CHAPTER 4

4. ALL PARTIES HURRIYAT CONFERENCE: ENGAGEMENT WITH THE INDIAN GOVERNMENT AND THE NEW POLITICAL DEVELOPMENTS IN KASHMIR

Indian State has consistently looked at Kashmir as an internal problem. Any demand for Azadi or self-determination has been seen as heretic or a violation of the Indian state’s national integrity. There has been a clear understanding that Kashmir is an integral part of India and on this there can be no compromise. Given this paradigm of the Indian state, a separatist group continued to survive in Kashmir. This group known as Hurriyat Conference, has received different treatment from the Indian state. There have been many efforts to alienate them politically. Of late, there have been intermittent efforts to engage them. In response to this, Hurriyat has also followed the same policy. Within the separatist camp, there are some who have moderated their stand and held dialogue with New Delhi while few have not compromised. Along with this process of engagement and disengagement, certain political developments emerged in Kashmir. There has been a shift from militant resistance to non-violent resistance. People have abandoned arms and started picking up stones to express their demand for self-determination.

4.1 Efforts by the Indian State to Engage Hurriyat

Indian state has used both military and democratic processes to control and construct peace in Kashmir. Military forces have been empowered by exemplary laws like AFSPA (Armed Forces Special Powers Act).\footnote{AFSPA (Armed Forces Special Powers Act) was introduced in Kashmir in 1990. It provides security forces extraordinary powers to shoot, search and arrest without warrant, all under immunity from prosecution in respect of anything done or purported to be done in exercise of powers conferred by this Act} In the early 1990s, Indian state’s focus primarily was to control insurgency. It has tried every military tactic to eliminate armed opposition. During this period, Kashmir was under Governor’s rule and no political process was allowed to exist. However,
when the military action became successful, Indian state tried to revive political institutions to bring democracy and progress in Kashmir. It is under the banner of ‘normalcy’ that such processes were carried. But this ‘normalcy’ was supposed to the normalization of Kashmiri minds. To attain democracy and integration in Kashmir such efforts were made.

The efforts known as Confidence Building Measures (CBMs) have been introduced in Kashmir by the Indian state. Infact, Indian state has followed a two-way strategy to tackle the issue of Kashmir. On an international level, it has tried to use diplomatic tools to engage with Pakistan and on internal side, it has introduced some confidence building measures to gain the legitimacy of Kashmiris.

One such effort in the internal side has been the establishment of ‘The State Autonomy Committee’ (SAC) in 1996 to look into the issue of autonomy for Kashmir.² The report of the Committee recommended that only defense, foreign affairs and communication had to be given to the Central Government leaving the rest of the powers to the State Government as was the case before 1953.³ But, owing to the domestic party politics of Indian society this report was overlooked. Among the national parties, BJP strongly opposes any demand for autonomy for Kashmir. The state BJP President, D K Kotwal, opposed it resolutely and insisted that ‘Farooq is trying to divert attention from his failures. Leave alone autonomy, we will not rest till Article 370 is abrogated.’⁴ It (BJP) has made clear that Kashmir needs to be integrated further and any devolution of power will sow the seeds of separatism and hence, further harm the integrity of Indian nation. Congress has a double policy and responds to the mood of the vote bank when it comes to any such demand for autonomy. It succumbs to the pressure of electoral politics to decide on any issue of importance like Kashmir. The Hurriyat Conference also rejected autonomy as a solution to the Kashmir dispute. Syed Ali

² State Autonomy Committee was set up by Farooq Abdullah’s government in 1996 and submitted its report on 1996.
Shah Geelani, the then Chairman of the APHC, said that the struggle for the right to self-determination and for a permanent solution to the problem would continue.\(^5\)

However, much before this autonomy debate, there has been devolution of power in Jammu and Kashmir. It was in May 1995, that the Government of India passed the Ladakh Autonomous Hill Council Act which created Autonomous Councils in Leh and Kargil along with an inter-council district to promote co-ordination and communal harmony.\(^6\) Apart from this devolution of power, the electoral process was revived in Jammu and Kashmir. As a prelude to this stage, the government released top political activists including Shabir Shah, Syed Ali Shah Geelani and Abdul Gani Lone\(^7\) and many militant leaders were also released to gain the confidence of the people. In October 1996 State Assembly elections were held in which Farooq Abdullah’s National Conference has emerged as the key player among all other political parties. The Indian State also made efforts to engage separatists in a dialogue. The entire process was thought to normalize Kashmir and bring it back into the mainstream democratic institutions.

### 4.1.1 Dialogue Process under Vajpayee Government

During the Vajpayee Government, efforts were made to engage militant and separatist groups in a dialogue. In this regard, a major peace initiative was carried in 2000 when K.C Pant, a noted Politician and former Congress Cabinet Minister, was appointed as the Chief interlocutor to hold discussions with the various groups in the state. Pant extended an invitation not only to the APHC leaders but also to other politicians from Kashmir who were committed to a peaceful resolution of the conflict.\(^8\) The APHC leaders rejected the invitation on the ground that Pakistan was not included. An eight member Kashmir Committee

(KC) headed by former Law Minister, Ram Jetmalani, was also set up. However, this committee was dissolved and N N Vohra (Presently Governor of J&K) was appointed as the interlocutor for NDA government. All this interlocution was aimed to engage the militant groups and Hurriyat in a dialogue process. However, A dramatic change came in July 2000 when *Hizbul Mujahideen* (Militant group in Kashmir) declared cease-fire which was accepted and reciprocated by the Government of India. The cease-fire was soon followed by talks in Srinagar between the militant groups and the Indian government. But the talks collapsed when the Indian government refused to include Pakistan as demanded by *Hizbul Mujahideen*. Thus, the cease-fire was called off on May 2001.9

However, the Indian government was persisting with the attempts to start a dialogue in the spirit, described by Prime Minister Vajpayee, of *insaniyat* (humanity). In November, he stated that ‘combat operations’ would not be carried out against militants during the *Ramadan* (month of fasting for Muslims).10 This cease-fire was extended but hope that it would jump-start a political process was dashed by the APHC’s rejection of talks, as it wanted Pakistan should be included in talks as well, (a condition unacceptable to India). Both the cease-fire and dialogue initiatives were impeded by divisions among Kashmiri militants and political groups as *Hizbul Mujahideen*’s cease-fire announcement in 2000 drew strong criticism from other militant groups in Kashmir.11

Despite these obstacles, some sort of dialogue process between New Delhi and some Kashmiri separatist groups did happen in the years following the collapsed cease-fire. In this direction one important development in the separatist politics in Kashmir happened when Prime Minister Vajpayee’s special representative, N. N Vohra (who is presently Governor of the state) held talks with Kashmiri separatist leaders and direct talks between APHC (M) and the

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11 The Guardian, July 31, 2000
Indian government took place for first time in January 2004. In January 2004, N. N. Vohra was retained in the same capacity by the Congress-led national government elected in May 2004. Efforts to promote dialogue have been helped by several militants abandoning the armed struggle. Yasin Malik, Shabir Shah, Firdous Syeed- the famous ex-fighters, now surrendered militants- opted for dialogue and political struggle instead of the guns. Meanwhile one faction of APHC led by its then Chairman Molvi Abass Ansari and its members comprised Mirwaiz Omar Farooq, Bilal Gani Lone, Abdul Gani Bhat, Fazal Haque Qurashi, held two round table talks in L K Advani’s office (the then Deputy Prime Minister) on 22 January and 27 March 2004 under the Indian constitution. But one major group 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”. Hence forth, on June 2, 2005 a nine-member delegation of APHC (M) including Mirwaiz and Yasin Malik traveled to Azad Kashmir and Pakistan by Srinagar-Muzaffarabad Bus service. During their two week visit they met with prominent political leaders from Pakistan and Azad Kashmir, but the United Jihad Council (a conglomerate of different militant organizations led by Hizbul Mujahideen Chief, Syed Salahuddin) had officially rejected an invitation to meet the visiting Hurriyat leaders. The new approach of Hurriyat was also evident from their selection of a modified vocabulary to present their discourse. For example, they started talking about a ‘place of honour and dignity’ instead of right to self-determination and *Azadi*. Soon after, APHC faction led by Mirwaiz welcomed

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14 Ibid.,
16 Greater Kashmir, April 2005
the Four-Point Formula\(^\text{18}\) of General Parvaiz Musharraf (the proposal was also welcomed by Dr Farooq Abdullah of National Conference and Mufti Mohammad Syeed of People’s Democratic Party).\(^\text{19}\) The formula was, however, strongly rejected by the Geelani faction. Geelani became unhappy with the new discourse of the Pakistan leadership as well as APHC leaders led by Mirwaiz. The United Jihad Council too expressed its disapproval and disappointment. The spokesman of the UJC said nothing short of the right to self-determination to the people of Jammu and Kashmir was acceptable.\(^\text{20}\)

### 4.1.2 Dialogue Process under Manmohan Singh Government

The dialogue process was carried forward during the Manmohan Singh-led UPA Government. It started with Round -Table Conferences in February 2006 in which both the pro-freedom and pro-Indian political leaders of Kashmir were invited. However, the Hurriyat Conference declined the offer of the Manmohan Singh and stayed away from the conference by calling it “premature”\(^\text{21}\). But the mainstream parties like NC, PDP participated in the conference where several issues were discussed without any concrete results. Criticizing this talk-process, APHC leader Mirwaiz Umar Farooq said in his Friday sermon: “We had some apprehensions about the Round-Table Conference and the apprehensions came true. This Conference was like a seminar and failed to yield any result for the permanent solution of the Kashmir dispute, it is necessary that India, Pakistan and people from both parts of Kashmir should be involved in talks. A series of talks and agreements between Srinagar and New Delhi have failed,”\(^\text{22}\)

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\(^\text{18}\) Parvaiz Musharraf, former President of Pakistan, proposed a “four-point solution” to the Kashmir issue on December 5, 2006 in an interview with NDTV (an Indian television channel). His formula includes: soft or porous borders in Kashmir (but no change of borders); autonomy or “self-governance” within each region of Kashmir; phased demilitarization of all regions; and finally, a “joint supervisory mechanism,” with representatives from India, Pakistan and all parts of Kashmir, to oversee the plan’s implementation. For details see Pervaiz Musharraf’s book’ *In the Line of Fire’*.

\(^\text{19}\) Matto, Amitabh; Kak, Kapil; Jacob, Happymon, (edt.), *India and Pakistan-Pathways Ahead*, KW Publishers Pvt Ltd. 2007, p. 8

\(^\text{20}\) Tribune News Service, December 6, 2005


\(^\text{22}\) Muslim Observer, June 1, 2006
Notwithstanding, the criticism earned by the talk process, Indian government seems determined to continue the same. “During the second Round T-able Conference in Srinagar in 24-25 May 2006, Indian Prime Minister announced setting up of five Working Groups (WGs) to further the dialogue process in the region. While the first WG focuses on CBMs, the second focuses on strengthening relations across LOC, the third one deal with economic development of the State, the fourth WG aims at providing good governance to people and the fifth one aims at strengthening Center-State relations."23 I am here referring the recommendations of a working group which submitted its report.

4.1.2.1 Working Group on Confidence Building Measures (CBMs)

This group under the Chairmanship of Mohammad Hamid Ansari was formed to look into certain problems in Kashmir and also provide the remedies for those problems. It was established after the announcement made by Manmohan Singh (PM) in the Round Table Conference held in Srinagar on 24 and 25 May, 2006. The Working Group submitted its report in January, 2007.

Agenda

The group had the following agenda before it:

1. Measures to improve the condition of the people affected by militancy.
2. Schemes to rehabilitate all orphans and widows affected by militancy.
3. Issues relating to the relaxation of conditions for those who have foresworn militancy.
4. An effective rehabilitation policy including employment for Kashmiri Pandit migrants.
5. An approach concerning issues relating to the return of Kashmiri youth from areas controlled by Pakistan.
6. Measures to preserve and protect the unique cultural and religious heritage of the State.24

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24 Report of Working Group, pp.1-2
Methodology adopted by the Group

It followed the method of discussion and consensus between the members of the groups to arrive at the final recommendations. The group held a series of discussions with State and National political parties. It also visited the migrant camps and finally, in the light of all the experiences, tried to arrive at a consensus.25

Recommendations of the Working Group

In the light of its agenda, following were the recommendations made by the Working Group:

A. Following measures are needed to improve the conditions of people affected by militancy:

1) The necessity of curbing human rights violations. Prime Minister’s commitment for ‘zero tolerance’ of human rights violation was appreciated. The need to strengthen the State Human Rights Commission (SHRC) and revitalize its functioning was asserted. The state Human Rights Commission shall be strengthened on the lines of National Human Rights Commission (NHRC) and it shall be provided with investigative machinery. Also, its recommendations shall be obligatory and in case of non-acceptance of its recommendations, the reasons for a speaking order shall be given. An empowered committee shall be established to report regularly on the action taken by the Government on the recommendations of the commission.

2) All the victims of the militants shall be provided relief and assistance. An order of preference was given to the affected in terms of their loyalty and proximity to the state. For example, the first beneficiaries of relief were considered to those victims who are associated with military, paramilitary or police. Then, those who were not connected with militancy.

3) Termination of exceptional laws and maintenance of law and order through normal laws. It was recommended that laws like AFSPA and Disturbed

25 Ibid., pp. 2-3
Areas Act violate the fundamental rights of citizens and adversely affect the public and hence, these shall be scrapped.  

B. Following schemes and measures were recommended for the rehabilitation of the orphans and widows affected by militancy:
1. Complete data of widows and orphans affected by militancy shall be collected for making their rehabilitation effective. A social cell shall be set up for the identification and rehabilitation of widows and orphans.
2. Relief to victims shall be speedy and reach them directly.
3. Administrative delays and malpractices in reaching relief to the concerned shall be curbed.

C. Measures relating to rehabilitation of militants who have given up militancy consisted of providing them a hope of a dignified life and a general amnesty to those who are languishing in jails.

D. For rehabilitation of Kashmiri Pandits, following measures were recommended:
1. The right of the migrant Pandits to return to their original place of inhabitance.
2. Besides, job opportunities for Pandits, safety of Pandit property from illegal occupation and other necessary measures for their safe return.

E. The approach for the return of the youth from the Pakistan controlled Kashmir shall involve the classification of their infiltration and their identification which may involve their numbers and other criteria for their return.

F. A comprehensive policy on the preservation of the cultural and religious heritage shall be made. For this comprehensive plans and autonomous institutions shall be made.

Besides these, there were other recommendations of the Group. As this group was the result of the Round-Table Conferences, its recommendation has very less meaning for the Hurriyat Conference. However, it was a positive development in the sense as it somehow got the attention of the Moderate faction

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26 Ibid., pp. 6-8
27 Ibid., pp. 8-9
28 Ibid., pp. 10-11
29 Ibid., p.12-13
of the Hurriyat. But the recommendations of this group mostly remained on paper. Also, there were other groups which looked at different aspects: some focused on the economic development of Kashmir, some on the Confidence Building Measures (CBMs) across Line of Control (LOC) and so on. All this dialogue process flourished in an era where militancy had waned down and when there was a change in the electoral politics in Kashmir. The dialogue process happened in the era of PDP rule.

4.2 Formation of PDP and Beginning of the Reconciliation

The formation of People’s Democratic Party (PDP) was a landmark development in the political scene of Kashmir. For the first time a prominent Congress leader and former Home Minister of India, Mufti Mohammad Syed, became instrumental in establishing a regional political party namely People’s Democratic Party (PDP), in the state. This party became a new political player in the 2002 Assembly elections and emerged as a coalition partner of the Congress with a Common Minimum Programme (CMP). The CMP had the following goals to achieve:

a. To heal the physical, psychological and emotional wounds inflicted by 14 years of militancy. To revive the political process, hold consolidations, dialogues and evolve a broad based consensus on the restoration of peace.
b. To revive all cases of detainees being held without trial for long periods.
c. Investigations of all cases of custodial killings and human rights violations
d. Special schemes to be worked out to rehabilitate former militants, widows and victims of militancy.
e. Disbanding of SOG (Special operation group) and POTA and setting up of Commission to reform the police administration.\(^{30}\)

As PDP patron, Mufti Mohammad Sayeed became the chief minister of coalition government. Kashmir saw a lot of social reconstruction. During this period, Special Operation Group (SOG) was disbanded and normalization of hearts and minds was undertaken. One of the important developments in this

\(^{30}\) *Mainstream*, November 2, 2002, p.3
coalition era was the resumption of dialogue between different political shades in Kashmir and Central Government. The peace process gained momentum when the Srinagar-Muzaffarabad bus service was opened for the passengers of Jammu and Kashmir. PDP was a kind of relief from the main political party - National Conference. People began to feel some sort of trust. Peace building was the major effort of the Indian state during this period. However, the most important development during Mufti’s regime was the holding of Municipal Election in 2005, after a gap of twenty-seven years.

PDP succeeded in mobilizing masses especially in the rural areas. Legislature became the subject of new debates and discussion. Two bills during this period were important owing to the uproar they caused in Kashmir: Permanent Resident Bill and Ban on Inter-District Recruitment.

**Permanent Resident Bill**

This bill was aimed at restricting women from getting married outside. A permanent resident of Kashmir (woman) will lose her permanent resident status in case she marries a non-permanent resident. This bill was introduced in 2004 by PDP. It started with a judgment by the State High Court pending before it from 1979, declared that the daughter of permanent resident will not lose her status if she marries outside the state. In other words, if she marries a non-permanent resident she will continue to retain the status of a permanent resident. This bill was supported by the PDP and it got the support of other parties also. It was highly patriarchal and parochial. One political scientist, Rekha Chowdhary, termed it as a deliberate attempt which involved the rights of women. She remarks in the case of this bill;

“The discourse on the rights of woman was subordinated to the discourse on the Kashmiri versus regional/national/Hindu identity”

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32 Ibid.,
33 Ibid.,
Choudhary sees in this bill a deliberate attempt to subject women to communal designs of identity and is deeply patriarchal and parochial. It is the women who are supposed to bear the burden of preserving the communal identity.

Another controversial bill has been the Inter-District Recruitment Bill. This bill has been moved on the ground that inter-district recruitment shall be banned. This demand was asserted by Panthers Party. The motivation is to cater to the demands arising from many districts on the grounds of backwardness. The idea is to take at pace all the districts.\textsuperscript{34} These bills created uproar and were seen as assertion of identities. The attempt was seen as involving the polarization of different regions of Jammu and Kashmir.

Broadly, the emergence of Peoples Democratic Party was seen as a positive change in Kashmir’s political history. This period saw lot of positive efforts which resulted in some positive changes. Normalization and development were two processes during this period. However, PDP’s rule saw a new wave of resistance in Kashmir. It began with the agitation of Amarnath Land Transfer. Kashmir valley has witnessed a series of non-violent protests over a number of issues ranging from land row to human rights violations by armed forces. This has revived the defunct and divided Hurriyat. In particular, Geelani’s faction has emerged as the formidable representative of the Kashmiri separatist movement.

4.3 Protest Movements: Revival of Hurriyat

Amarnath Land Row

This issue began in late June 2008 over diversion of 800 kanals (one kanal is one-eighth of an acre or one third of a hectare) of forest land to the \textit{Shri Amarnath Shrine Board} (SASB)\textsuperscript{35} for the \textit{Amarnath Yatra} by the PDP-

\textsuperscript{34} Ibid., pp. 17-18

\textsuperscript{35} Shri Amarnath Shrine Board (SASB) was constituted by an Act of the Jammu and Kashmir State Legislature in 2000, to manage Shri Amarnathji Shrine in South Kashmir to which lahks of Hindu pilgrims pay obeisance every year in summer season.
Congress coalition government. As the word about land being transferred permanently to the Board spread in the Valley, it triggered spontaneous agitation throughout Kashmir Valley. People poured onto the streets raising pro-freedom and anti-India slogans demanding that land be taken back from the board. The land agitation united both Hurriyat factions and they found the time apt to bury their differences aside. They constituted a joint Coordination Committee (CC) to spearhead the agitation against what they termed ‘land grabbing’ by government. They launched protest movement across Valley with the main thrust on the environmental impact that the controversial land transfer deal would have. There were month long protests and demonstrations throughout Valley against land transfer. Thus, Hurriyat leaders managed to mobilize the tremendous support of Kashmiris in Valley against ‘land grabbing’ by government. These protests brought together farmers, laborers, students, lawyers, activists, etc., and in fact every section of the society. Violence erupted soon after people started protests, leading to many deaths of unarmed protesters by security forces which worsened the situation further in the valley. These human rights violations led to upsurge in the Azadi sentiment. The apparent cause or the trigger was soon relegated to irrelevance and over-taken by the larger context of ‘Azaadi’. The PDP gauged mood of the people and withdrew from the coalition government. As agitation continued, Ghulam Nabi Azad, the then Chief Minister, succumbed and cancelled the land transfer order after the newly appointed Governor N N Vohra announced that Board does not need the land and the state was placed under Governor’s rule for six months. But by then the land transfer had become what senior separatist leader Syed Ali Shah Geelani called a ‘non-

37 Malik, Javaid, From Azadi to Elections, Greater Kashmir, January 5, 2009
39 Ibid.,
40 Malik, Javaid, From Azadi to Elections, Op. Cit.,
41 Ibid.,
issue’.

The Hurriyat leaders had declared that land to the Shrine Board was no longer main issue; their objective is Right to Self-determination.

As the political developments were taking place in the Kashmir Valley, Jammu started protest over the revocation of land transfer. They formed a coalition of parties under the banner of Amarnath Sangharsh Samiti. Suffron forces in Jammu resorted to extreme steps-blocking the Srinagar-Jammu highway, and cutting the essential supplies to the Valley. With economic blockade, they virtually declared war against Kashmir Valley. Jammuites started attacking local Muslims and Kashmiri truck drivers at will, besides razing mosques and other Muslim structures, police virtually gave them free hand to commit communal crimes. The economic blockade created unrest and resentment among the people of Kashmir Valley and the pro-freedom leadership gave a call for “Muzaffarabad Chalo’ for August 11. The call evoked massive response as thousands of people marched towards Muzaffarabad with pro-freedom leaders leading the front, shouting slogans like Teri Mandi Meri Mandi Rawalpandi (your market, our market is Rawalpandi), Jeewa Jeewa Pakistan (long live Pakistan). The march was foiled by the state with the help of army. At Seelu Baramullah, the march was fired upon killing many people including a prominent leader, Sheikh Abdul Aziz (a senior separatist leader).

State Response: Extreme and Mild Repression in Valley and Jammu

During these protests state used double standard, while dealing with public protests in Kashmir Valley and Jammu. Amarnath Sangharsh Samiti, spearheading agitation in Jammu for restoration of 800 kanals land to Shri

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42 Roy, Arundhati, Azadi: It’s the only thing Kashmiri wants. Denial is delusion, Outlook 1st September 2008, p.15

43 Puri, Balraj, Beyond Land, Greater Kashmir, September 3, 2008

44 It is the only road which connects the valley with the rest of India.


46 It was only rout which was connecting Kashmir with outside world before partition but after partition of India, this route was closed when Kashmir got divided between Pakistan and Indian administered parts.

Amarnath Shrine Board (SASB) was dealt with utmost caution but on the contrary, the state apparatus used excessive force in Valley and killed innocent people without any fear. According to the Srinagar-based J&K Coalition of Civil Society, between 22 June and 12 September, 57 persons were killed and at least 1,500 injured (of whom nearly 600 suffered bullet injuries). And even doctors, ambulances and hospitals were attacked by the security forces.  

Muzamil Jaleel, journalist from Srinagar, cited specific cases in Srinagar of the Central Reserve Police Force (CRPF) targeting ambulances ferrying the injured and, “in one instance, they opened fire at the entrance to a hospital’s casualty ward”. What is intriguing is the fact that while the entire J&K region was declared as “disturbed”, in areas where the Shri Amarnath Samiti led agitation was taking place in Jammu division, the security forces waited for the executive magistrate to issue orders to open fire, but in the Valley no such procedure was followed. Not a single security force personnel died in Kashmir Valley at the hands of protestors. Whereas in Jammu, while the security forces exercised restraint, two policemen, Zafar Javed and Zakir Husain, were lynched by a mob. Besides, the death toll of 13 in Jammu, seven were Muslims. Of the six Hindus who died, two committed suicide and four were shot dead by security forces.

It shows that communalism has made deep inroads in the state administration. The said approach strengthens the deep-seated alienation in Kashmir valley particularly in the youths who played instrumental role to organize the demonstrations; it also strengthened the hold of separatists in the Valley. The participation of youth has gave separatist politics a more aggressive and radical form. There is a renewed assertion of the goal of “self-determination”. On the other hand, it widened the gulf between the two state regions and further deepened the already existing mistrust.

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50 Tribune Dated August 7, 2008
Many things emerged during Amarnath Land Row, apart from the fall of coalition government and imposition of Governor’s rule. These can be summarized as:

1. Kashmir Valley saw huge mobilization which resulted in development of political consciousness of people as well as deep alienation from Indian State.
2. A new development emerged in the sense that Kashmir’s resistance took a new form. Armed violence culminated in the popular demands. In this sense, democratic political spaces were revived in Kashmir.
3. Attachment to land was seen as a highest desire for nation.
4. The only bad repercussion of this protest was the polarization of two regions of Jammu and Kashmir on religious lines; Jammu imposed an economic blockade on Kashmir and Muslims were targeted. This was seen as communal divide between Jammu and Kashmir. However, Kashmir Valley remained peaceful to its religious minorities.

**Shopian and Machail Incidents**

As Amarnath Issue led to the fall of Coalition Government and imposition of Governor’s rule, elections for Assembly were held in 2009 in which people participated massively despite the boycott call of the leaders who were leading the Azadi movement. National Conference and Congress made a coalition government. Thirty eight year old, Omar Abdullah assumed the charge as the youngest Chief Minister of Jammu and Kashmir, bringing new hope for the troubled state. The change in government was seen as a hope for peace and development. However, soon this peace looked fragile; when on May 29, Aasiya Jan, 17, a schoolgirl, and her sister-in-law, Neelofar in Shopian, in South Kashmir were raped and murdered. Finger of suspicion pointed towards the police. After some administrative action, a judicial enquiry by a retired High Court Judge also confirmed the suspicion. News of the

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tragedy spread like wildfire all over the State. It gave a fresh lease of life to the protest movement which led to month-long shutdowns and Hartals, as Shopian district observed shutdown 102 days. These protests brought the Hurriyat Conference into limelight by providing leadership to people demanding their rights and in the larger context ‘Azadi’. Again in 2010 Kashmir Valley boiled with the issue of killing of three innocent civilians in a fake encounter in Machail, in Kupwara district, by army. It led to widespread protests all over the Valley. It was during the protest against the Machail fake encounter, that the killing of 17-year-old Tufail Mattoo took place which triggered the phase of protests and violence.\textsuperscript{53} It led to vicious cycle of killings which further deteriorated the situation.

These incidents of grave human rights violations were seriously protested in Kashmir which led to a month long protests. These protests were powerful in the sense that youth of Kashmir had taken stones in their hands to fight the bullets of security forces.

4.4 Indian Union’s Response: All Party Delegation and Interlocution

While Kashmir kept boiling, Central government sent an all party delegation under Home Minister, P. Chidambaram to assess the ground situation in the state.\textsuperscript{54} Its aim was to talk to all shades of opinion in Kashmir. The delegation was sent while Indian Prime Minister maintained that there would be zero tolerance for human rights violation in Kashmir. The delegation arrived and invited all the representatives and political players in Jammu and Kashmir for talks. Mainstream parties participated in the talks and advocated their proposals for the resolution of Kashmir issue, National Conference advocated autonomy as the final resolution of Kashmir issue, PDP (People’ Democratic Party) supported Self-Rule as final solution.\textsuperscript{55} Hurriyat Conference rejected invitation for talks. However, five members of delegation urged Syed Ali Shah Geelani at his


\textsuperscript{54} Chidambaram to Lead All-Party Team to J & K, The Hindu, September 18, 2010

\textsuperscript{55} Shujaat, Bukhri, \textit{All Party Delegation Meets Kashmiri Leaders}, The Hindu, September 20, 2010
residence to restore normalcy in Valley, he told delegation once New Delhi accepts his five point formula, normalcy would be restored. Though Moderate faction of Hurriyat also boycotted to meet the delegation, it presented a memorandum to the delegation (See appendix V). While reaching Delhi back, the delegation gave many suggestions to the government, the government called a meeting of Cabinet Committee on Security (CCS) - highest decision making body on security issues- The Committee announced eight point plan for Jammu and Kashmir to defuse the crises in Kashmir. Following are the eight point plan announced by CCS.

1. Appoint a group of interlocutors under the chairmanship of an Eminent person to begin the process of a sustained dialogue with all sections of the people of Jammu & Kashmir, including political parties/groups, youth and student organizations, civil society organizations and other stakeholders.

2. Advise the State Government to immediately release all students and youth detained or arrested for stone pelting or similar violations of law and to withdraw the charges against such students and youth.

3. Advise the State Government to immediately review the cases of all PSA (Public Safety Act) detenues and withdraw the detention orders in appropriate cases.

4. Request the State Government to immediately convene a meeting of the Unified Command and to review the deployment of security forces in the Kashmir Valley especially in Srinagar, with particular reference to de-scaling the number of bunkers, check-points etc. in Srinagar and other towns and to review the notification of areas as ‘disturbed areas’.

5. Grant ex-gratia relief to the families of the deceased persons at Rs. 5 lakhs per person killed in the civil disturbances since June 11, 2010.

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56 Five point formula presented by Syed Geelani to the Indian Government are 1. Acknowledgement by India, Kashmir as a dispute 2. Demilitarization 3. Release of political prisoners 4. Punishment to the security personnel involved in the civilian killings and 5. End the killings and arrests.

57 Accept 5-Point Formula to Restore Normalcy: Geelani to APD, Greater Kashmir, September 20, 2010

58 Memorandum to the All Party Delegation, Greater Kashmir, September 21, 2010
6. Appoint two Special Task Forces, one each for Jammu region and Ladakh region to examine the developmental needs of the two regions, with particular reference to deficiencies in infrastructure and make suitable recommendations.59

Besides these political initiatives the central government appointed an expert committee under the Chairmanship of C. Rangarajan, who is the Chairman of Economic Advisory Panel to the Prime Minister, Dr. Manmohan Singh after the summer unrest 2010 in Kashmir, to formulate a job plan for Jammu and Kashmir. The expert committee suggested several flagship schemes which were aimed to address the problem of unemployment.60 However, the most important development in the aftermath of unrest was the appointment of the interlocutors as part of New Delhi’s eight point package to cool the tempers and ‘workout a political settlement of the Kashmir issue.’ The team consists of journalist Dileep Padgaonkar, academician Radha Kumar and former Central Information Commissioner M.M Ansari.61 The Group of Interlocutors held extensive deliberations with the political parties, civil society and other stake-holders of the state. The group submitted its report on October 12, 2011, proposing a “New Compact” with the people of Jammu and Kashmir, the report focuses on three components — political, economic and social and cultural. Under the political component, the report deals with Centre-State relations and internal devolution of powers, and suggests a road map listing confidence-building measures. It favours amendment of the Public Safety Act (PSA), review of Disturbed Areas Act and re-appraisal of application of controversial Armed Forces Special Powers Act (AFSPA). It recommended deletion of the word “temporary” from the heading of Article 370 and from the title of Part XXI of the Constitution and suggested replacing it with the word “Special” as it has been used for rest of the States under Article 371. It recommended the setting up of a Constitutional Committee (CC), to review all Central Acts and Articles of the Constitution of India extended

60 Ali, Muddasir, Focus on Skill Development, Greater Kashmir, March 4, 2011
61 Maqbool Umer, Political, Apolitical Groups set up, Greater Kashmir, April 13, 2011
to the State after the signing of the 1952 Agreement (Delhi Agreement). The report favoured resumption of the dialogue process between the Centre and Hurriyat Conference “at the earliest opportunity”. It expressed the hope that such a dialogue should yield visible outcomes and be made uninterruptible. Some other recommendations include speedy implementation of the recommendations of the Prime Minister's working group on CBMs (as discussed earlier), in particular making the return of all Kashmiris, mainly Pandits, a part of State policy; facilitating the return of Kashmiris stranded across the LOC, establishing a judicial commission to look into unmarked graves, speeding up human rights and the rule of law reforms.62

The interlocutors have advocated drawing a fresh financial arrangement between the Centre and the state to achieve J&K’s economic self-reliance. In this regard, the report propounds that a special set-up be created for hilly, backward and remote areas and also for socially disadvantaged groups. Also, it has asked for institutionalized cooperation between the two parts of erstwhile princely state of J&K to ensure “hassle-free” movement of people, goods and services across the LOC and on International Border.63

The mainstream parties hailed these initiatives of Central Government to defuse the crises in Kashmir and to find a solution for the Kashmir issue. The separatist camp rejected these initiatives. According to chairman of moderate faction of Hurriyat conference, Mirwaiz Omar Farooq, “recommendations, committees, sub-committees are wastage of time. It is not a matter of recommendations, there is need of political will for solving Kashmir dispute,” Mirwaiz further said, “Some CBMs can create a situation for political dialogue but not solution. AFSPA, demilitarization, trade, economic incentives can only be CBMs not the solution.” Mirwaiz also reiterated the stand of the amalgam that Kashmir issue has to be resolved through tripartite dialogue or through United Nations resolutions.64 According to Chairman of hardliner faction of Hurriyat conference, Syed Ali Shah Geelani, “This is mere time-buying tactics adopted by

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62 Report of Interlocutors, pp. 39-51
63 Report of Interlocutors, pp. 64-84
64 Maqbool, Zahid, Separatists Not Impressed, Greater Kashmir, May 25, 2012
India. We will not bow down to the economic packages by the New Delhi. Our youth did not sacrifice their lives for the economic packages,” commenting on the report of interlocutors he said the report has ignored the aspirations and historical aspect of Kashmir issue.65

4.5 Achievements of Hurriyat

These protests saw the rise of new political developments in Jammu and Kashmir. On the one hand, All Parties Hurriyat Conference (APHC) emerged as a strong party legitimized by the support of the people. On the other hand, Indian Union made some efforts to placate the separatist sentiment in Jammu and Kashmir.

APHC’s importance increased after the Amarnath Land Issue. It provided leadership to the masses which succeeded in forcing the government in withdrawing the land transfer. Not only this, it also played an important role in 2009 (Shopian rape and murder case) and 2010 (Machial fake encounter) protests. It issued calendars which delineated the programme of protest. Mosques and Friday prayers were used for the mobilization of the masses. Demands were presented to the Indian Government on a number of matters. Though, it was laid down that the broader goal of protests is the achievement of independence. But these protests were used to protest against the imprisonment of youth under undemocratic laws like Public Security Act (PSA) and the killings of civilians.

Among the APHC, it was Syed Ali Shah Geelani’s Tehreek-i-Hurriyat that became powerful. Geelani was seen as an icon of the ‘freedom struggle’ by most young people in Kashmir. Notwithstanding, his hardline pro-Pakistan views and uncompromising stand on the Kashmir issue, he consolidated the pro-freedom sentiment that was revived after the killing of a teenager, Tufail Mattoo.66 Geelani assumed immense influence during these protests. His calendars, which laid down the programme for protest, succeeded for months.

65 Shujaat Bukhari, *Omar Hails Centre’s 8-Point Formula*, The Hindu, September 25, 2010
It is according to this calendar that people observe a total hartal, partial half-day hartal, protest march, etc. People also rely on these calendars for their daily activities such as buying essential goods or attending offices and educational institutions. There has been an intense display of pro-Azadi sentiment on the street. The new slogan ‘Go India Go’ reflects the strong anti-India emotions that are being asserted with a new vigour. In all these protests, he argued for non-violence. This shall be seen as a new kind of development where hardliner separatists took democratic means to realize the goal of a nation. However, Geelani shifted from merger with Pakistan to a tacit support for independence to Kashmir.

One thing Kashmir’s separatists have understood, in common, are that armed violence has to be discouraged and abandoned in order to achieve the goal of independence. That is why the hardliner Syed Ali Shah Geelani, argued for peaceful protests and maintenance of communal harmony. And even United Jihad Council (UJC), an amalgam of militant organizations, quickly sensed the prevailing situation and announced to restrain from their militant activities. It strengthened the pro-freedom leadership to make decision freely. The pro-freedom leadership also rose to the occasion by shunning their traditional differences and assembling at joint platform to confront the challenge. Geelani presented the demands to the Indian government which came to be known as ‘Five-Point Formula’ to end the crisis in Kashmir. The demands included acknowledgement by India-Kashmir as an international dispute, start the process of demilitarization, release of political prisoners, punish the security personnel allegedly involved in the civilian killings, and end the killings and arrests.

Other parties of APHC also emerged powerful and tried to take advantage of the mass alienation. Not only JKLF and Omar Farooq’s Hurriyat

69 Protests Will Intensify, Warns Geelani, The Hindu, September 9, 2010
faction, but even the mainstream parties like PDP emerged as frontrunners in these circumstances. In all the demands raised amounted to the following:

2. Speeding up of the Army’s restoration of lands, it has occupied.
3. Release of political prisoners.
5. Restoration of civil liberties, including the right to assemble peaceably without arms.
6. Promotion of cultural and academic exchanges across the LOC.
7. Freedom of movement across the Line of Control; end to the barter trade and implementation of the eminently sensible proposals made by Haseeb A. Drabu, Chairman & CEO of J&K Bank.
8. Replacement of the bus travel arrangement with the rahdari permit of old.70

Thus, we see, of late, All Parties Hurriyat Conference (APHC) has emerged as an important political force in Jammu and Kashmir. The recent phase of protests revived the defunct and divided Hurriyat. The Hurriyat has increased its influence considerably and spearheaded all recent protests and provided leadership to the masses during these protests. However, certain important developments were also seen in Hurriyat Camp. While some of its member parties like Sajad Lone’s People’s Conference have fought elections (2008), some have softened its stand on the issue of Azadi, like Mirwaiz Umar Farooq’s faction accepted Parwaiz Mushraif’s four point formula and even held dialogue with Indian Union in absence of Pakistan. But some continue to hold on to extreme demands like Syed Ali Shah’s faction still demands right to self-determination. This stand of Syed Ali Shah Geelani, increased support-base of his party throughout the Valley and emerged as the most influential separatist group in the contemporary political history of Kashmir. Besides

these developments within Hurriyat, Elections 2008 again exposed the inherent ideological and personal differences of the Hurriyat camp. More surprising was the unprecedented mass participation in the elections despite Hurriyat’s boycott call. This was most probably for two reasons: Firstly, Hurriyat factions failed to produce a concrete mass programme except, to perpetuate its old strategies. Secondly, people started making a difference between the short term developmental issues and the long term political goals. Therefore, they supported mainstream political parties, who promised immediate solutions to day to day problems, as well as separatist leadership which lead movement to achieve right to self-determination. Thus, unless Hurriyat is able to remove its ideological and personal differences by producing a concrete mass appealing programme, its objective i.e., right to self-determination seems a distant dream.