

The Kashmir Question: Nation-state, War and Religion

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Why is it important to know about the war in Indian administered state of Jammu and Kashmir, in the midst of so much else happening in the world? Well for one India matters. A fight between 8 million Kashmiri Muslims in a land peopled by 1.26 bn people is like a fight between David versus Goliath. But this analogy reveals something else too. Eight million Kashmiri Muslims are challenging and contesting India's claim to be a secular liberal democracy. It also helps us understand how nation-states become their own worst enemy or rather construct enemies within the borders of nation-state to boost "national unity". Post colonial Nation-states have shown a propensity towards pursuit of enduring conflicts rather than a less deleterious course. India is no exception. As a result there is a conflict raging, which can trigger a major regional crisis pitting not just India against Pakistan but also drag China into it because it has acquired a "vested interest" with its \$46 bn investment in China-Pakistan Economic Corridor (a part of its trillion dollar Belt Road Initiative) which passes through this "disputed" territory (1).

No other post-colonial State claimed a higher moral ground than the leaders of India when they waxed eloquent about the strength and resilience of the Indian nation-state because of its constitutional democratic character. What is apparent today is that liberal version of nation-state is giving way because it was unable to bring conflicts under control and push ahead with privatization of public assets, commons and commercialization of health and education. Ideological construct of Hindu majoritarianism being carried out in myriad of ways, corporate media's ideological blast against "liberals" as well as through vigilantism in name of "nation", cow , flag, national anthem, forced conversion of minorities to Hinduism, or for imposing a ban on Love, is steering the "nation-state" towards overthrowing the liberal secular project with the support and encouragement of corporate oligarchs in India.

A credit Suisse report revealed that in 2016 just 1% of the 1.26 bn Indians own 58.4% of country's wealth. In 2000 it stood at 36.8%. Bottom of the 70% who owned 13.9% in 2000 have seen their wealth decline to 7%. Thus there is a staggering transfer of wealth from the underprivileged as well as incredible acquisition of wealth by a microscopic minority. (2) It is the people who comprise the bottom 70% whose lot has worsened. Every conceivable form of labour from bonded to 'free' exist in India and conditions of existence remain wretched, brutal and short. Malnutrition among children 0-5 years remains at endemic levels at 34%, and 50% women remain undernourished.(3) When the data is disaggregated it reveals how the bottom 70% of the population, and woman more than anyone else bears this cross.

Project of a liberal nation state was not a gift but a compromise to ensure capitalist path of development amidst a surge in popular mostly communist party led movements for land reforms, working class struggle for trade union rights, dignified wages & conditions of work, ending caste discrimination, providing protection to tribal people, as also bridging Hindu Muslim divide. As an ideology inclusive nationalism was certainly an advance over majoritarianism or exclusionary

nationalism, but the inherent need to manage diverse challenges also made machination, repression and its more virulent form military suppression the preferred tool of governance. What remains of this liberal project today is more due to relentless pressure from diverse struggles and their resistance than the inherent strength of the liberal institutions.

Now Kashmir is where the nation-state expresses itself most virulently. If war is continuation of politics, also means that 'politics without bloodshed' no longer holds because control has slipped out from State's grasp, and that authority of the State is under threat, it invites us to take seriously the developments in Kashmir. (4) War signifies intensification of contradiction, because non-violent solution is either not possible or it is not preferred. It then means that condition of insurgency in Kashmir has reverted back to where it was once before in 1989-90, when the buffer of sorts between India and the Kashmiri people, provided by pro-India political parties withered away under the weight of its own contradiction as autonomy they espoused progressively got eroded leaving the pro-India parties bereft of any worthwhile demand. They revealed themselves as self-serving leaders, clinging to power and pelf rather than stand by its own people when they come under attack. The disappearance of the buffer in a situation of Counter Insurgency means that military solution alone is being pursued. The claim of India's government is that State must exercise its authority and sees the protestors as "terrorists" incited by Pakistan to act against India, and insists it will hold no talks with those who ask for freedom from India. So such wars are mark of weakness of the 'nation-state,' its incapacity to resolve matters any other way.

Rarely is it asked: 'how come India, five times the size of Pakistan, and commanding a military capability to fight two front wars (against Pakistan and China simultaneously), with overwhelming military dominance on the ground in Jammu and Kashmir administered by it, with elected civilian government, unable to prevent Pakistan from 'fishing in troubled waters'? Were this true it would amount to an admission of India's colossal failure to win the consent of the natives of Kashmir. When by polls were held for a Parliamentary seat in Srinagar on April 9, 2017, ninety three per cent of the electorate boycotted, and of those seven per cent who voted, the third highest vote was cast for NOTA (None of The Above). (5) By polls for Anantnag/Islamabad parliamentary constituency, which were to be held later, had to be called off because J&K state Election Commission's demand for 70,000 additional soldiers for conducting the by poll would have turned the exercise into a tragic farce. The point to note is that whereas people come out in largest numbers for local body polls, followed by the state Assembly, the elections for India's Parliament starting 1998, have always seen 70-80% boycott polls in Kashmir. Therefore, the erosion in the support base for India, and conversely the increase in the support for boycott as mark of disgust with India is what stand out.

Kashmiri people's struggle has been presented in Indian official and unofficial discourse as a fight between India's secularism and Pakistan's Islamic theocracy. (6) The language used has kept pace with the times. In our time it has leaped from Muslim communalism and secular versus theocracy argument in the early decades of the Indian nation-state to Pakistan sponsored Jehadi cross-border terrorism today, one which engaged in ethnic cleansing of Kashmiri Pandit minority and more. The effort was to present the motivations, impulses, as being external to Kashmiris, presenting them as Muslim fanatics as well as denying their indigenous character. This helped create a sharp image of the "other" as lawless and violently fanatical in their

conspiratorial pursuits to dismember the 'nation-state'. Since 2001 it has gotten linked to global war against “terrorism” besmirching further the Kashmiri narrative, propagating it as being a part of global Islamic fundamentalist movement. In our contemporary time this gets compounded by a surge in ‘perception management’, where official narrative is propagated as the approved version of “nationalism” and any critique of it is damned as ‘anti-national’ and an act of treason. This goes to help perpetuate not only hostility towards the 'other' but sustains a self-image which goes to the very roots of the 'official nationalism' of post-partition India. This caricature of Kashmiris begs questions as to why people express themselves as Muslims? And if they do why is it that they also assert that theirs is a political struggle demanding exercise of right of self determination by all Muslims, Hindus, Buddhist, people speaking variety of languages who are ‘state subjects’ or permanent residents of J&K as defined under the Act of 1927. Does their articulation as Muslims nullify their political demand? Nelson Mandela once told Bill Clinton that “nature of struggle is not decided by the oppressed people but by the oppressor”. He was speaking of violence, but it is equally relevant for understanding Kashmir’s Muslim-ness.

The struggle of Kashmiri people, therefore, deserves to be appreciated for what it is, as much as what it is not, even as it remains a struggle in progress. In the process of explaining this one has to de-mystify the reality which is overburdened by bigotry and jingoism, which post-colonial nation-states have come to employ which dominates production and dissemination of information and clouds our thought as well as judgment.

I

Indian Marxist scholar and teacher Randhir Singh, was fond of reminding us that social sciences, concerned as they are with class divided societies are full of political dynamite. “Truth here is not only partisan but also dangerous for the dominant class.....(it) becomes a matter for disputation and if need be suppression – and therefore also difficult to acquire.” (7) He warns us that dominant mode of thinking which is concerned with ‘here and now’ and with ‘hard facts’, refuses to look deeper or look beyond. Thus he takes us into the issue of terrorism by pointing out that “violence abstracted from its varied histories and still more varied interconnections, isolated and reduced to produce essentially depoliticized composite phenomenon.....becomes a resort to senseless utterly uncivilized forms of violence, a foreign inspired social deviance, a label for defamation and means to ostracize those branded as terrorist”. He argued that the specificity of each instance of situation or struggle, conflict and confrontations gets thus obscured, and a universalist abstraction, such as Human Rights used to damn them. He wryly points out that the violation of Democratic Rights “can in fact go hand in hand with defense of ‘human rights’”, pointing to Ronald Reagan’s Presidency and Margaret Thatcher led Conservative regime. He brought in his analysis the immense private violence of the rich and powerful and drew attention to State Terrorism which receives little attention because these acts are presented and understood as aberrations, mistakes or distortions, in an otherwise liberal State. “It is not seen that the Indian state does not merely happen to be violent or repressive, it is inherently so by virtue of the society it presides over; it guards and keeps going, violently if necessary, an inherently violent society because it is a society of myriad economic, social and cultural oppressions”. (8) Indian ruling classes, he wrote “have always found religion, religiosity or ‘dharmikta’ as recent coinage goes, most useful for reinforcing their hegemony, ideological dominance and social control over common people, making easier the latter’s continued

acceptance of an unjust and iniquitous social order.” And, that “in so far as we today have stake in the ‘unity and integrity of India’, not as nationalists, but as Communist Revolutionaries who view it as an important favourable condition for the advance of Indian people’s common struggle for socialism, this unity is best fought for and presented with this theoretical position and political practice flowing from it i.e. as part of the struggle against the Indian ruling classes”. And pointed out that, “(S)tate power in India is also a form of class power and that this has its relevance for any effective struggle in defence of democratic rights of the Indian people against the Indian state....In a law based state like India, there exists an elaborate code, an entire ensemble of laws, procedures, institutions and enforcing agencies to deal with private violence or lawlessness, there is nothing comparable, no genuine checks or controls, to take care of peaceful or violent laws of the state, which is potentially, and often in actual practice, the most powerful violator of democratic rights in society. It is this absence in our system of credible institutional safeguards against the illegal acts and terrorism committed or backed by the state and its functionaries”. (9) In looking at the “myriad oppressions”, he reminds us that Marxist Left must “do whatever we possibly can to change the conditions which make such frustration and desperation and the accompanying violence inevitable.” (10)

Kashmir is the northern most part of the Indian Union, albeit the control is exercised through military occupation since 1947-48. The Valley of Kashmir comprises 20% of the total land area of J&K but consists of extremely fertile land, inhabited by 57% of the total population of Jammu and Kashmir. It is an “integral part” for India and “jugular vein” for Pakistan, over which they have fought three wars, both are nuclear armed, have held more than 60 rounds of futile bilateral talks. It is also a “Disturbed Area” where India has deployed more than 600,000 soldiers, and where starting 1989-90 a low intensity war has been on to quell a very popular uprising demanding freedom from India. Pakistan is a party to the Dispute following the partition along religious lines, and the matter was brought before the United Nations in 1948 by India. Yet, Pakistan is not the party mainly or wholly responsible for creating a popular uprising in Kashmir, since the area is firmly under Indian control. If the area, nevertheless, remains in ferment then the reasons are located inside India, not in its neighborhood, however much one dislikes Pakistan’s regressive polity which has spawned armed fanatical groups carrying out a sectarian blood-letting and its duplicitous game of using ‘good’ and fighting ‘bad’ religious fundamentalists, or regarding many of them as “strategic assets”. That’s the nature of Pakistan’s polity. However, to privileging Pakistan’s role in Kashmir, which is from where most Indian writings begin and mostly end is to evade facing reality of India’s making.

For me the story begins with India’s military occupation in 1947-48, however engineered, and its utter and dismal failure to push its nation-state agenda employing liberal discourse to win the people over.

Benedict Anderson observed that “...from around the 19th century there developed ...official nationalism inside Europe. These nationalisms were historically “impossible” until after the appearance of popular linguistic nationalism for at bottom they were responses by power groups—primarily, but not exclusively, dynastic and aristocratic – threatened with exclusion from, or

marginalization in popular imagined communities....Such official nationalisms were conservative, not to say reactionary, politics adapted from the model of the largely spontaneous popular nationalism that preceded them...Nor were they ultimately confined to Europe and the Levant. (11) [Benedict Anderson 1983, 102].

For post-colonial nation-states, especially in India, which enjoyed tremendous credibility for forging unity in opposition to colonialism, expectations were vastly similar to popular nationalism elsewhere, until i.e. British Raj transferred power to Indian National Congress in India and Muslim Conference in Pakistan. So whatever may have been the circumstances which went into the causing the first war between India and Pakistan in 1947-48 and however much the attention is focused on UN Security Council Resolutions and history of broken promises and pledges of Indian leaders, I begin by focusing on the reality which pushes us to see how India's nation-state project itself shows its Achilles heel and founders today in Kashmir. In 1947-48 neither side was above playing a duplicitous game to push events in their favour in order to bring J&K's accession. India succeeded in engineering this to their advantage. (12) A failure in Kashmir, therefore, has not only pushed the Indian society towards widening the religious divide within India, it is one which can affect Indian nation-state, because 172 million Muslims as per 2011 census are spread everywhere across India, and their sense of insecurity and persecution gets compounded by Indian nation-states' failure in Kashmir.

II

An unnamed injured youth, one among 25 injured and in which three civilians also lost their lives to bullets fired by Indian Government Forces, in Darbugh village near Chadoora town in district Budgam of Kashmir on 28th March 2017, answered a question posed by a reporter as to why he threw stones during military operations. He said that "I had come to help the militant escape. He (militant) had taken up gun and I have picked up stones to fight oppression". The answer encapsulates a widely shared view among young Kashmiri men and women today. India's Army chief Bipin Rawat issued a public statement on 15th February 2017, in which he warned Kashmiris, that those among them who "create hurdles during (Army) operations" will face "harsh action". Calling them "over-ground workers of terrorists", and equating stone-pelters and flag waivers of Pakistan and ISIS banners as acts of "terrorism" carried out by "anti-nationals", he was essentially justifying increase in blood-letting, by widening the crackdown to civilians. Equating civilians with terrorists is a common practice among Nation-States waging wars outside their borders or at home. The Indian policy towards armed militants since 1989-90, when Kashmir insurgency began, was captured pithily in a slogan common in military barracks: "Catch them by the balls and their hearts will follow".

The statement of the Army chief came in the wake of two incidents; one on 12th February, 2017 and another one on 14th February. In both incidents people not only gathered, to protest the encounter, but the funeral thereafter of the four dead militants saw mass of people gather. The fact that people are defying even the Indian army, the fourth largest in the world, in support of militants at encounter sites is yet another reminder that the popular mood in Kashmir remains defiant. However, if 600,000 soldiers have failed to resolve the Kashmir dispute militarily, and

now armed militancy, which has shrunk in numbers from 15,000 in 1992-94 to less than 400 armed militants today, is still made out as a grave threat, then the resilience of the popular defiant mood and their demand for a political resolution cannot be belittled.(13)

Question is why do Kashmiris knowing full well that they will suffer grievous harm still come out to protest and express solidarity with militants, and join their funerals in thousands? Why in past two years have they begun to gather at actual site of military operations, to shout slogans against the government forces, exhort the militants to fight on, and even pelt stones to disrupt military operations? It is no ordinary militancy when non-combatants gather to save their own combatants, inviting all of us to ask how and why have the unarmed Kashmiris been driven to this point willing to risk their lives? What desperation makes them determined to offer resistance and express solidarity with militants when Government Forces, especially the Army warns them to stay away or else face harsher methods to contain them? Indian Army is the fourth largest land force in the world boasting of a more than 250 year old history as a force raised by the British Raj. Their primary role was as a force to suppress the colonized people if they dared to rebel. And it has remained very busy since 1947 fighting its “own” people from the day British Crown “transferred power” to the Indian National Congress.

III

Emergence of Post-colonial nation-states after the Second World War represented a seminal shift in world politics for spawning a challenge to imperialism and promising some form of representative government to ensure that every member of the new nation-state would be partner in this nation in making. Harmony was the keyword commonly harnessed in India for blurring inter- class, inter-community and inter-caste contradictions by appeal to nationalism.

So when a demand for separation is made from an existing post-Colonial State it invites us to look at the character of the polity from which separation is being sought. The attempts at assimilating Kashmir demonstrates quite sharply the official nationalism of the Indian state which in the aftermath of partition sought to create an united India. Unencumbered by the need to accommodate the All India Muslim League (AIML), the Indian National Congress (INC) turned its back on all the major 'concessions' it had earlier pledged. India's Constitution making, for instance, underwent a significant and decisive change with the June 3, 1947 announcement to partition British India. This had repercussions on issues such as federation, official language policy, linguistic states, minority safeguards, and secularism. A major illiberal thrust on these issues signifies the fortification of a perspective, namely, the privileging of a national personality understood in Hindu religious-cultural terms. Consequently, along with the efforts towards centralisation of economic and political powers the capitalist state also attempted to bring about 'homogenisation' of culture. (14)

Therefore in the official ideology of the Indian 'nation-state' the question of the union, of minorities, of national language, of secularism, all surface vividly in the history of independent

India's interaction with Kashmir. They help to identify the connection between the formation of 'official nationalism' and the development of separatism. True, no idea however consistent can have much hope of being accepted if the soil for its acceptance is not prepared. However, hundred years of Hindu Rule from 1846-1947 had prepared the soil through exploitation of, and the policy of religious discrimination, against Kashmiri toilers. And this feeling of separateness gained in strength due to a deliberate logic of creating a nation-state where Muslimness was barely countenanced.

IV

British Empire was built through annexations and treaties over 150 years starting in 1757. The genesis of the Kashmir problem, lies in the events of 1846 when Kashmir was sold for a sum of Rs7.5 million by East India Company to a Hindu General who was a senior commander in the Sikh kingdom which ruled Lahore (now in Pakistan) and had switched his loyalty to the EI Company during the 3rd Punjab War in 1840s. EI Company had come to acquire the fiefdom of Kashmir from the Lahore Court as indemnity for war. The sale itself was in lieu of services rendered by the Dogra Hindu general Gulab Singh to the EI Company by refusing to come to the aid of the beleaguered Lahore Sikh kingdom. Thereafter, the royals of J&K provided the largest contingent of military force to the British India Empire whenever asked for. Once the Hindu general bought Kashmir from the EI Company in 1846 the Hindu Kingdom of Jammu and Kashmir came into existence.

The Kingdom of Jammu and Kashmir which came to be in 1846 comprised three distinct cultural regions: Ladakh which is Buddhist and Muslim (mostly Shias) was conquered by Raja Gulab Singh from Tibet in the third attempt to wrest it from Tibet in 1838. Jammu was a hilly country where Dogra Rajput clans ruled over a population which was mostly Muslim comprising Muslims belonging to Dogras, nomadic Gujjars and Bakerwals, settled farmers of Kashmiri stock, and Hindus of lower castes as well as untouchable Dalits. As for Kashmir it was 95% Muslim with rest Kashmiri Hindus, mostly Pandits (Brahmins), and Sikhs sharing the same language but in an unequal relationship otherwise.

The regime of the Dogra Hindu Maharaja, which came to become owner of Kashmir by virtue of purchasing it from the East India Company in 1846 as part of the Treaty of Amritsar, treated Kashmir as his personal fief. It took his army 24 years from 1846-70 to put down rebellions in Kashmir. During this period the Maharaja trusted his Dogra troops mostly Hindu. The structure and policy of Dogra Hindu absolutism discriminated against the Kashmiris, and in particular, the Muslim masses of the valley, which were at the bottom of the social hierarchy in the state. They were virtually bound to the land by decree of the Maharaja which prevented peasantry from leaving Kashmir without permission of the Ruler through a system of 'Rahdari' or a form of passport. Maharaja claimed 'begar' or unpaid labour for the asking and revenue from produce of land as the sovereign. Feudal exactions and extra economic coercion drove Kashmiris to penury and their land into hands of the rich and the privileged. (15) It was only in 1934 that proprietary rights were granted to Kashmiri Muslims. More than eighty per cent of the wealth of Kashmir had by then passed into the hands of Dogras, Sikhs and Kashmiri Pandits. Only a sliver of Muslims belonged to the social elite. The lack of an organised movement till 1930-31 helped the

state machine manned by non-Muslims to coerce and oppress the subordinate classes. (16)

The backwardness of the Muslims was the product of the policy of the Maharaja to keep them out of power and patronage. He did not provide them with equal opportunities in trade, industry, education, jobs, and agriculture. The Muslims of the state, thus, became the worst sufferers from the triple burden of colonialism, feudalism and social discrimination. This was evident in the juridical structure under the Maharaja which laid down that everyone, except a Dogra man, could be hanged for murder.(17)

The institutionalised discrimination of Muslims was the specific feudal structure and the basis of Dogra Hindu rule. The Hindus from outside were given opportunities to establish business, trade and industry on far more favourable terms than those offered to the Muslims of the valley. "The communal nature of the feudal economy was evident in the fact that out of 25 jagirs that were granted during the first five years of Maharaja Hari Singh, only two went to the... Muslims,"(18).

V

When Kashmiris converted under the influence of Sufi Islam 14th century onwards, every caste other than Brahmins converted. But because the Pandits lost their social ranking, did not end their socio-economic privilege and pre-eminence. By the time Kashmir was coming to the end of the Dogra Hindu Rule in 1930-40, the clear merger of class and religion was evident in the struggle of the toilers of Kashmir who faced the King backed by social elite which was predominately Hindu. In Jammu the appeal of Muslim Conference was strong and saw their salvation in alliance with Muslim League. There was no appreciable Marxist movement in the Kingdom to bring the toilers among Muslims and Hindus together against their common enemy the feudal Kingdom. And mobilization began and remained largely confined along religious divide because there was predominately exploitation and discrimination of Muslims and lower caste Hindu minority who remained largely unorganised.

A fair amount of the plight of the Muslims of Kashmir was captured by travellers, officers of British Raj and occasionally found mention in English newspapers. Since suzerainty of British Crown was accepted by the Maharaja and he had served the British well both against the Sikh Kingdom of Lahore as well as helped in crushing the 'Sepoy Mutiny', considered the First War of Independence in 1857, they were reluctant to act against the Maharaja. However, their prodding and pushing did result in compelling the Maharajas from time-to-time to make some concessions to his Kashmiri Muslim subjects. But paradoxically, in 1927 the Maharaja heeded the demand of the Dogra Mahasabha, which represented the elite upper caste Hindus of Jammu, and Kashmiri Pandit association, which represented the Kashmiri Hindu elite. Their demand for according preferential status to the natives of Jammu and Kashmir, as state subjects entitling them to be owners of property in the Kingdom and providing them preference in state services was based on their grouse that the Maharaja preferred Hindus from outside the kingdom to serve in his administration as well as preferred them for grant of Jagirs (Estates). What the Dogras and Kashmiri Pandit elite, however, did not realise then was that once state subject-hood was granted the educated among Kashmiri Muslims, legitimately raised the demand for their representation in state services and more resources for their education. The Hindu Elite vehemently protested this demand, perceiving it as an encroachment into what they saw as their exclusive domain. Thus the religious divide where Muslims were placed at the bottom and Hindu upper caste at the pinnacle

as well as its consolidated in the 19th century now confronted for the first time Muslims assertion which the Hindu elite bitterly opposed. (19)

The feudal policies of the Maharaja, discrimination against Muslims and hostility of the upper caste Hindus set the stage for the 1931 upsurge. The issues of desecration of the Koran and the dismissal of the complainant from services triggered the upsurge. The arrest of a young man Abdul Qadeer who exhorted the people to overthrow the Hindu Maharaja and his trial inside the Srinagar jail premises occasioned the incident on July 13, 1931 in which 17 people died in police firing and scores injured. To this day July 13 is celebrated as 'Martyr's Day' all over the Kashmir valley. The revolt cannot be branded as religious when in fact, it was a revolt against feudalism: "The zamindars (actual cultivators) of Kashmir are deprived of the proprietary rights over their lands, whereas those of Jammu fully enjoy those rights", wrote the unknown authors of a document submitted to the Maharaja in 1931. They added, "The people of Kashmir cannot sell or mortgage their lands of their own free will. They cannot even cut the mulberry, the walnut, and the chinar trees on their private lands". Alongside were other trappings of feudal autocracy "a pattern of abduction, rape, desecration of the Holy Quran, mosques, and sacrilege in other ways" (19).

The protest helped the growth of a movement against the Maharaja. In following years of freedom struggle two contending formations were to emerge. In 1938 the All Jammu and Kashmir Muslim Conference split into two with a section led by Sheikh Abdullah forming the All Jammu and Kashmir National Conference. The latter described the 1931 upsurge as "a war of the oppressed against the oppressor. Its aim is nothing more or less than to seek justice and redress. If the ruler was Muslim and his subjects the Hindus, the war would have been fought on similar grounds." (20) Not unexpectedly Maharaja's presentation of the events of 1931 succeeded in alarming the Hindu chauvinist section in India. In the name of Indian nationalism a resolution was passed by the All India Hindu Mahasabha in its Akola session of August 15, 1931 which stated: "The Hindu Mahasabha looks upon with fear at the fiery propaganda carried on against the Maharaja of Kashmir". The Maharaja was far from passive: he blessed the formation of three political parties: The Kashmiri Pandit Conference, the Hindu Sabha in Jammu and the Sikhs' Shiromani Khalsa Darbar. Inside Kashmir most leaders among Kashmiri Pandits adopted a narrow communal and opportunist posture. They pressed ahead calling for job security for themselves, along the lines accorded to Anglo- Indians by the British Raj. (21)

The growth of political consciousness in Jammu and Kashmir took place against the background of the above social conditions. Since, the Muslims of Kashmir valley wore the brunt of feudal exploitation, they also quite naturally happened to be the first to raise the banner of revolt against it in 1930-31. The Movement soon got divided along ethnic lines with the preeminent Kashmiri leadership breaking away from the AJKMC and forming National Conference in 1939. Subsequently NC affiliated itself to the All India States People's Conference, an organisation floated by the INC. It arose out of a difference in perspective. AJKMC explained the oppression of Kashmiri Muslims in terms of their religious opposition to the ruler and therefore saw the solution in a theocratic state. The AJKNC, on the other hand, explained the oppression to be a result of feudalism and ending feudal hold of the jagirdars as the solution. The ethnic divide between Kashmiri and non Kashmiri Muslims was grounded in the fact that in Kashmir the Muslims were poorly represented in membership of the expropriating class compared to Muslims

elsewhere. Thus the class position and interests of Muslim elite in Jammu area came in the way of fighting Jagirdari system or demanding its abolition. (22)

It was in the background of such political changes that the toilers formed one of the strongest detachments of the National Conference in the years 1940-50. Their impact was obvious in the Mirpur session of the National Conference in 1942 when it passed the resolutions sending greetings to the Red Army and expressing its solidarity in the heroic fight against fascism. They provided the authorship to the "Naya Kashmir" manifesto of the National Conference (23) The Naya Kashmir manifesto spelled out in the most unambiguous terms the 'Peasant Charter', 'Workers Charter', Women Charter', etc.

VI

It was this programme that helped consolidate the Kashmiri identity. A memorandum sent by NC to the Cabinet Mission in May 1946 affirmed the right of the people to absolute freedom from autocratic rule. The basic underpinning of this idea of Kashmiri identity was its anti-feudalism. The process of consolidation of Kashmiri national identity was aided by several factors. Territorial homogeneity, virtual religious homogeneity, common cultural characteristics, and historical heritage, as well as linguistic identity contributed to the Kashmiri sense of ethnic self-awareness. It is this ethnic self-consciousness and the quest for survival and growth which formed the basis for the subsequent search for a political solution whereby their distinct character could be protected and furthered. It was by no means an isolationist search. Therefore the final parting of ways between the AJKNC with the Muslim League by 1946 reflects a conscious political choice made by the preeminent Kashmiri political formation to seek an arrangement with the INC for an accession which provided maximum internal autonomy to J and K and would allow them to push ahead with their anti-feudal programme. The point to note is that this identity developed more clearly in the process of the overthrow of Dogra Hindu rule.

A point to remember is that the national movement in Kashmir forged ahead amidst a popular all-India movement against the British Raj even as the Hindu and Muslim division was gaining ground. The anti-feudal struggle reached its next high point in 1946. Launching this struggle for a decisive victory, Sheikh Abdullah, on May 15, 1946 reiterated at Srinagar: The demand that the princely order should quit the state is a logical extension of the policy of 'Quit India', When the freedom movement demands complete withdrawal of British power, logically enough the stooges of British imperialism should also go and restore sovereignty to its real owners, the people. . (T)he rulers of Indian states have always played traitor to the cause of Indian freedom. A revolution upturned the mighty Tsars and the French Revolution made short work of the ruling class of France. The time has come to tear up the Treaty of Amritsar, and quit Kashmir. Sovereignty is not the birthright of Maharaja Hari Singh. Quit Kashmir is not a question of revolt. It is a matter of right (emphasis added) (24)

At the same time a memorandum submitted by the National Conference to the Cabinet Mission in May 1946 affirms that: "Today the national demand of the people of Kashmir is not merely the establishment of Responsible Government, but their right to absolute freedom from autocratic rule. The immensity of the wrong done to our people by the 'Sale Deed' of 1846 can only be judged by looking into the actual living conditions of the people. It is depth of our torment that

has given strength to our protest. (25) Immense possibilities, therefore, existed for bringing the toiling people speaking diverse language, professing different religion closer.

VII

The total cultivated area in the state was 2,200,000 acres most of which belonged to the Maharaja or to his feudal vassals. The emergency government abolished all privileges. Laws were enacted for the protection of tenants so that they could no longer be ejected. A moratorium was declared on their debts, and their rights in mortgaged property reinstated. They were now allowed to retain three quarter of the produce. By the end of 1950 through the Big Landed Estates Abolition Act land was transferred to the peasants. Under this act former owners were to be paid compensation. But on March 26, 1952 the J and K Constituent Assembly confiscated all landed estates without any compensation. But this policy met with opposition from the Indian government. The relation between India's home ministry and J and K government came under tremendous strain. (26) In a communication sent to the emergency administration led by Sheikh Abdullah on May 4, 1948 on behalf of the India's home minister Sardar Patel, his secretary V Shankar wrote:

“Hon Minister has asked me to request you to see Panditji (Nehru) about it inviting his attention in particular to the fact that these jagirs (estates) are being sought to be resumed without any payment of compensation whatever, which is quite contrary to anything that we are doing in the Indian Dominion. It is also to be borne in mind that probably the jagirdars (hereditary landlords) would be mostly non Muslims and this would create a certain amount of discontent and ill-feeling against the Government among the minority (read non-Muslim) community” (27).

The two arguments put forward are interesting. In the first place it was being contended that policy of the J and K government was not in line with that of the INC in India. And in the second place the interests of the Jagirdars were being advanced on the plea of protecting non-Muslims. That most non-Muslims did not necessarily share the class interests of jagirdars was of less importance to the Indian Government than the fact that NC government went against the advice of the union government, proceeding along a path which not only differed on the issue of paying compensation to landlords for expropriation of their land, but also affected the non-Muslim jagirdars. Thereby a communal twist was given to the land reform policy.

This was by no means an isolated incident. The Indian home minister in March 1948 had insisted on the Maharaja's prerogative to appoint the prime minister and approve the cabinet. What is more it was suggested that the existing bureaucratic structure of the autocracy should continue. Very clearly it was being suggested that Indian government was mistrustful of the NC leadership. This is borne out by what India's first director of intelligence bureau, B N Mullik, had to say about India's Home Minister Sardar Patel's hostility towards NC. Sardar Patel, says, Mullik "apprehended that Sheikh Abdullah would ultimately let down India and Jawaharlal Nehru, and would come out in his real colours..."(28) And since the Maharaja worked under the advice of the Indian dominion and his administration heavily biased in favour of non-Muslims it was more in tune with the interests of the Indian government.

Nevertheless, land reforms did take place and the dispossessed and land poor Kashmiris became landowners bringing to end their feudal bondage. A successful land reform releases trapped energy of the peasantry and there was an overall improvement in the social conditions of existence. Food production improved and horticulture (fruits) in particular ushered in agricultural commerce and has become the mainstay of the economy, apart from the Government sector which is next biggest source of employment. Tourism although much talked about contributes less than 15% in terms of employment and even less in terms of revenue. However, despite the radical land transformation the initial spurt faded away within less than two decades.

VIII

More than 70% of households depend directly or indirectly on farming in Kashmir. Forty five percent of the working population eke out their livelihood from farming. Another twenty percent are employed in Government services. Fifteen percent depend on tourism, and rest are self-employed or employed in service sector and industry. In 2015 the number of unemployed reached 650,000. Even in the Government sector, which employs 450,000 persons the maximum employment generation takes place in Police/Paramilitary/Army. It is also worth noting that the Industrial Policy 2016 implicitly accepts that generation of “direct” employment is far greater in small than large and medium sector enterprises. Thus as on 31st December 2015, there were 29,449 small scale units with a total investment of Rs 360,990 million providing “direct” employment to 1,35,892 persons as against 83 large and medium units with investments of Rs 40,830 million providing “direct” employment to 18,9234 persons.

The total cultivable land is 896,000 ha and total number of farming households (HH) number 1,450,000. The last agricultural census 2010-2011 shows that those owning less than one hectare of land in Kashmir number wise are 1,207,000 and comprised 84% of the 1,450,000 farming households, and owned/controlled 416,000 ha or 47% of cultivable land. Those who own more than one and up to two ha number 167,000 households and own 235,000 ha, ie 12% own 23% of land; those who own 2-4 ha make up 64,000 farming HH and own 171,000 ha or 2.1% own 14% of land; those owning 4-10 ha number 11,000 HH and own 62,000 ha or .013% own 8% of land and just 1000 HH own 12,000 ha.(29)

The J&K state Governments Economic Survey for 2016-17 says that “(w)ithout getting into the historical roots and basis of the ‘conflict’, the recent three episodes have shown how fragile the peace is and how easily not only business but the whole life is disrupted in the valley. Quite unfortunately, this has now been occurring with alarming regularity. The Economic development of J&K State, therefore, is the first causality due to lack of “enduring peace”.” It adds that:

“The major costs of macroeconomic instability are significant in terms of (i) Welfare loss (ii) Increase in inequality and poverty and iii) Decline in long term growth Macroeconomic instability induces increase in Pre-cautionary savings for future, which ultimately reduces investment. In Kashmir valley people save more for future shocks that are caused due to conflict economy. During the unrest of 2016, we could see that the people of the valley could sustain only when they had kept good savings apart on which they sustained during 5 month long inactivity.”

Each time conflict spurts it causes a loss to the economy. Thus it is government's calculation that the constant breakdown from July 8 to end of March 31st caused a loss of Rs 160,000 million. But the conflict and disruption has also seen that whereas industry and business suffered losses due to disruption of production/manufacturing, some IT based enterprises were forced to move out of Kashmir to Bangalore, for instance in order to meet their contractual obligations because of internet disruption. From January 1 to April 30, in 2017, government cut internet 14 times. On the other hand, migrant labour from other Indian states which work at construction sites and in agriculture has resulted in increased demand for local labour because cheaper and compliant migrant labour is reluctant to return to Kashmir.

Although unsettled conditions and militancy is usually blamed for the backwardness of J&K economy. The fact of the matter is that the fragmentation of landholding, scarce employment generation, was a fact of life in J&K since 1970s. The most sought after job outside agriculture was Government job, for being regular and assurance of pension, and because other avenues were not available. One of the reasons was the restrictive policy of the Indian government, which discouraged large investments in a "border state", one where ceasefire line and not settled boundary exists. This policy was modified by encouraging projects owned by Indian entity and saw any attempt at fiscal autonomy as being detrimental to "unity and integrity" of India. (30)

One of the recurring complain of Kashmiri intelligentsia is the refusal of the Indian government to handover Hydel power projects which has paid for itself and the Central Government had publicly committed itself to transferring the projects. Instead of living by its commitment which would have eased the power woes experienced by J&K and increased its own revenue earning, helping to reduce Kashmir's revenue dependence on Indian exchequer. The story of how insurgency pushed Indian government began to turn attention to harnessing hydel power remains untold. Under the Indus Water Treaty of 1960, brought about by the World Bank, India and Pakistan spilt six rivers giving Indus, Chenab and Jhelum to Pakistan and Sutluj, Ravi and Beas to India. The as now Wolrd Bank favoured big hydel projects with international investments and preference for multinational corporations. Tarbela Droject in Pakistan was its fallout, just as Bhakra Nangal project in India. But what India was agreeing to was not it's to give away. Sharing of river water between upper and lower riparian in a river basin has been a matter of recurrent conflict in different parts of India. It also affects signing of international treaties. West Bengal's refusal to part with waters of Teesta river to Bangladesh has put a stop to Indian Government's efforts to share Tessta waters with Bangladesh. It's not the rights and wrongs of this matter, the important thing here is that under the Indian Constitution states have to give their consent to any international river water treaty. In IWT the state of J&K did not figure in anyway. Its consent was taken for granted. Areest of Sheikh Abdullah had ushered in a new leadership which was allowed to amass wealth as long as it agreed to everything New Delhi wanted. Between 1960-2017 India has managed to harness 16% of the 20,000 MW potential The spurt in hydel projects since 2004, most of the big projects under construction is going to Indian entities.

While hydel power is not a panacea for Kashmir's woes, and there are very real environmental considerations, what is significant is that under Indus Water Treaty of 1960, J&K and its interests are at the mercy of Indian Government. So much so that the preference for big projects with large investments as against small projects controlled by local community makes it apparent the preference for Indian controlled projects. Also because Pakistan depends for up to 77% of its

requirement of water from Indus River Basin, the geo-strategic aspects and Pakistan's fears that river water flow into Pakistan can be curtailed by India has restricted further the role of J&K in harnessing its own resources as an upper riparian. The point is that conflict engendered by Indian nation-state has stymied any prospect for J&K to have progressed beyond the historic land reform because J&K remains in perpetual state of conflict.

IX

In 1947 neither of the two major political formations in J and K advocated independence for the state. Maharaja Hari Singh maintained a policy of ambivalence. And yet the NC leadership began drifting away from India, when it was they who in the first place brought about accession to India? Once the instrument of accession was signed and despite the NC showing a clear preference for Indian dominion (31) differences arose over a variety of issues. Simultaneously there was a gradual weakening of left forces within NC and the ascendancy of those forces which were willing to be used by the central government. The very first objection that the union government had was over the institution of political commanders in the national militia, a volunteer force raised by the National Conference, under the emergency administration. Their objection was to the presence of communists or their sympathisers and also the institution itself. Finally, the militia was placed under commanders supplied by the Indian army.(32) In fact the perception of communists as a threat was a recurring theme and thus Patel wrote to Nehru that "I am getting rather worried about Kashmir... [with] Sheikh Sahib's failure to deal with communist infiltration in the state".(33) But this anti-communism was equally strong within NC ranks and communists were asked to dissolve their own organisations and individually place themselves under the discipline of the 'war council' set up for leading the 'quit Kashmir' agitation in 1946-47. But together with this the left itself by adopting a flip-flop position allowed the forces opposing them the opportunity to purge them.

They first supported referendum only to oppose it later and once they became pre — occupied with US machinations they gave up their previous even handed attitude towards the two dominions, only to end up finally seeking merger of J&K in India. (34) An editorial in People's Age in 1948 argued that 'Kashmir can be saved only by winning over the peasants and ending feudal autocracy and the reactionary policy of the appeasement of the Maharaja by the Indian union government and by really liberating the peasants'. Four years later the leader of the party in the parliament appealed "for the creation of an atmosphere in Kashmir conducive to the State's final accession to India". The emphasis had shifted from the concern for 'people' to what was best for India. As a result the left allowed itself to be used by the union government once Sheikh Abdullah was accused of hobnobbing with CIA and arrested.

Thus when armed rebellion began in Jammu against the Maharaja it was the Muslims in Jammu who raised the banner of revolt. These comprised mainly those who made up Maharaja's troops sent to help Britain fight the Second War. On return Muslim soldiers drawn from peasantry in Jammu were de-mobilised and their weapons were seized. (35) Prior to Pakistan sending Tribals from North West Frontier Province in 1947-48, in Jammu region of the Kingdom some areas had already fallen to the rebels of Muslim Conference. The existing ceasefire line demarcates the

area rebels won and held on to with the help of Pakistan army, and the part India retained after pushing out the Frontier tribes from Kashmir.

A feature of Dogra Hindu rule was the creation and promotion of Hindu religion, Hindu pilgrimage in the Kingdom, land grants to the Hindu religious trusts when 95% of the population of Kashmir was Muslim. This patronage carried on even after power passed on to the Muslim dominated National Conference which took over power from the Maharaja. It was Indian State's promotion of Hindu faith, in the name of protecting Hindus as a minority, 35% of the total population of Jammu and Kashmir state, which helped maintain continuity in policies followed by the Maharaja and followed by the Indian Government. Because, while Indian Government could not prevent discrimination against Muslims elsewhere in India, Hindus considered as minority received a disproportionate weight of Indian Government's munificence. Faith of Hindus resulted in creation of Hindu religious bodies, which are state within state, in that the JK local Government only carries out the instructions of the religious board. Besides, only Hindus can be members of the Board, and the local community has no representation in it nor are its interests taken on board. (36) The promotion of mass pilgrimage in higher mountain regions of Kashmir surrounded by 35-40,000 Indian soldiers, in an area which is ecologically fragile, and impacts the Indus water basin is a mark of favouring Hindu faith. The instruments used by the Indian state, religious tourism and creation of faith based stake holders, are promoted together with other forms of encroachment. (37)

Therefore, larger developments inside India as well as faith based policies favouring Hindus pursued by Indian Government played a decisive role at critical moments of India's Kashmir policy. Consider the issue of land acquisition in Kashmir. Land acquisition by State and private corporations has seen many land related struggles break out in different parts of India. It is not just the 'common land' that is being grabbed but even land in possession of farmers has been acquired. There are laws which govern transfer of land, forest land in particular, which somewhat mute arbitrariness, but exemptions for "national security" or "public good" makes it rather easy to forcibly occupy land. Kashmir is no exception.

In 2008 acquisition of 48 ha of forest land in south Kashmir by the Amarnath shrine board triggered a massive agitation. (38) The year also marks the shift from armed militancy towards mass agitation, where armed militants withdrew from civilian areas and mass of people came out on the streets. The point at issue was the fear of Kashmiris that this transfer of forest land to a Hindu shrine was the precursor to a gradual expansion of such land acquisition in a Valley which is already grappling with severe pressure on land. Ethnic groups predominately agriculturists guard their land rights jealously. People of Jammu and Kashmir have faced, challenged and foiled many attempts at land grab when they could, just as they had to accept as fait accompli when they failed to prevent land alienation. But success or failure, land grab is a lived reality and so is people's resistance. Although the process of land grab began decades ago, the multi pronged attempt now is unprecedented and last is yet to be heard on this. (39) In 2015 a spate of stories emerged which exposed how the administration, loyal to Indian Government, was setting up Colonies to house retired military officers in the Valley, argument advanced was that those who served the country in defending India's sovereign claim over J&K are entitled to become permanent residents. That it was meant to augment the size of the pro-India constituency was the subtext of the program. This revelation was followed by another regarding the Industrial Policy

which opened up transfer of land to non-residents, outside the industrial estates. All this was coming on top of the huge land occupation by 300,000 strong Indian Army and another 180,000 para military for their cantonments, garrisons, camps, training grounds, recreational field, or fencing. Approximately 100,000 ha of land is under them and comprises pastures, meadows, orchards, fields, private and public buildings among others.

Now, the people of Kashmir have been facing "harsh action" in the form of massacres, mass arrests/detentions, custodial torture, murder, sexual violence, enforced disappearances since the 1990s. Justice still evades most of the victims of armed forces violence. Getting complaints recorded before the Police against Armed Forces is not easy. But without one there can be no police investigation into the alleged crime. Investigation itself can take long depending on the cooperation of the Armed Forces with the investigators. Delay or exoneration is the norm here. If despite all this charge-sheet is filed by investigators, it cannot proceed beyond this point without the consent of Indian Government. In a rare instance of such a sanction being granted it is left to the Armed Forces to decide whether their accused personnel will be brought before their own Court Martial or the Criminal Court. It's many layered protection offered to Armed Forces. In other words a civilian, nominally Indian citizen has no recourse to justice in a Criminal Court and has no "locus standi" in the Armed Forces own Court since such Courts are Courts of Discipline for their own personnel. In other words, the civilian caught in a war zone has no redress. The pent up anger finds its way into protests where they are met with "non-lethal" pellet guns, tear gas shells, pepper spray, and bullets. From July 8, 2017 to 31st December 2016 the Indian Government forces killed 100 persons, caused eye injuries to 1,100, blinded more than 300 and caused grievous injury to at least 10,000 other civilians of all age from children to aged. For over six months in a mass display of civil disobedience people stayed at home and followed the timing announced by the Azaadi Movement for opening and closing hours for offices and shops. Even this was met with soldiers forcing their way into houses to force people out. Empty streets and closed shops and offices were not good for Perception Management which was trying to sell "normalcy".

From a historical perspective, the Kashmiri labour class first raised its voice on the 29th of April, 1865- when shawl weavers protested against the wretched conditions of labor, economic and political life under the rule of the Maharaja and 69 were shot dead by his soldiers. While Kashmir witnessed several vicissitudes since then in the domains of political economy and politics, the underlying condition of the laboring classes did not change for the better. The "daily wagers"- essentially, the people who live hand to mouth- form the major chunk of the labouring class here. Operating under taxing conditions of work with insecurity and uncertainty as their dominant reality, this class neither has security of income nor a social safety net to withstand the rigors and ups and downs of life. Innumerable instance of daily labourers, working under dangerous conditions, have hogged headlines after they either lost their lives or limbs. But all this gets glossed over by conflict, now raised to level of war.

At such moments when the oppression is severe, although experienced differently by the rich and the poor, class division gets muted. Kashmir does not suffer from same degree of social disparity

as “mainstream” India does, native capitalists are much too weak compared to rich farmers and orchard owners rooted to their land, common language and religion provides cohesiveness to their identity which perceives of being swamped by a overbearing Indian state and society. From their vantage point they confront an Indian State which prominently carries its Hindu religious markers. They see in the lack of solidarity from Indian civil society a hostility towards their Muslim-ness. They read in the muted reaction of liberals of India to Hindu fanaticism on display in Jammu region of the state and the activities of the Hindu vigilantes being permitted by the Indian State, an endorsement of anti-Muslim hysteria. India’s corporate media have done a great job of whipping up anti Kashmiri Muslim sentiments to an extent that attacks on Kashmiri students in other states of India have proliferated, parents now think twice before sending their wards to study in India. And Kashmiri patients face bars in Indian hospitals. Such particularities have gone into making the severe conflict.

X

The manner in which a government handles various situations does influence the course of events. But a course which is adopted or not adopted is not a matter of personal whim or desire. Every situation carries within it a number of possibilities, albeit within the parameters set by the situation. For instance in 1948 the CA rejected the demand for linguistic states but by 1956 demand for linguistic states were conceded, only after agitations for linguistic states gathered momentum. Compared to the relative ease with which this demand was accepted everywhere it is remarkable that the demand for Sikh dominated Punjabi Suba had to wait until 1967, for another 11 years. And this was done in a form that created new conflicts. What stands out is the difference in the handling of the two. It was as if two different yardsticks were being applied depending upon the proximity to the 'mainstream'. As far as Kashmir is concerned two acts of parliament are particularly relevant. Firstly in 1963 through the 16th Amendment to the Constitution made anyone questioning the territorial integrity and unity of India an offender.(40) Thereafter all candidates were obliged to take an oath to uphold the 'integrity of India'. Using this provision in the Constitution the Indian Government enacted an act called Unlawful Activities (Prevention) Act 1967 which proscribed any organisation if deemed to be preaching secession, by the Government. The Act said that anything 'which is intended or supports any claim to bring about on any ground whatsoever the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession' is “unlawful”. It was this provision which was used to rig the Kashmir elections in 1967 when the returning officer rejected the nomination papers of Plebiscite Front candidates. And in 1971, even as India was helping in dismemberment of Pakistan and helping Bangladesh to emerge the very same year Plebiscite Front was banned in Kashmir and membership and support to it invited stringent punishment.

Each new situation narrowed the possibilities for accommodation. Independence thus became a credible alternative when prospects of internal autonomy for Kashmir within India receded. Every new situation reduced whatever chances there were for working out a solution within the

political boundaries of India. The breach developed in 1953 since this set a new pattern of relations where more than elsewhere in India the central government took direct control. It should not be forgotten that the arrest of Sheikh Abdullah led to widespread agitation. Hundreds were arrested and 300-800 killed. By 1954 the state legislature 'for reasons of security' was empowered to impose restrictions on basic political rights. It deserves to be mentioned that the protagonists of forced merger did not bother to demand extension of Articles 19-22 of Indian Constitution embodying fundamental rights to J and K until 1979. (41) Throughout 1953-75, despite repression the movement for plebiscite and for the release of Sheikh Abdullah continued. It was the popularity of the demand that made it necessary for every election to be rigged with parties supporting plebiscite not permitted to participate.

However, the major setback suffered by NC was when Sheikh Abdullah signed the agreement with Indira Gandhi in 1975. India's 'victory' against Pakistan in 1971 and subsequent developments had persuaded Sheikh Abdullah to negotiate a settlement with India. While it enabled him to return as the chief minister it also won him assurance that all acts and ordinances issued after his arrest in 1953 were to be reviewed. In return Sheikh Abdullah was to accept that J and K was an integral part of India. Interestingly the agreement was never tabled before the parliament. Review of all acts and ordinances also never took place. What compounded the problem was the replacement of NC government now led by Sheikh Abdullah's son Farooq Abdullah in 1984 followed by the NC's alliance with the Congress(I), which had overthrown it in palace coup, and its return to power through rigged elections in 1986, made non-violent forms of resistance un-attractive.

One characteristic of the post-independent Indian state is that it is indifferent to peaceful agitation. As a result throughout the 1950s, 60s, and 70s unarmed struggles were contained through sheer brute force. But militancy commenced in the valley in 1988. As a result although the security forces are present in large numbers they do not enjoy a monopoly over means of violence. It is argued that several other states share in varying degrees the experience of J and K and yet not all exhibit secessionist tendencies. But some of the areas where separation is demanded share one essential feature with Kashmir—they do not conform to the self-image of mainstream in India. Kashmir's Muslim majority status allowed the divide brought about by partition to persist. In other words for official nationalism it was a constant reminder of the 'other'. Besides, Kashmir was used both to question the 'two nation' theory of AIML, as well as to obfuscate the Hinduness of India.

On the other hand at the level of oppositional politics throughout the past seven decades there has not been any concerted show of solidarity with the Kashmiri people. The same cannot be said for the Hindu right wing and its fronts which have pushed the demand for merger, abrogation of Article 370 which provides for internal autonomy, imposition of military rule, and made unfounded allegations about persecution of non-Muslims, destruction of temples, etc. Not only have they been taken seriously, governments of the day have lent credibility to these allegations. Indeed it is an indication of the concern of the Indian liberal and left intelligentsia that they have not hesitated in expressing solidarity with Kashmiri Pandits but tempered every criticism of criminal violence of the security forces with condemnation of the 'Islamic fundamentalism' or 'communal secessionists' in Kashmir. They have also consistently, ignored the Hindu religious mobilisation in the region of Jammu where they use their numerical local majority and assertion

of Indian nationalism to push their right wing agenda of Hindu majoritarianism. In Indian discourse Jammu appears as somehow “secular” when not even hundred people can be mustered to express solidarity with Kashmiris. Indians also remain unaware of the fact that for the first time after 1940s non Kashmiri speaking Muslims have begun to identify with the struggle for Freedom in the Kashmir Valley.

XI

Once Maharaja’s rule came to an end, and with it the system of hereditary landlordism, the old ruling class which was mostly non-Muslims under the Maharaja, lost its power and pelf. They organised themselves to demand “full merger of Kashmir into India”. By 1951-52 a campaign began in right earnest by Hindu right wing parties for abrogation of Article 370 which provides for autonomy and called for the Indian government's intervention on behalf of non-Muslims in Kashmir. An agitation was launched from Jammu in 1952 by Janasangh, Hindu Mahasabha and Ram Rajya Parishad, all representing upper caste/class Hindu elite.(42)

The objective was the removal of Sheikh Abdullah and his replacement with a more pliable leadership. When speaking before the J and K CA on October 31, 1951 Sheikh Abdullah referred to "certain tendencies... asserting themselves in India that may in future convert it into a religious state wherein the interests of the Muslims will be jeopardised... if a communal organisation had a dominant hand in the Government..."(43) Also in Indian ruling circles there was sympathy for the old ruling class which was identified with the majority Hindu community and suspicion of NC never waned because they were Muslims.

Sheikh Abdullah was arrested on August 8, 1953. Not only was Sheikh's government refusing to follow 'advice' but was also moving in the direction of independence. The arrest took place just days before Sheikh Abdullah had called a meeting to review the situation arising out of the internal instability due to the unresolved question of Kashmir's future. In the four proposals which an eight-member committee was to consider the common thread in all the four was the choice of independence (44). It was this choice of independence which disturbed Indian leadership since they otherwise showed no reluctance to discuss with Pakistan the future of Kashmir. Within a fortnight of Sheikh's arrest the prime ministers of these two countries met and reaffirmed their commitment to plebiscite. In fact Nehru is said to have warned the NC leaders, on hearing about their plans to accept the choice of independence, that neither India nor Pakistan could permit independent Kashmir on their borders and that he was prepared to offer Kashmir to Pakistan rather than have a perpetual centre of pressure and international intrigue on its borders (45) Therefore, two days before the scheduled cabinet meeting to finalise the proposal he was arrested along with number of his colleagues, and his deputy who was more amenable to Indian “advice” appointed in his place.

Within less than a year a pliable J and K government allowed the central government to usurp authority through two key mechanisms:

(1) The J and K Constitution (Amendment) Act 1954 deleted Section 75 of the J and K Constitution Act 1939 which had made the council of ministers the final interpreters of the Constitution. Thereby the Sadar-i-Riyasat, i.e., the governor acquired this power.

(2) Constitution (Application to J and K) Order 1954 was issued by the president whereby the jurisdiction of the Centre was extended from the original three subjects of defence, foreign affairs and communication to all subjects on the Union List along with the residuary powers. These went against the very first provision of the Delhi Agreement (July 24, 1952) which gave J and K a special position within the Indian union by conceding that "sovereignty in all matters other than those specified in the Instrument of Accession continues to reside in the state" (46) What is interesting to note is that this 1954 order extending the powers of Indian government included two important provisions. Firstly it outlawed any activity which disclaims, questions or disrupts the "sovereignty and territorial integrity of India". Secondly any "insult to the Indian National Flag, the Indian National Anthem and this Constitution" is deemed to be a treasonable act. A month prior to this on April 13, 1954 customs barrier was removed and J and K became economically an integral part of India.(47) The changes brought about by deposing Sheikh Abdullah in 1953 are far too significant to be dismissed as faulty handling of the situation by the government. One after another various symbols of Kashmiri autonomy and self-identity were attacked. Even before the J and K Constitution was adopted by a truncated CA through presidential orders in 1954, the Indian administration acquired legal cover for turning 'friendly advice' into decree. Subsequent years saw extension of Article 312 in 1958 bringing J and K under All India Services. By January 1965 Articles 356 and 357 enabling the centre to bring the state under governor's rule without the consent of the state legislature was made applicable for J and K. In 1986 Central Government managed to extend Article 249 enabling Indian Parliament to legislate even on matters in the State List on the strength of a resolution passed by the Upper House of the Parliament.

So all this created the fertile ground in which armed militancy emerged in Kashmir in 1989-90. The significance of what was said can only be grasped by the context of war and where it has reached today. A news report cites senior army officers calling for political intervention and describe their own precarious situation. They complain that "genuine intelligence has dried up". "It was a gradual slowdown in last few years but today (army) units have nothing dependable coming in". Without credible intelligence army is "blinded" and "fumbling". Another serving officer said "Today we are *isolated* in our units and cantonments". (48) [Italics added] That army officers chose to remain anonymous is understandable because they will face punishment for going public. But in the given climate which operates where jingoist rhetoric silences every critical/dissident voice, anything attributable to the army becomes also paradoxically more credible, especially when they reveal the grim situation on the ground.

This is significant because if after 27 years the army finds itself "isolated" and even the "friendliest villager" tells them that "they will not be able to help us" anymore, then it's an admission of the failure of the policy followed by the Governments of India. So why do they persist with a failed approach? Why is it that there is no public pressure? One reason is that all shades of parliamentary parties have nothing concrete to say which will either be taken seriously in India, especially by the establishment, or by the Kashmiri people. Autonomy has run its course and to speak about restoring autonomy after its erosion was pompously stated on the floor of the Indian Parliament 04 December 1964 by India's interim Prime Minister and its Home Minister who said that Article 370 has been "hollowed out of its content" and all that remains is the "shell". Even this "shell" is anathema for the Hindu right wing 'red rag to a raging bull.'

All parliamentary parties concur that clock cannot be turned back. So what does one espouse to Kashmiris to wean them away from their demand for freedom from India and their call for ascertaining the wishes of the people through a referendum in which all state subjects allowed to exercise their mandate? Instead of something concrete the innate and empty rhetoric dominates. India also maintains a territorial claim which states that its territory is under occupation of Pakistan and parts with China. By keeping this claim alive a constant hyperbole is maintained against Pakistan and now increasingly China.

Who does this serve? Look at it anyway nation-state do manage to rally their public around the “enemy”. Now imagine an enemy blamed for vivisection of British India, the latent and overt suspicion of Muslims then the “other” gets magnified in J&K where Muslims are in majority. . But this does indicate that while Pakistan may not be the main cause of India’s failure in Kashmir, it is certainly inconceivable that there can be any solution to which it is not a party. The reason is not that they control the situation in Kashmir but because they administer one third of the territory and Kashmiris want Pakistan to be part of the solution. Unlike Indian civil society the Pakistani civil society, more than the Pakistan state, has been a source of comfort and strength. The significance of this can only be grasped when it is realized that Kashmiris live highly controlled lives where not just public and private, but the most intimate parts of body and mind can be violated with impunity. Fear and sense of insecurity are instruments of power to keep Indian public unaware of their own wretched condition and kept mesmerized by what they are told of a larger than life battle against the nation’s “enemy”.

In a manner of speaking for all of India’s protestations Indian nationalism looks more and more like any other religion based nation-state. It did not come with the adoption of Constitution. The debate in the Constituent Assembly despite the narrowness of its representation did espouse people’s interests. But real social and economic divisions put paid to even these sparks of deep concern. And entered through practices which pushed it away from constitutional promise of secular democracy and equity towards what in India is described as politics of communalism, ie crafting of an identity grounded in religion. By pitting nationalism as being inclusive and communalism as being exclusive, a dichotomy around religion and religious community was perpetuated, whereas a class analysis would have shown that the nation-state and official nationalism rested on excluding and marginalizing the working people, used favours and patronage to keep the dispossessed divided. The setback for the liberal fraction of ruling class and entry of a fraction, which is virulently Hindu exclusivist and is carrying out a more aggressive form of war in Kashmir matched by equal obduracy to eschew political intervention there. It is able to mobilize public around its call for wiping out the enemies of the nation-state.

So where is Left in all this? In India there has been a divergence in the stance taken by the left movement on the issue of nationalities. While leftists in general are opposed to assimilation, in which minorities or oppressed groups more or less lose their cultural identity, there are differences within left on the issue of what stance to take and one can say that the divide is between those who argue for integration with equality versus those who subscribe to separateness with equality, in order to defeat a common enemy, the State and the course to be adopted to achieve that. Maoists believe that there are oppressed nationalities and they are the strongest champions of their right to self-determination, this includes, the tribals, whose desire

for equality with separateness, must be respected in order for them to develop and determine their pace of change. Thus they argue that while they support the right of nationalities to self-determination, including to opt out of Union with India, every occasion where separateness is evoked does not mean secession. Tribals unlike Kashmiris or Nagas or Meitis are not demanding right to opt out of Indian Union. What is called the Parliamentary Left is wedded to the notion of “national unity and territorial integrity” where they have never voiced opposition to use of war as a policy to quell rebellion. The State which was inherited from the British Raj retained the repressive instrumentalities of the Colonial State. Yet nature of Indian State has not troubled the Indian left, outside the Radical Left fold. The remarkable thing is that today India’s parliamentary left has no locus standi among Kashmiris and nothing to offer Kashmiris. It is inconsequential also among Hindus and Buddhists in other parts of the state. They stood a chance up to 1940s but they drifted away from Kashmiris as they drifted closer to Nehru’s liberal bourgeoisie project. It was primarily the Naxalites/Maoists and Gandhians who have been consistent in their support for right of self-determination, but their voice is marginalised. And they evoke respect among Kashmiris, although even they are absent on the ground in Jammu and Kashmir.

However, platitudes and reference to Party Programme means nothing when the parliamentary left cannot organise meeting on Kashmir to spell out their perspective. Just as Lenin was confronted with the German Social Democrats which came to the defence of the nation during the First War instead of opposing the War, in India the parliamentary Left has stood by national unity and territorial integrity, and on the side of the Indian State.

So if Kashmiris express themselves using the idiom of religion in their struggle against India it is no wonder. Indian Bourgeoisie was not going to bring the people divided by religion, caste, ethnicity together, using class as the determinant. The invocation of ‘citizenship’ as advocated by liberals also fails where reality of class, caste and community divide remain dominant. The gradual and steady erosion of liberal politics has reached a point where bourgeoisie shows a clear disdain for democracy, dissent and respect for Rights and adherence to Rule of Law or seeking negotiated solutions for conflicts at home. There is no middle ground in their reckoning which needs to be pursued. So while we can lament the shortcoming of the Left, the point is that religio-nationalism has become the hegemonic ideology of the ruling class.

CONCLUSION

Two concepts which have bedevilled the Marxist Left are War and Religion. Instead of contextualising and analysing it in their particular condition, abstract and a priori abhorrence of War and Religion clouds comprehension/awareness. Kashmir helps us understand the problem because War being waged by a nation-state against a people considered formally as their own, needs to be distinguished from Wars people have to wage to protect themselves. Similarly, invocation of religion for mobilisation by the oppressor needs to be demarcated from the same by the oppressed. (49)

How should the Left look at a struggle which emphasises its Muslim-ness? Kashmiri movement has constantly reminded that theirs is not a religious struggle but a political movement. Their demand for right of self-determination is not for Muslims alone but for every state subjects

notwithstanding the region of J&K and their religion or language. This view was always challenged by small radical groups in Kashmir who argue that theirs is a part of a battle of global Muslim Ummah. But the fringe Kashmiri groups whose antics are played up by India's Government have been denounced by most sections of the Kashmiri movement. However, it cannot be denied that these fringe groups can gain ground, even if they are ineffectual today. One of the reasons will be the utter failure of Indian nation-state to offer anything but blood-letting and the pusillanimity displayed by Left and liberals, for their inability to offer a narrative which counters the official discourse over Kashmir which demonises the "other".

What is important is to note how a desire for co-existence in relative peace and stability changed into conflict in J and K. It is reasonable to suggest that had referendum taken place in 1947-48 the majority of the Kashmiris may have voted to accede to India. Today it is felt that accession to India has contributed to the making of the tragedy that has befallen the Kashmiri Muslims. It was the democratic perspective behind the appeal of 'Naya Kashmir' programme which had brought about a convergence of interests of the National Conference and Indian National Congress. For the NC it offered a possibility of co-existence and stability to undertake land reform, for INC the accession of Kashmir into India was used to question the 'two nation' theory of Muslim League and project its "secular" credential. In so far as Kashmir's accession to India weakened the rationale for creation of Pakistan, the same can be said about Kashmiri people's drift away from India as amounting to questioning the secular democratic credentials of India. And today when we stand on the cusp of turning into a majoritarian State where Muslims are second class citizens Kashmiri Muslims consider their physical survival at risk.

It is then pertinent to propose that the root of the problem lies in defining Indianness in a way that ruling class interests become coterminous with national interests and nation becomes coterminous with a religious community. A two way process. (I am reminded of an issue that embittered relations between the AIML and INC when working together in the Interim Government in 1947. The then finance minister Liaqat Ali Khan in his budget proposals recommended a 25 per cent tax on all business profits of more than Rs 100,000. "This was interpreted in congress circles", says VP Menon, "as an attempt to penalise the Hindu capitalists and to bring about dissension among the right wing and the socialist group within the Congress party" (50). In most Indian writings, however, the characterisation of the movement in Kashmir as fundamentalist proceeds from the argument that the Kashmiri Pandits are being hounded out of Kashmir and since they do not share the desire for referendum the demand cannot be 'nationalist' since nationalism is a secular identity. The contrary is however true. Nationalism is not the opposite of religious identity. The point of commonality is not just the religious zeal. The point is that every 'imagined political community' defines itself on one or more cultural markers. In India for instance the notion of 'unity in diversity' of culture is said to be the basis of Indian nationalism. Admittedly much more is made of unity than diversity. And even the diversities are so understood that they end up appearing to be variations of essentially the same. Therefore the constant refrain of tracing the lineage of the Indian nation-state to a particular Hindu remote past. (51) .

But what is even more interesting is that the by and large elites among Hindus of Jammu and Kashmiri Pandits do not share a bond of common interests with Muslims and therefore faced

with their disproportionately high representation in government services, especially the higher one moves up, a divide emerges with the Hindus refusing to acknowledge the fact of their pre-eminence. So despite the working people sharing commonalities, the Hindu elite found appeal to Indian nationalism an effective way to merge Kashmir into India and at once removed themselves from their fellow Kashmiris. Despite being minority their identification with the Indian nation on religio-cultural grounds made them repositories of the particular fabrication of Indian-ness. To this must be added the impact of a spate of riots in India through the 1960s, 70s and 80s. In fact the changing pattern of violence against the Muslims minorities in India with the active participation of the agencies of the state since 1980s helped accentuate the differences along lines of religious community. This only highlights the move to legitimise the role of religion as a cohesive factor for identity formation. It is interesting to note that in the spread of the Hindu 'nation-state', the role played by Kashmir has been quite substantial. When the right wing Jana Sangh was formed, its leader drew the attention of delegates to two issues: the special relationship of Kashmir with India and the condition of Hindus in East Bengal. And the manifesto of the party floated by them focused on 'bhartiya culture', 'hindi as link language', 'full integration of J and K', and denial of safeguards for minorities (52) These have become today's reality as it unfolds.

What we are witnessing is a new phase in the war which is testing the resilience of Indian nation-state as never before. A critical look at role of religious mobilisation is necessary, which can both inspire a people to carry on against all odds, while simultaneously it can also be the harbinger of a brutal bitter war invoked in the name of a nation-state increasingly Hinduised. Kashmiris insist theirs is an indigeneous political movement and not a religious one, while Indian government damns them as religious fanatics funded by Pakistan, and a call to Hindu faithful to rally together against this.(53) It always possible in a dynamic situation where religion based mobilisation by the oppressed can carry it towards regression. But and this is important to keep in mind Kashmir struggle has so far stayed away from fanaticism. So unless left and democrats stand and be counted for solidarity with the oppressed people and endorse the demand for right of self-determination as the only viable political solution, there can be no possibility of ensuring constant engagement and enabling us to mute the fracturing of unity of working people. Because without focussing on the bourgeoisie nation-state as the common enemy, there is no way we can win freedom for all Indians. Is this not what the founders of Marxism advocated when they warned that enslavement of Irish people will not allow English working class to free itself from English bourgeoisie? India's working people cannot emancipate selves if they do not come out strongly against the persecution of Kashmiri people at the hand of the same bourgeoisie nation-state which exploits and oppresses Indian people in general.

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