

A Kashmiri Perspective I

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After the excellent talk of Mr. James Clad, I am rather perplexed. He has set a very high standard of discourse about Kashmir. I would like to thank Professor Wirsing for inviting me to give a Kashmiri perspective on the problem of Kashmir. The most important party to the Kashmir dispute, the Kashmiri people, have for long been ignored. There have been innumerable talks between India and Pakistan, both under the auspices of the United Nations and in bilateral forums, to solve this problem. But we all know the results.

The agony of Kashmir and Kashmiris started on 26 October 1947, when the Indian army landed in Kashmir, surreptitiously, without the knowledge or sanction of the Kashmiri people. India and Pakistan got their independence from British colonial rule on 15 August 1947, and Kashmir remained a sovereign state for just over two months until the Indian invasion. Indian troops landed in Kashmir on the pretext of an illegal document of accession from the fugitive maharajah, who was fleeing from his own people because of the successful combination of the people's struggle for democracy and liberty that had been started as far back as 1931. Indian leaders base their claim to Kashmir on the maharajah's accession, and they maintain that the Kashmir conflict is about Pakistan vacating its aggression in Kashmir.

The notable author Alastair Lamb, who has authored several books on the region, including his recent, *Kashmir: A Disputed Legacy*, and *Birth of a Tragedy: Kashmir 1947*, has proved beyond a doubt the falsity of the Indian assertion. On the basis of extensive research carried out over more than thirty years, plus the new information that has become available, including the writings of Sardar Patel, India's forceful minister, and of Mehr Chand Mahajan, the last prime minister of Kashmir before 1947, and the records of the British India Office, Lamb has come

to new conclusions concerning many aspects of the Kashmiri problem. Lamb examines the maharajah's accession to India in its minute details, and he dismantles the legal edifice erected by India to justify its occupation of Kashmir. Lamb questions the actual existence of the document of accession itself: Purportedly signed by the maharaja, it has never been seen by anyone except the Indians. There is no such document in the Jammu and Kashmir archives. Lamb provides an authoritative account of the Indian intervention in Kashmir, proving beyond a doubt that Indian troops were landing at Srinagar airport before the facade of the process of accession had been completed. Indian forces apparently arrived on 17 October 1947, before the so-called tribal invasion was launched.

Thus we see irrefutable historical proof that India was not just an interested neighbor, giving a helping hand for restoring peace, but the real aggressor. This led to full-fledged war between India and Pakistan, which came to an end in January 1949 following UN resolutions calling for a cease-fire, followed by demilitarization of Kashmir and a free and impartial plebiscite under UN supervision. These resolutions were accepted by both India and Pakistan, in word but not in deed. Then followed the repeated attempts of mediation by the United Nations Commission for India and Pakistan (UNCIP), appointed by the Security Council to get these two countries to pull their troops out of Kashmir.

Forty-seven years later, the Kashmiri people and the world community are still waiting for India and Pakistan to keep their word. Every attempt at mediation by people of good will has been thwarted by a very cunning and implacable attitude by the Indians. Dr. Joseph Korb, who served as chairman of UNCIP in 1948, writes in his book *Danger in Kashmir*, "And so, once more, all the months of labor and frustration were in vain. The resolutions of the Commission of August 13, 1948, and January 5, 1949, surely provided a solid basis for the final settlement. But their implementation had been defeated once more by the lack of mutual trust on the part of the two nations, by their totally different evaluation of the causes of the Kashmir conflict, and especially (for so it must appear after all the Commission's efforts) by a lack of good will on the part of India."

India thus procrastinated with the implementation of UN resolutions, paying lip service to them until 1958 when it found a ready supporter of this position in the evil empire of the Soviet Union, which vetoed every attempt by the Security Council to unfreeze the situation and force India to implement the peace plan already accepted by both parties. This caused the paralysis of the Security Council on Kashmir, a condition that has lasted from 1958 to this day. Indian leaders very cleverly exploited the Cold War situation prevailing in the world; and India became what used to be called a satellite state of the Soviet empire.

The Cold War paralyzed the peacekeeping capability of the world state structure, and in this distorted Cold War perspective the essential requirements of a lasting settlement of an international dispute were forgotten or were ignored. Efforts were made to contain conflicts, not to resolve them. On 4 June 1951, Jawa-

harlal Nehru, the first prime minister of India, declared in a public meeting in Srinagar:

“Kashmir is not the property of India or Pakistan. It belongs to the Kashmiri people. When Kashmir acceded to India, we made it clear to the leaders of Kashmir that we would ultimately abide by the verdict of their plebiscite. If they tell us to walk out, I would have no hesitation in quitting Kashmir. We have taken this issue to the United Nations and give our word of honour of a peaceful solution as a great nation. We cannot go back on it. We have left the question of final solution to the people of Kashmir, and we are determined to abide by their decision.” [*The Hindu*, national paper of India, June 5, 1951]

He made similar pledges to the world and to Kashmiris more than once in the Indian parliament. Kashmiris are still waiting for this great nation to keep its word of honor. Subsequent events in history prove that Nehru never meant to honor the pledges of his so-called great nation. His pledges were nothing but a typical brahminic evasive tactic to buy time.

You will no doubt hear many arguments here in the course of the next few sessions about the so-called accession of Kashmir to India being ratified by the Kashmir state assembly, which was brought into being after massive rigging of the polls. Of the fifty members in that assembly, forty-nine members belonging to the National Conference were elected unopposed because whoever ventured to contest elections against the pro-Indian National Conference was kidnapped by the Indian authorities and jailed without documentation until the elections were over. The Security Council, through a resolution, declared that this ratification was null and void, and reaffirmed its standard that the future political dispensation of Kashmir state was to be decided through a plebiscite held under UN auspices.

Since 1947 Kashmiris have been living in bondage. It is an irony that the Indian leaders, who fought for freedom from the British colonial rule, did not only inherit the reigns of power from the British but also the thirst for a colony of their own. A sense of cunning, political manipulation, and absolute ruthlessness exhibited by the Indian rulers in subjugating Kashmiris under perpetual Indian rule surpassed those of their erstwhile colonial masters. India became a new colonial power in this South Asian subcontinent, with expansionist designs on its small neighbors Kashmir, Sri Lanka, Sikkim, Bhutan, Nepal, and Pakistan. It has become a regional bully, with its menacing arsenal of conventional and nuclear weapons. When Indian rulers come to the West, they wear a Gandhian cap and a Gandhian mask, and a benign smile of benevolence toward all people. And Western diplomats and rulers find it difficult to believe that what they hear about Indian oppression of Kashmiris could be true. But when the Indians come to Kashmir, they discard this Gandhian mask in Delhi, and we see them in their true colors, a face more frightening and malevolent than Hitler himself. They have mastered the art of disinformation about Kashmir; if Goebbels were alive today, he would get an inferiority complex.

Indian rule has not only meant progressive degradation of Kashmiri society, but also the loss of Kashmiri trust. The rulers from India have tried to provoke Kashmiris against one another and to divide them along sectarian and communal lines. The people of the state have been struggling to attain the right to choose their own destiny for the last forty-seven years. Their movement has generally been peaceful. Massive demonstrations were held on various occasions in 1989–90, demanding the right of self-determination. The demonstrations were suppressed with brute force. The people of Kashmir were left with no choice but to take up arms against an occupying power, the right granted to them by the UN charter. What were once peaceful political struggles turned into an armed struggle for freedom in 1989.

The Indian occupationists responded with unprecedented brutality. Draconian laws were passed by the Indian government in Kashmir to give legal sanction to mass murder, torture, arson, and what amounts to systematic genocide of the Kashmiri nation. To note a few of them, the Armed Forces (Special Powers) Act, Terrorist and Disruptive Activities (Prevention) Act, Preventive Detention Act, and National Security Act. Section 4 of the Armed Forces (Special Powers) Act states: “Any commissioned officer, noncommissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area, and Kashmir having been declared a disturbed area, if he is of the opinion that it is necessary to do so for the maintenance of public order, after giving such due warning as he might consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons, or of fire arms, ammunition, or explosive substances.” In section 6 of the same act, it says: “No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in the exercise of the powers conferred by this Act.”

In its report *India: Torture, Rape & Deaths in Custody*, Amnesty International states: “When the provisions of this act were scrutinized recently by the UN Human Rights Committee, established to monitor governments’ adherence to the ICCPR [International Covenant on Civil and Political Rights], one member of the Committee drew particular attention to the manner in which such laws can facilitate human rights violations: ‘*Purported* is the dangerous thing because anyone killing anybody can say “Well I thought I was performing my functions”.’”

Thus we find legal sanction for any crime against humanity committed by more than 600,000 well-armed, well-trained Indian security forces, mobilized by the governments of India and Kashmir since 1990 to crush the freedom struggle. More sinister is the gang rape of Kashmiri women used by the Indian army as a weapon of war and a way to break the will of the people of Kashmir. I am not

going to give the details of the human rights violations committed by Indian forces for the last five years because all of you must be fully aware of it by now, and they have been amply documented by Amnesty International, Asia Watch, Physicians for Human Rights, and Indian human rights organizations. Suffice it to say that, when you imagine the atrocities and torture committed by the Nazis in the early 1940s on their victims, and compare them with what is happening now in Kashmir, the Nazi SS officers will look like boy scouts. Actually Nazis would have learned a lot of innovative tricks of torture from their Indian counterparts.

To hide the real face of India from the international community, the Indian government has tried all means to suppress information coming out of Kashmir both within India and abroad. The success of the Indian government has kept the common man in India totally ignorant about what is going on in Kashmir. The official media have dubbed our freedom struggle as a terrorist movement, a fundamentalist movement, a proxy war. The Indian national press helps this disinformation campaign by deliberately blacking out news from Kashmir, or by distorting it to suit the government version. Amnesty International, Asia Watch, Cable News Network (CNN), and world media have not been allowed to go to Kashmir and expose the genocide going on there. In spite of this, some human rights organizations, like Asia Watch and Physicians for Human Rights, have managed to enter Kashmir and give their account of the human rights abuses. We also salute the small but persevering group of Indian intellectuals for the admirable individual and collective efforts they are making to educate their people about the historical realities of the Kashmir problem. One would expect more than this handful of dedicated people to stand for truth and justice in a nation of 880 million people. For the last fifty years, Indian intellectuals have never felt shy of preaching to the whole world of the moral aspects of international behavior in Gandhian philosophy. Why have they all of a sudden become silent for the last five years? Do they not see what is going on in Kashmir? Or is their sense of moral and immoral very selective, dictated by realpolitik rather than by any set of values?

Kashmir has been an abode of Sufi and Rishi saints for centuries. When the whole of the Asian subcontinent burned with communal frenzy in 1947, and on and off after that, there was no communal tension in Kashmir. And this was historically noted by Mr. Gandhi himself when he said that the only ray of light he could see in the subcontinent was in Kashmir. The ex-governor of Kashmir, the darling of the Hindu fundamentalist party of India, Bharatiya Janata Party (BJP), tried to give our freedom struggle a communal color by creating a fear psychosis amongst the Kashmiri pandits. With the help of some of their fundamentalist leaders, he sought to get them out of Kashmir to Jammu and Delhi. This was a cynical attempt to give a fundamentalist color to a simple freedom struggle. Kashmiri pandits are our brothers and we resent their exploitation by the fundamentalist forces of India. Unfortunately, many of them have deviated from

the centuries-old Kashmiri ethos of religious tolerance and fallen into the lap of the BJP. About 140,000 of them left Kashmir in 1990, and 40,000 are still in Kashmir, living peacefully with their neighbors as they have been doing for centuries.

We refuse to fall into this trap. Of course, we have our own share of fundamentalist terrorists; but they are a marginal factor in Kashmir, and fortunately do not command the support of a majority of the people of Kashmir. Some Kashmiri pandits were, in fact, killed by the freedom fighters in 1990. They were not killed because they were non-Muslims; rather, they were killed because they were collaborating with the Indian intelligence agencies, as are many Muslims who were collaborating with the enemy. The common man in Kashmir is terrorized by the Indian army. In spite of this terror, he openly supports and identifies with the freedom fighters. There have been instances of harassment of common people, too, and the killing of some innocent individuals by certain criminal elements and agent provocateurs of Indian intelligence agencies who have infiltrated their ranks.

The movement in Kashmir is an indigenous one and has nothing to do with any prompting from Pakistan or elsewhere. In the last decade of the twentieth century, people do not need any prompting to shake off their shackles of slavery and fight for their liberty. We do appreciate, however, the diplomatic, political, and moral support extended to our freedom movement by Pakistan. Even if we for awhile accept that Pakistan is giving material support, that does not negate the legitimacy of our struggle. For example, although Afghans got help from Pakistan and a lot of material help from the United States against Russian occupation forces, this did not delegitimize their freedom struggle.

We have seen the tyranny of Indian rule for the last forty-seven years. For the last four years we have become acutely aware of the tyranny of silence and indifference of the world community to our plight. We have been annihilated as a nation, and the world community is not watching but paying, in part, the bill for India by extending economic aid to a fascist regime through the World Bank and International Monetary Fund. We still hope that there are enough people of conscience in this world who will stand up for our just cause and force their governments to compel India to give Kashmiris their birthright of freedom and liberty. The Indian establishment and elite, dominated by the high-caste brahmins, who form 15 percent of the population of India, are spending millions of dollars to crush the freedom movement in Kashmir. This money could be well spent to uplift the miserable plight of common people of India. Starvation deaths still occur in some parts of India, like Maharashtra and Orissa. Infant mortality is very high due to lack of sanitation and clean drinking water in most of the villages of India. Epidemics of plague would not occur if the money spent on the armed forces in Kashmir would be spent on improving the living conditions of the urban poor. Kashmiris have no animosity against the common Indian citizen. We wish them well.

There have already been two conventional wars over Kashmir between India and Pakistan. The third war between them could be a nuclear war. One shudders to imagine the disastrous consequences of that war on Asia and global environment. An independent Kashmir would serve as a bridge of friendship between these two Asian neighbors. This would be a catalyst for permanent peace in Asia. Both of these countries could reduce their defense budgets and be able to uplift the economic development of the region. This would also probably halt the Hindu fundamentalist upsurge in India. Let us not forget that in the last national elections the Hindu fundamentalist party, the BJP, won 180 seats in the Indian parliament. We are happy that in last year's national elections in Pakistan the Muslim fundamentalist parties got only three seats.

If we study all these factors in detail, we cannot but appreciate that the world community has a vested interest in the final solution of Kashmir problem according to the wishes of the Kashmiri people. The international community cannot ignore the genocide of Kashmiris. By ignoring what is going on there, the world community is encouraging this crime against humanity. By giving generous economic aid to India, the World Bank and IMF are making it easier for this country to divert millions of dollars to India's war in Kashmir, and to bolster its war machinery along with the development of long-range missiles, like *agnis*, that have the capability to carry nuclear weapons. By this policy the world community is not only perpetuating the sorry plight of the common man in India in favor of the Indian elite, but also encouraging the horrible crimes against humanity occurring in Kashmir.

Kashmiris cannot fight India alone. We are only 13 million in number. We are up against the third-largest war machine in the world, with the resources of 880 million people behind it. We do not have the resources to counter the disinformation campaign launched against us by the usurper of our freedom. The world community, especially the United States, has no choice but to try everything at its means to force India to see reason and make it difficult for this neo-colonialist power to continue this occupation of Kashmir. Continued silence at this juncture means condoning genocide.

Economic sanctions against India could be the start of the expression of the will of the world community to end this unequal, unjust, and unnecessary war against a small nation of 13 million people. India should be forced to end this genocide in Kashmir with immediate effect, and to evacuate its armed forces from the place. Pakistan should be asked to evacuate its army from the one-third of Kashmir under its control. United Kashmir should be put under the trusteeship of the United Nations for a minimum of five years. After five years, the Kashmiri people should be given the chance to determine their own destiny and exercise their right of self-determination, already accepted and recommended by the United Nations, India, and Pakistan. I can assure you that most of the people of Kashmir want an independent, sovereign republic of Kashmir.

To leave it to India and Pakistan to solve this problem through bilateral talks would be a great injustice to the Kashmiri people. They have been talking to each other and at each other for the last forty-seven years with no results. If talks have to be held to thrash out the details of a settlement, they have to be among India, Pakistan, and the true representatives of Kashmiris under the auspices of the United Nations or under the friendly mediation of the U.S. government. If the latter, they could be Camp David-type talks, or involve both the United States and its allies. If Israelis and Palestinians can sit down at a table and solve the Middle East problem, there is no reason why we should not be able to do so. The only hurdle, it seems to me, is the intransigent attitude of the Indian rulers who have their own agenda of solving this problem by repression and more repression. It is the duty of every peace-loving person in the world to see that Indian rulers are persuaded to see reason.