventories of the immovable property left behind in the Kashmir valley by the displaced persons and that the total number of structures belonging to the migrants is 16979 out of which 5870 structures have been gutted or damaged<sup>46</sup>. This has been a mere eye wash because the list does not include the number of apple, walnut and almond orchards nor does it refer to the millions of willow and poplar trees sold as timber during the past more than a decade. The displaced community has been living with the most traumatic experience of the destruction of its social fabric, economic, familial and environmental relationship and infrastructure. The adverse social and psychological consequences in terms of health suffered by this five thousand years old ancient community have been enormous particularly due to loss of their distinct territory, ethno-cultural heritage and identity. With the assistance of Pakistan the terrorists unleashed terror to deprive the Kashmiri Pandits of their right to the territorial locus in the Indian State of Jammu and Kashmir so that its social and political order is altered to a mono-ethnic Islamic agenda. In the course they are deprived of habitat, language, culture due to lack of attention by previous Kashmiri Pandit emigrate to the preservation and dissemination of their mother tongue. This is true of all Pandits in forced exile in various part of India. Since language is the most potent cultural marker providing for group identity concerted steps need to be taken urgently to promote the usage of Kashmiri language as mother tongue by all Kashmiri Pandit households. They should also ensure that their number is properly enumerated in the census. At the governmental level Central Government and its institutions like Sahitya Academy should recognize Devnagri as alternate script for Kashmiri Language so that the ethnic religious minority of Kashmiri Pandits is not deprived of the patronage given by these Commission of minorities when left prompted to take up the issue of more than 300000 remarked, “At the moment every political party is framing its manifesto. So we are going to ask them what their stand on this issue is. If there is a consensus among the political formations on this issue in a particular area.”<sup>47</sup> While reacting to these remark Dr Agnishekhar, the President of Panun Kashmir said that he fully agrees with these assertions that resettling Pandits would be a test of Kashmiri secularism. But the divisions have become so deep that even the Women’s wing of Panun Kashmir- Daughters of Vitasta – alleged atrocities by the security forces on women in the valley was propaganda to gain sympathy. Whether the pilot project would take off shall be no more than autopia.<sup>48</sup> Seeing through the foreign land behind their exodus the panun Kashmir had urged the then Prime Minister Atal Behari Vajpayee to ask Pakistan President Pervez Mushraff at Agra Summit to recompense the Kashmir Pandits for their extirpation from their homelands.<sup>49</sup>

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<sup>44</sup> Madan T N; 2002, *Family and Kinship – A Study of the Pandits of Rural Kashmir*, Oxford University Press, New Delhi, Preface to paperback edition.

<sup>45</sup> For details see Teng and Gadoo 1998, *Kashmir: Militancy and Human Rights*

<sup>46</sup> *Ibid*

<sup>47</sup> Thomas Christopher, 2000, *Faultline Kashmir*, Brunel Academic Publishers, p- 247

<sup>48</sup> [www.rediff.com](http://www.rediff.com): Return of Kashmiri Pandits test of Kashmir Secularism : NCM by Basharet Peer, <http://newsarchives.indiafo.com>

<sup>49</sup> Prince Susannah, *Musharraf’s Kashmir Strategy*, 12 July, 2001