ABSTRACT

Kashmir conflict has resulted in three wars between India and Pakistan. It has unleashed huge miseries to the people of Jammu and Kashmir. It has consumed huge resources (human as well as economic) of both the countries. Much worse is that it still persists as a real threat to the stability and peace in South Asia.

Jammu and Kashmir had been constructed as a conflict during the colonial era. The formation of India and Pakistan out of British India had heavy cost for the political future of Jammu and Kashmir. The text of history was manipulated in a way that both India and Pakistan interpreted it in their own themes of national discourse. While India claims that Kashmir is its Atoot Ang (integral part) Pakistan claims it is her Shah Rag (jugular vein). The result was Indian and Pakistan administered Kashmir.

The thesis is entitled “State Politics in Jammu & Kashmir: Role of The All Parties Hurriyat Conference”. To know the role of APHC, it is necessary to understand the Kashmir conflict from the historical context. This historical understanding is necessary to understand the subsequent political developments in the Indian part of Jammu and Kashmir to which this thesis deals. The most momentous incident in Indian part of Kashmir is the eruption of militancy in early 1990s. One of the fallouts of militancy in Kashmir was the emergence of new political actors. The most important among them is the All Parties Hurriyat Conference (APHC), a separatist organization. Thus, APHC has roots in the history itself. It played not so significant role but of late it has revived itself. Its significance has increased because militancy in Kashmir has diminished to a significant level which in turn has left space for non-violent resistance.

This study is divided into five chapters. The first chapter, “Jammu and Kashmir: A Historical Background” analyses the formation of modern Jammu and Kashmir as a political region through a critical exposition of its history. Jammu and Kashmir has been mostly under foreign domination since ancient times; bet it Mughals, Afghans, Sikhs or finally Dogras. The Treaty of
Amritsar between British India and Dogra ruler, Raja Gulab Singh, led to the formation of present Jammu and Kashmir. This treaty also gave princely status to the state.

In this chapter, the focus is on Dogra rule and its nature. Dogra rule essentially was communal in nature apart from being authoritarian. The Muslim majority community was not only denied basic rights but their entire religious and cultural identity was subverted. They were discriminated in social, political, economic and religious spheres. Dogras made Kashmiri Pandit Community in Valley to be on top places of state administration, i.e. from revenue to education and all other important places. Only a few elite Muslims got jobs in the state administration and maximum population worked as peasants and most times they worked not on their own land, but on the land owned by some Kashmiri Hindu or Dogra. The Dogra state also banned certain Muslim religious practices like cow-slaughter, ban on Azan (call for prayer) and converted many mosques, shrines and other sacred places of Muslims into stores for grains and ammunition.

This continuous denial of rights and exploitation of Muslims of the state, finally lead to their assertion against the repressive Dogra regime. They launched the freedom struggle initially under the banner of Reading Room Party and later, the National Conference under the leadership of Sheikh Mohammad Abdullah became the vanguard against the communal and oppressive Dogra Raj. While challenging the exploitative and communal rule of Dogras, religion became the force of mobilization for the Muslim community, because basically religion was the basis of exploitation.

While Muslims of the state were fighting for their rights, certain important political developments occurred with regard to India’s future destiny. One of these developments was the arrival of the Cabinet Mission to India, to discuss with the representatives of the India the question of Indian Independence. However, after the failure of Cabinet Mission to reach at any consensus, the British Government in 1947 declared its plan to partition the India.
The partition was executed on the basis of the two-nation theory. The Muslim provinces were merged to create the dominion of Pakistan and the provinces with majority of Hindu population were joined together to form the dominion of India. But this scheme of partitioning did not apply to the five hundred and sixty five (565) Princely States such as Jammu and Kashmir. The British Government announced their plan that these States were free to decide up on their future. However, the rulers of these Princely States were advised by the Crown to take economic factors, geographical contiguity, the aspirations of their people and similar other factors into consideration while taking the decision vis-à-vis accession. The accession was amicably settled with regard to all the States except the State of Hyderabad, Junagard and Kashmir. Hyderabad and Junagard were non-Muslim majority States with Muslim rulers. Kashmir’s status was converse to both of them-The Kashmir State had a Hindu ruler but an overwhelming majority of the Muslim population- While former two states joined the dominion of India, the Maharaja of Jammu and Kashmir did not accede to either India or Pakistan but showed his interest in independence of the state. However, the tribal invasion led Maharaja to sign the instrument of Accession with the Indian Union on October 26, 1947. The deed of accession, however, became controversial, as on one hand, Lord Mountbatten, the then Governor-General of India, put a question mark on the legitimacy of this relation by communicating to the Maharaja that acceptance remains provisional subject to ratification of people of the state. On the other hand, Both Kashmiris and Pakistanis contest this decision of accession as non-binding and unfair as the populace had already rebelled against the ruler before he could decide the fate of the State.

The Kashmir dispute got recognition at an international level when India in 1948 took the matter to the United Nation’s Security Council. The UN Security Council, through its Resolutions no. 47 (1948), 51 (1948), 80 (1950) and the United Nations Commission for India and Pakistan (UNCIP) resolutions of August 13, 1948 and January 5, 1949, declared that accession of
Jammu and Kashmir to India and Pakistan should be decided through the democratic method of a free and impartial Plebiscite.

Thus, it is clear that the roots of Kashmir problem lie in the partition of British India, the way religious politics has been used in the partition and the denial of Plebiscite (as guaranteed by UN, demanded by sizeable chunk of Kashmiris and promised by Indian State). This historical understanding is necessary to understand the subsequent political developments in the Indian administered Jammu and Kashmir.

The Second chapter, “Growth of Militancy: an Analysis of Historical-Politico Factors” deals with the rise of militancy in Indian administered Jammu and Kashmir in early 1990s. The study locates the roots of militancy in the failure of Indian state to respect the original constitutional relationship between Indian Union and State Government. The instrument of accession which formed the basis of relationship between Indian Union and State Government accorded special status to the state as it restricted the jurisdiction of Indian Union over external affairs, defense and communications. This special status was ratified by the Constituent Assembly of India by inclusion of an Article in the Indian Constitution, drafted first as Article 306-A and then finalized as Article 370. Article 370 became the constitutional symbol for Indian Union and Kashmir Government. However, The post Nehru period witnessed major constitutional changes in Centre-State relations which were mainly manifested in the form of extension of Emergency Provisions (Article 356 and 357) to the state of Jammu and Kashmir, change in Nomenclature from Prime Minister to Chief Minister and Sadr-e-Riyat (Head of State) to Governor. Also the right to nominate Governor was entrusted to President instead of State Assembly. This policy of integration naturally had a backlash in the Kashmir and sowed the seeds of alienation. Secondly, the failure of democracy and subversion of democratic institutions… rigging of elections, removal of elected governments and installment of puppet governments, absence of opposition, Grassroot democracy, etc. are responsible for the rise of militancy in Kashmir. Besides these factors, it was found that economic underdevelopment, poor
governance, unemployment and support of Pakistan are responsible for the rise of militancy in Kashmir.

This chapter documents that the most important factor for the rise of militancy in Kashmir is the presence of separatist tendencies in the State from very beginning. The growth of such tendencies took place during the crucial years of Sheikh Abdullah when he was sacked from power in 1953. Sheikh’s removal was followed by the growth of separatist groups. Plebiscite Front (PF) was the leading which functioned from 1955-1976. It was followed by a large number of small and big separatist groups like People’s League, Al-Fatah, and Jama’at-i-Islami etc. These groups claimed that accession of State to India is a temporary and provisional and demanded resolution of Kashmir Issue according to Plebiscite. These groups organized resistance against Indian State from time to time. However, these separatist groups could not pose any serious challenge during the life time of Sheikh Mohammad Abdullah but they kept the sentiment of separatism alive in Kashmir.

The most turning-point is the election 1987 which is considered to be watershed in the political history of Kashmir. In this election a new political alliance called Muslim United Front (MUF) participated. It was an alliance of various organizations in which Jama’at-i-Islami enjoyed the dominant position. The main objective of MUF was to fight the NC-Congress alliance in the polls. For both NC and MUF, polls had assumed a sort of a character of a referendum for their respective political positions. However, these elections were massively rigged by the Congress Party at Centre in collusion with the NC in the state, to prevent any victory by the MUF which was considered too dangerous by the Indian State. MUF was not only defeated but its leaders were arrested and tortured. Now, there is a wide consensus in the literature and political commentators that the seeds of militancy were sown in the Srinagar Central Jail, where hundreds of political activists and leaders of the MUF were languishing in the aftermath of the 1987 State Assembly Elections.

The rigging of elections led this politically conscious generation of Muslims to take up different path of demanding their rights. This generation
was also emboldened by the success of Afgan Mujahideen against the Soviet Union to go for armed rebellion. Thus, there was growth of various militant outfits in the post-election period to fight the illegal government and in a broader sense the very fundamentals of Indian rule. Youth, who earlier contested elections and campaigned for MUF, joined these groups in thousands like Yasin Malik who campaigned for MUF became the Chief of JKLF, Mohammad Yusuf Shah (the defeated MLA from Amira Kadal Constituency, Srinagar) became Syed Salah-u-Din, presently Supreme Commander of United Jihad Council (UJC)-a Muzaffarabad based conglomerate of various militant outfits that are active in Kashmir.

Initially, the armed movement was led by JKLF which was advocating an independent, secular and democratic Jammu and Kashmir based on pre-1947 geography. Later, the movement was hijacked by other militant outfits like Hizbul Mujahideen (HM), Muslim Janbaz Force (MJF) and several others which were demanding accession to Pakistan. Thus, armed movement split along two ideological lines: one pressing for independence and the other demanding accession to Pakistan.

The third chapter, “Formation of All Parties Hurriyat Conference” deals with the formation, ideology, objectives and organizational structure of APHC, causes of split and efforts of reunification. This chapter is the chief concern of this study which shall be read in the light of the preceding two chapters; especially the second chapter is a precursor to the circumstances which led to the birth of APHC. When militancy erupted in Kashmir, there was a growth of various militant outfits to fight against Indian rule. The situation became in early nineties chaotic and the mayhem of emergent armed movement needed a political platform to negotiate on the gains made on military front. As there was a complete breakdown of political process, both militant outfits and remnant political outfits of erstwhile MUF felt the need to streamline the ‘armed movement’. An important attempt in this direction was made by the formation of ‘Tehreek-i-Hurriyat Kashmir’ (THK) by MUF veterans and other separatists like Syed Ali Geelani, Mian Abdul Qayoom,
Qazi Nisar and Molvi Abass Ansari. Tehreek-i-Hurriyat Kashmir which came into being in 1991 was a union of several Parties which disputed India’s control on the state since 1947 and were the adherents of pro-Pakistan stance. Thus, THK was an amalgam of different people with same feeling to Pakistan. However, THK could not provide a sustainable platform to meet the growing expectations of its founding fathers as some of its leaders were arrested and imprisoned. Obviously, it was liquidated and fresh attempts were made at having a broad based separatist organization and the formation of new party was just the culmination of that urge.

On December 27, 1992 Mohammad Umar Farooq, Mirwaiz of Kashmir, called a meeting of various religious, social and political organizations, at Mirwaiz Manzil, Srinagar, to launch a joint political platform. The meeting consented to have a common political platform under the name of ‘All Parties Hurriyat (freedom) Conference’. Hence, All Parties Hurriyat Conference (APHC) came into existence in July 1993- the year when constitution of APHC was finally approved and adopted- as a political amalgam to fill the vacuum created by the dissolution of MUF and Tehreek-i-Hurriyat Kashmir (THK). APHC is a conglomerate of almost thirty organizations which resolved to harness armed rebellion and channelize it for a political process.

On the one hand, APHC gave a political platform to the militants to settle down their inter-group conflicts, on the other hand, it attempted to internationalize the Kashmir Issue at different international forums. In a very short time, it achieved a fair deal of success to create an international space for itself, owing to its popularity and the active backing it received from the Pakistan. For example, the APHC enjoys an observer’s status in the Organization of the Islamic Conference (OIC).

According to the APHC, Jammu and Kashmir is a disputed territory and India’s control on it is not justified. It supports the Pakistani claim that Jammu and Kashmir is the ‘unfinished agenda of partition’ and needs to be solved as per the aspirations of the people of the State. The APHC had distanced itself from participating in elections affirming that the elections under the Indian
Constitution would deliver no results. Its slogan is ‘no election, no selection, only solution’. Its Constitution abides them for seeking and demanding the resolution of the dispute either through right to self-determination or a negotiated solution that may be agreed by India, Pakistan and people of Kashmir.

Soon after the emergence of APHC, it witnessed clashes within its ranks on many issues. Fielding of proxy candidates in 2002 elections by People’s Conference, Hurriyat’s approach regarding the boycott campaign in the absence of Syed Ali Geelani and dilution of avowed stand that the UN Resolutions form the necessary basis of Kashmir, were some of the issues of contention in various constituents of the APHC. It made cleavage among the APHC and the amalgam got divided into two factions what came to be known as APHC (G) APHC (M). Subsequently one group was labeled as moderate group. This group held negotiations with the Indian Union, supported a bilateral dialogue process between India and Pakistan and also accepted some other resolutions like General Parvaiz Mushrraf’s Four Point Formula, Something is better than nothing became their new slogan instead of Right to Self-Determination as envisaged by various UN resolutions on Kashmir problem. The prominent figures of this group are Mirwaiz Umar Farooq, Prof. Abdul Gani Bhat and Molvi Abas Ansari. However, the other group labeled as hardliner, remained steadfast on their stand viz-a-viz Kashmir issue, i.e. Right to Self-Determination as the only solution to Kashmir issue as guaranteed by the UN. The hardliner group of the Hurriyat Conference always vehemently criticized the policies and programmes of the APHC (M). The prominent persons of this group included Syed Ali Shah Geelani, Mohammad Ashraf Sharie, Masrat Alam Bhat and Gulam Nabi Sumbji. Both factions are working separately with separate Executive Councils and offices. Many attempts were made to bridge the gap between the two factions but without any success.

The other aspect of this chapter is the comparative study of Tehreek-i-Hurriyat Jammu and Kashmir (THJK) and Jammu Kashmir Liberation Front (JKLF) which are two important constituents of APHC, their ideological
orientations, techniques of mass mobilizations, their utility in expanding mass bass and their role in Kashmir politics. Tehreek-i-Hurriyat Jammu and Kashmir headed by Syed Ali Shah Geelani is an outgrowth of Jama’at-i-Islami which came into existence on August 2004. It wants the establishment of an Islamic system of governance (Shari’ah) in Kashmir and supports accession of State to Pakistan. Tehreek-i-Hurriyat’s steadfast stand and anti-India-programmes expanded its support base. It played an effective role in shifting the Kashmir movement to new and young generation in the last couple of years. This organization has a distinction of promoting Islamic tendencies and leanings and produced Islamic leadership on the forefront and the centre stage. The use of religious identity for political mobilization resulted into the failure of Tehreek-i-Hurriyat to reach other regions of the State like Jammu, Ladakh. On the other hand, Jammu Kashmir Liberation Front was formed on May, 1977 in London by Amanullah Khan. It was the first broad based armed organization which played very important role during armed rebellion by mobilizing support of local people and international community for the independence. It began armed struggle with an idea of an independent, secular, democratic Jammu and Kashmir based on pre-1947 geography. However, JKLF got divided into two groups- Kashmir based unit led by Yasin Malik and Pakistan based unit led by Amanullah Khan- when its leader Yasin Malik, once the staunch supporter of armed struggle, renounced armed struggle after his release from jail in 1994 and adopted Gandhian method of non-violence and democratic ways to mobilize international community and people of the state. Yasin Malik’s *Safr-e-Azadi* (Journey for freedom) is one such example. The study of these two constituents reveals that there are ideological as well as methodological differences within constituents of APHC. It as points out that APHC is an amalgam of various parties in which there are maximum differences instead of maximum similarities.

The fourth chapter, “All Parties Hurriyat Conference: Engagement with the Indian Government and the New Political Developments in Kashmir” traces the role of APHC in the form of its negotiations with the Indian state.
Some sort of dialogue process between New Delhi and APHC (M) did happen during the Vajpayee Government (2002-2005). It was the first time that New Delhi held dialogue with Hurriyat which manifests the recognition of the Hurriyat as an important stakeholder in Kashmir issue. However, one important faction that had chosen to remain outside the dialogue process was APHC (G), because according to them ‘dialogue under the Indian Constitution and without any proper agenda is a futile exercise and wastage of time’. This dialogue process was carried forward by Manmohan Singh led Government in 2006 when it called Round-Table Conferences, though mainstream parties participated in conferences like National Conference (NC) but APHC stayed away from the conference by calling it ‘premature’. Nevertheless, The Conferences led to the formation of Five Working Groups but only one Working Group has submitted its report and its recommendations also remained on paper. This dialogue process was supposed to normalize Kashmir and to win the hearts and minds of Kashmiri people.

All this dialogue process happened in the era of PDP rule. The formation of People’s Democratic Party (PDP) by Mufti Mohammad Syed, Former Home Minister of India in 2000 is one of the important political developments in Kashmir. This party became a new political player in the 2002 Assembly Elections and formed coalition government with the Congress. Under PDP rule Kashmir saw a lot of social reconstruction for example Special Operation Group (SOG) was disbanded. Normalization of hearts and minds was undertaken like Srinagar-Muzafarrabad bus service was opened for the people of Kashmir.

The PDP’s rule saw a new wave of protests over the Amarnath Land Row (2008) which changed the entire political equation in Jammu and Kashmir. Apart from falling of PDP-Congress coalition government and imposition of Governor’s rule, it came as a blessing in disguise and reactivated both the factions of the APHC. There was resentment in population across the Valley over the transfer of land to the Shrine Board. This resentment was channelized by Hurriyat which compelled the government to revoke the order
regarding the transfer of land to the Shrine Board. Amarnath Land Row led to the emergence of many other things which can be summarized as

a) Kashmir Valley saw huge mobilization which resulted in development of political consciousness and further alienation from Indian State.

b) A new development emerged in the sense that Kashmir’s resistance movement got transformed from armed rebellion to the non-violence resistance.

c) Attachment to land was seen as a highest desire for nation.

After this land row, Jammu and Kashmir saw an Assembly Elections in November-December 2008, which led to the change of government; NC-Congress formed a coalition government while Hurriyat boycotted the election. The change in government was seen as a hope for peace, but soon this peace was shattered by the new form of protest known as ‘stone pelting’. These protests began over the violation of human rights like Shopian rape and murder (2009), fake encounters like Machail encounter (2010). During these protests APHC assumed a new role and adopted new moderate techniques to pressurize Indian State into the resolution of the Kashmir problem. This forced Indian State to send an All Parties Delegation to Kashmir and announce some new mechanisms of resolution like Interlocutors. It revived democratic ways of addressing the political problem of Kashmir.

This chapter brings out that APHC has emerged as a strong party legitimized by the support of the people in Kashmir’s political scene after Amarnath Land Row as it put certain demands before the Indian State like demilitarization, revocation of AFSPA over which first time national debate started. One important development within APHC was also shown that some of its factions began to fight elections like Sajad Gani Lone’s People’s Conference participated in 2008 Assembly elections, some have started talking about daily issues and argue for the involvement of the people of Jammu and Kashmir in any dialogue process between India and Pakistan like APHC (M).
The last chapter titled “Multiple Paths to Peace” deals with different conflict-resolution methods existing in Jammu and Kashmir. These include the resolution of some mainstream political parties like National Conference’s Autonomy, People’s Democratic Party’s Self-Rule as well as separatist groups like JKLF’s Independence, Tehreek-i-Hurriyat’s Accession to Pakistan, Lone’s Achievable Nationhood. NC’ autonomy envisages the restoration of pre-1953 autonomy. PDP’s Self-Rule document is more or less similar to the demand of the autonomy with only difference that it talks of economic integration of two parts of Jammu and Kashmir. Sajad Lone’s Achievable Nationhood is seen as a much realistic solution to the Kashmir problem as it provides a solution while keeping in view all complexities associated with the conflict. It calls it ‘Homeland Model’ where a shared notion of sovereignty between India and Pakistan is visualized. However, an analysis of these proposals reveals that there are certain common themes in all these proposals like autonomy, cross-border mechanisms, demilitarization, and financial autonomy etc. Thus, these proposals advocate more or less greater autonomy for the State which seems much-demanded solution for Kashmir Issue.

Other proposals are suggested by JKLF and Tehreek-i-Hurriyat, JKLF stands for Independence not less than complete independence of both parts of erstwhile J&K. Tehreek-i-Hurriyat demands right to Self-Determination as per UN resolutions. However, right to self-determination as per UN resolutions rules out the possibility of a separate nation- in UN resolutions the choice is either India or Pakistan- for the people of Jammu and Kashmir or it simply denies the choice called as Azadi, famous in the vocabulary of the protests in Jammu and Kashmir. It also manifests contradiction in Hurriyat camp about the future political status of the Jammu and Kashmir.

The existence of a number of pathways to peace in Jammu and Kashmir, points toward the complexity of the problem. However, it is found that there is a need of some peace building measures like restoration of democracy, zero tolerance to human rights, cross-border cooperation in various sectors, economic development, employment etc. though this may not be the ultimate
solution to the issue, it may prepare some ground for arriving at a solution and meanwhile relieve the people of the State from day to day violence and turmoil. And a broad acceptance of any solution lies in its acceptance by all the three parties—India, Pakistan and Kashmir. All these parties shall agree. This only can end the conflict and provide lasting peace in South Asia.