

Kashmir Conflict and the Problem of Displacement

Sabzar Ahmad Bhat

Abstract

Since India and Pakistan gained independence from British colonial rule in 1947, both the countries claim Kashmir to be their integral part. They fought full three scale wars on Kashmir. India claims Kashmir is an integral part of India. Pakistan on the other hand claims Kashmir is the “jugular vein” of Pakistan. These directly opposing views have rarely been compromised over the last seventy years, resulting in frustrated talks, breaches of agreements, greater violence and the gross human rights violation in the region. According to reports of human rights bodies, due to Kashmir conflict more than 10, 0000 people were killed and almost 10,000 people disappeared mostly young in custody since 1989. There are an estimated 6000 mass and unmarked graves in different parts of Kashmir Valley. Besides this, the Kashmiri Hindus (also known as Kashmiri Pandits) also suffered due to the onset of armed conflict which ultimately led them to left their abodes. In this regard, the exodus of Kashmiri Pandits from Kashmir Valley under difficult and unfortunate circumstances in the early 1990s and indeed a sad chapter in Kashmir's resistance movement, following the outbreak of armed uprising in 1989. So, the purpose of this study is first, to present the nature of Kashmir conflict, second to discuss the displacement problem and how it impacts on human capital and the identity of Kashmiriyat.

Key Words: *Kashmir conflict, India, Pakistan, unresolved, Kashmiri Pandits, displacement*

Kashmir Conflict

When India and Pakistan became independent in August 1947 from the British colonial rule, the Kashmir dispute between India and Pakistan has become an intractable one. It is the major source of tension between India and Pakistan. Both the countries controls a portion of Jammu and Kashmir which is divide along the Line of Control (LoC). They have fought three wars and developed nuclear weapons as a result of this unresolved conflict (Indurthy and Haque, 2010: 9).

Presently, two-third of the land, known as the state of Jammu and Kashmir are controlled by India; this area includes the Kashmir Valley, Jammu and Ladakh; one-third of the former princely state of Kashmir is administered by Pakistan (also known as Azad Kashmir) and the Northern Areas of Gilgit-Baltistan (Schofield, 2003: xi). Arguably, as pointed out by Nitasha Kaul, Kashmir is not just an Indo-Pak issue, it is certainly not a Hindu-Muslim issue. The longer we continue to operate within such paradigms, the more bitter the outcome would be (Kaul, 2010: 42).

Additionally, Kashmir conflict encompasses the full panoply of issues that generate stubborn problems: national identity, ethnicity, religion, tension between central and local governments, and territory (Habibullah, 2011: vii). Further, Kashmir is an unresolved issue between India and Pakistan. Actually it is the conflict, which involves both state as well as non-state actors. The state actors

include the two South Asian countries-India and Pakistan and the non-state actors include militant organizations like Hizbul Mujahedeen, Jaish-e-Mohammad and Lashkar-e-Taiba along with other several small groups. Moreover, in terms of the sources of conflict, it has both endogenous and exogenous sources. The exogenous sources like unfriendly relationship between India and Pakistan, the ineffective role of the United Nation Organization, the militant organizations like- Jaish-e-Mohammad and Lashkar-e-Taiba. The endogenous sources on the other hand like the Jammu and Kashmir politics, economic backwardness, unemployment problems, administrative failure, extensive corruption, radical differences and many more issues (Bhat, 2017: 8).

In the context of endogenous sources, as pointed out by Kunal Mukherjee that human rights violation, poverty, administrative failure and corruption all of which collectively have given rise to the present turmoil in the Kashmir. Also, the internal dimensions of the conflict relates to the policies which the government of India has taken to deal with the current turmoil, which to large extent has exacerbated the already strained condition. In this context, mention maybe made of undemocratic laws and draconian laws like Armed Forces Special Powers Act (AFSPA), Public Safety Act (PSA), Terrorist and Disruptive Activities (Prevention) Act (TADA), Prevention of Terrorism Act (POTA) and National Security Act (NSA) and other several inhuman laws, which gives Indian security personalextra ordinary powers to maintain law and order in the Kashmir Valley (Mukherjee, 2014: 46).

Similarly, the Office of the United Nations High Commissioner for Human Rights prepared report on 14, June 2018 states that:

“Impunity for human rights violations and lack of access to justice are key human rights challenges in the Indian state of Jammu and Kashmir. Special laws in force in the state, such as the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990 (AFSPA) and the Jammu and Kashmir Public Safety Act, 1978 (PSA), have created structures that obstruct the normal course of law, impede accountability and jeopardize the right to remedy for victims of human rights violations” (OHCHR, 2018: 4-5).

Additionally, Kashmir conflict remains both a struggle for land and for the right to self-determination for the people of Jammu and Kashmir to decide their political future (Schofield, 2003: xv). In pursuance of self-determination, the Kashmiri people have facing the grave human rights violation. In this context, as pointed out by Shubh Mathur that “One should not view the conflict as simply a territorial dispute between India and Pakistan, but as experienced by Kashmiris as the heavily militarized control of everyday life (which means disappearances, unmarked mass graves, torture and rape carried out by armed forces with impunity)” (Mathur, 2014: 4). Arguably, as pointed out by *Pankaj Mishra, the essayist and novelist states that Kashmir;*

“Once known for its extraordinary beauty, the valley of Kashmir now hosts the biggest, bloodiest and also most obscure military occupation in the world. With more than eighty thousand people dead in an anti-India insurgency backed by Pakistan, the killing fields of Kashmir dwarf those of Palestine and Tibet. In addition to the everyday regime of arbitrary arrests, curfews, raids, and checkpoints enforced by nearly 700,000 Indian soldiers, the valley's four million Muslims are exposed to extrajudicial execution, rape, and torture, with such barbaric variations as live electric wires inserted into penises” (Mishra, 2011: 1).

Similarly, Victoria Schofield- the expert on Kashmir conflict states that:

“Statistics are difficult to verify and are frequently contested, but it is believed that over the past 30 years an estimated 80,000–100,000 have died, mostly young men. At least 10,000 have disappeared, which potentially leaves an equivalent number of half-widows – women who cannot remarry, as well as mothers who are bereaved. There are thousands of orphans. Thousands have been tortured, women raped. The psychological impact of the trauma which people have faced has barely been measured, let alone treated” (Schofield, 2015: 24).

Besides this, the Kashmiri Pandits also suffered due to the onset of conflict which ultimately led them to leave their abodes. Therefore, the exodus of Kashmiri Pandits from the Kashmir valley under difficult and unfortunate circumstances in the early 1990s and indeed a sad chapter in Kashmir's resistance movement, following the outbreak of armed uprising in 1989 (Geelani, 2014: 39). Thereby, the next theme of paper discusses the displacement problem in Kashmir and how it impacts on human capital and the identity of Kashmiriyat.

Problem of Displacement

Displacement describes the situation in which people leave their homes in order to escape political violence. In every year, the millions of individuals flee from their homes due to violent conditions. Such a scenario gives rise to the displacement crises. The displacement crises do not only affect the internal security of a state but it also leads to humanitarian issues like threat to the lives of displaced people vis-à-vis affect their political, economic, social and cultural rights. The state of Jammu and Kashmir is no exception to this. In the context of Kashmir, the displacement has a direct impact on the ideas of identity and on the development of both parts of Kashmir (Lischer, 2007: 142-43).

During September to November 1947 in Jammu region, a large number of Muslims were massacred and some others driven away to West Punjab (Bhat, 2017: 7). In 1991, historian Alastair Lamb wrote in his book “Kashmir: A Disputed Legacy: 1846-1990” stated:

“By this time the communal situation in Jammu, the one part of the State where there was a large non-Muslim population, had deteriorated rapidly with bands of armed Hindus and Sikhs (including members of the RSS. Hindu extremists, Akali Sikhs and others) attacking Muslim villages and setting in train a mass exodus. It has been estimated that in August, September and October 1947 at least 500,000 Muslims were displaced from Jammu. Perhaps as many as 200,000 of them just disappeared” (Lamb, 1991: 123).

Further, many people from the Kashmir Valley were also forced to displace. It can be argued that the 1947 displacement problem by all stretch of imagination was biggest of all including 1965, 1971 and 1990. The 1965 and 1971, displacement took place during wars between Pakistan and India. Most of these displaced people live on the other side of the Line of Control in refugee camps (Muhammad, 2014).

In addition, after the political failure of Jammu and Kashmir in state assembly election in 1987 and emergence of militancy the condition in the state became worst and an atmosphere of threat and fear began to arouse (Duschinski, 2008: 46). The political instability in Kashmir Valley has given rise to the militancy. It is being argued that people after losing faith in political means adopted the way of violence. Such a violent environment leads to the displacement of Kashmiri Pandits from Kashmir Valley to Jammu region and other states of India. Besides this, the main cause behind the

phenomenon was the weak democracy in Kashmir and the majority-minority dynamics (Sawhney and Mehrotra, 2013: 83), leading to the displacement of about two lakh persons most of them were Kashmiri Pandits (Ganguly, 1996: 76). Similarly, Bhupendra Singh (2012) pointed out that;

“With most of the Hindus gone by January 1990, and the secular minded Muslims powerless to help them return, Pakistan was able to strength its claim on Kashmir. There was religious indoctrination, by misusing Mosques and other available platforms, in a bid to frighten the secular Muslims. The crimes against humanity perpetrated against the Kashmiri Pandits were tragic. While genocide occurred on a small scale, it is more likely that the objective was to drive them away rather than wipe them out. The dozens of killings and rapes were always followed by warning for Pandits to get out, which suggest that the attacks were more as a statement rather than intent for mass genocide” (Singh, 2012: 200).

Evidentially, in 1990s in Kashmir Valley there was ethnic cleaning of Kashmiri Pandits marked with genocide (rediff.com, 2014). The Pandits were killed by militants in 1989 and afterward until they left Valley. The prominent Pandits from Kashmir valley namely, Lal Taploo, Pandit Tika, poet Sarwanand Koul, Justice Neel Kanth Ganjoo, Advocate Prem Nath Bhat, Lassa Koul and many others were killed. Under such circumstances, the Hindus which were in minority find it difficult to survive in such situation (Ibid). In this context, the Office of the United Nations High Commissioner for Human Rights prepared report on 14, June 2018 states that:

“A major episode of attacks against civilians by armed groups operating in the Kashmir Valley is that against the minority Hindus, known as Kashmiri Pandits. These attacks and threats from armed groups forced hundreds of thousands of Kashmiri Pandits to flee Kashmir and seek shelter in Jammu and other parts of India. According to the Union Ministry of Home Affairs, around 62,000 Kashmiri Pandit families live outside Kashmir and primarily left because of “disturbed conditions prevailing in the [Kashmir] valley during 1989-90” Other estimates of the number of displaced Kashmiri Pandit families vary” (OHCHR, 2018: 39-40).

Balraj Puri (2008) pointed out that;

“Muslims of Kashmir were hurt by a sweeping campaign of vilification against the whole community. Just as many Pandits tended to believe that Muslims could not be loyal to the country, many Muslims tended to believe that the Pandits could not be loyal to Kashmir, that every Pandit could be a Mukhbar (informer). Militants could use this suspicion as a basis to kill Pandits. Many Muslims further believed that the Pandits were encouraged by the government to migrate to facilitate its genocidal designs. Romours were also spread that Pandits youths were getting militant training and could return to start a counterinsurgency movement in Kashmir” (Puri, 2008: 72).

In addition, as pointed out by R. L. Bhat (2012) stated that;

“The living of home and hearth by the whole community of Kashmiri Pandits has resulted in a huge economic loss to them (as well as to State economy) besides the trauma, insecurity and uncertainty. Most of these people lost their immovable properties and many of them had to go for the distress sale of their properties at throwaway prices. Most of these so-called migrants have become pauperized.

They have lost their roots and identity and have become crippled because of various psychological disorders. Most of these, who belonged to middle income groups and were doing reasonably well in the Valley, have overnight become destitutes. The economic loss due to their killing by militants, unnatural deaths during the post migration period, the disabilities and debilities, particularly psychological, lack of opportunities, cannot be fully expressed in monetary terms. These and many other such deprivations have made the community live lives of sub humans” (Bhat 2012: 117).

Generally, it can be argued that the Kashmiri Pandits got displaced due to various causes like the deteriorating law and order, presence of various militant groups in the Valley. It has also been argued that the then Governor of Jammu and Kashmir (Jagmohan) encouraged them (Pandits) and promised to give economic assistance to these communities (Reshi, 2015:14869). In contrary, the displaced of Kashmiri Pandits and their resettlement in urban centres had directly impacted on their social lives in terms of certain changes in their roles and traditional gender equations. Also, the shift of this community has brought various negative issues to them such as change in identity, senses and also their perceptions (Sawhney and Mehrotra, 2013: 83).

Apart from this, the displacement have heavily costed on their lives as nearly 6,000 Hindus had died in their camps because of poor health conditions. During the early months of insurgency, nearly 1,500 Pandits were killed (Schofield, 2003: 151). However, the process of displacement has resulted in huge loss and was an upset to the valley of Kashmir. It has been argued that the Kashmiri Pandits were highly intellectuals in all the fields particularly in the field of education. They were regarded as the human capital in the Kashmir. Before insurgency, the Kashmiri Pandits were posted on higher positions in the Valley. Most of them were school teachers. It has been found through literatures on Kashmiri society that Kashmiri Pandits enjoyed a dominant role as far as their percentage in education and economic position is concerned (Dhingra and Arora, 2005: 217).

They were considered among the intellectual class within the Kashmiri society. The Kashmiri Pandits largely contributed in attaining the educational development of Kashmir valley and as such their displacement was a huge loss. More than that, the Muslim population along with this displaced community so called *kashmiriyat* got disappeared in the scene (Puri, 2008: 71-74). Along with displaced Pandits, “an officially estimated 20,000 Muslim families from the valley had been forced to migrate, and a far larger number of Muslim killed by security forces and militant” (Ibid, 2008: 73-74).

Conclusion

Kashmir conflict is one of the most longstanding and intractable conflicts in the world. It is a conflict which involves both state and non-state actors. It is a conflict which remains both the struggle for land and right to self-determination of Kashmiri people. Moreover, it has been so far the most virulent source of hostility between India and Pakistan and the impediment to lasting peace in South Asia particularly in Kashmir.

In pursuance of self-determination, the Kashmiri people have facing the grave human rights violation. As pointed out by Shubh Mathur that “One should not view the conflict as simply a territorial dispute between India and Pakistan, but as experienced by Kashmiris as the heavily militarized control of everyday life (which means disappearances, unmarked mass graves, torture and rape carried out by armed forces with impunity)” (Mathur, 2014: 4).

Besides, displacement is one of the stark realities of the unresolved Kashmir conflict. There are various groups in the region that were forced to leave their native places particularly the Kashmiri Pandits due to endogenous and exogenous sources of conflict. The exodus of Kashmiri Pandits from the Kashmir valley under the difficult and unfortunate circumstance in the early 1990s is indeed a sad chapter in the history of Kashmir.

Seeing the problem of displacement of Kashmir Pandits as grave violation human rights and a tragedy there has been hardly any individual or leader across the political divide in the state of Jammu and Kashmir who has ever opposed their return to their native places. In fact, those Kashmiri Pandits whom returned to their homes and hearths were warmly welcomed by their neighbors and have been living happily in their native places. In this context, as pointed out by Z.G. Muhammad that: "Thinking of creating separate settlement for them would be like injecting cancerous cells in the body politics of the state. Instead, of rushing through schemes like creating separate township for them, the government should take the debate to public dominion and see how to strengthen the pluralistic fibre of the state" (Muhammad, 2014).

In the end, I think it is high time to think about these things particularly the problem of displacement of Kashmiri Pandits and to reach out politically and find humane solution of the Kashmir problem. It is responsibility of the leaders in Pakistan and India to understand this human issue and to steps for conflict resolution. Let's put an end to this problem and release the state of Jammu and Kashmir of this burden.

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