

Brief report of a visit by concerned citizens' group to Srinagar

A group consisting of concerned citizens visited Srinagar from October 25-27, 2016.

Centre for Dialogue and Reconciliation played a catalytic role in facilitating this visit and arranged its programme in Srinagar. The group was not, however, limited to any ideology or institution and was not sponsored by anyone.

Although former minister, Mr. Jairam Ramesh of the Congress and former MP Ms. Brinda Karat of the CPI (M) were also scheduled to join the group, they were unable to do so for various personal reasons.

The visiting group consisted of the following:

1. Yashwant Sinha (Former External Affairs Minister)
2. Wajahat Habibullah (Former Chief Information Commissioner and former Chairman of National Minorities Commission)
3. Air Vice Marshal (Retd) Kapil Kak
4. Bharat Bhushan (Editor, Catchnews) and
5. Sushobha Barve(Executive Program Director of Centre for Dialogue and Reconciliation - CDR)

Everyone paid for their own expenses and no security or financial help was accepted from any institution or government body to ensure that the integrity of the group as concerned citizens was maintained.

The group had the following meetings in Srinagar over three days (October 25, 26 and 27:

25th October

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| 11.45AM – 12.45 PM | Meeting Syed Ali Geelani at his residence
(Present at the meeting were his two sons, Dr. Nayeem Geelani and Mr. Naseem Geelani as well as one Yusuf Mujahid/Mushahid and a video cameraman) |
| 2.00 PM – 3.00 PM | Meeting with Mirwaiz Umar Farooq at his residence.
(Except the group members, no one else was present at this meeting with the Mirwaiz) |
| 5.00 PM – 6.00 PM | Meeting with Prof. Abdul Ghani Bhat at his residence
(Except the group members, no one else was present at this meeting with Prof. Bhat) |
| 6.15 PM – 7.00 PM | Meeting with Shabbir Shah at Raj Bagh Police Station (Group members met him minus Yashwant Sinha) |
| 8.00 PM | Separate Meetings with Dr. Farooq Abdullah and Mr. Vijay Dhar |

26th October

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| 10.00 PM – 11.00 PM | Meeting with Kashmir Chamber of Commerce and Industry
(About a dozen past and present office bearers of the KCCI were present) |
| 11.30 PM - 12.30 PM | Meeting with Kashmir Economic Alliance at Hotel Grand Mumtaz
(About 20 members of various trade and commerce unions were present) |
| 1.00 – 2.00 pm | Meeting with Kashmiri Pandit Sangharsh Samiti members |
| 2.00 PM – 3.00 PM | Meeting with intellectuals - academics, writers/journalists, doctors at Comrade Inn Hotel, Raj Bagh |
| 3.30 PM- 4.30 PM | Meeting with members of Kashmir Centre for Development Studies at Comrade Inn Hotel, Raj Bagh. |

- 5.00 PM – 6.00 PM **Meeting with High Court Bar Association**
- 8.00 pm **Dinner meeting with Chief Minister Mehbooba Mufti** (No officials present)

27th October

- 9.30 AM **Second meeting with Syed Ali Shah Geelani** at his residence (minus Yashwant Sinha and Wajahat Habibullah)
- 11.30 AM **Meeting with the Governor N NVohra** (No officials present)
- 2.00 pm **Meetings with Members of Kashmir Hoteliers Association**

The meetings with Main stream political leaders - Dr. Farooq Abdullah, Mr Saifuddin Soz and Mr. Yousuf Tarigami who are supporting this initiative were by individual members of the group. All of them were unanimous in welcoming the group's visit and talks with the Hurriyat leaders. Members also met separately with other civil society organizations.....

BASIC FINDINGS:

Across the political spectrum, the Kashmiris we met spoke to virtually the same script about the history of the Kashmir issue. They may have varied in the exposition of a particular issue but basically all of them argued for a political solution to what they perceived as a political issue. They made the point that this is the fifth generation of Kashmiris which was protesting but to no avail.

Each one spent a considerable amount of time recounting the activities of the security forces which had alienated the population of the Valley. Our interlocutors told us the reasons for the immediate anger and the long term anger which we are quoting below without endorsing them -

REASONS FOR IMMEDIATE ANGER:

1. Excessive use of force by the security forces

The violence which began with the funeral procession of slain militant Burhan Wani has so far resulted in the death of nearly a hundred people. The question that most Kashmiris are asking is: Why were unarmed people going to offer last prayers for Burhan Wani fired at? They were not carrying any sticks, firearms or grenades that they represented a threat to the security forces. Nor did they attack the security forces. The firing at the funeral processions (there were nearly two lakh people gathered for the funeral and the last Namaz Janaza for Burhan Wani had been offered 40 times) is being seen as action of unaccountable security personnel and is being projected as an example of India's 'inhumanity'.

The business and trading community is claiming that in the current situation it is not bothered about profit and loss but human loss and about the worsening situation in the Valley. They want an amicable resolution and end to violence by the security forces.

2. Use of pellet guns

Use of pellet guns for crowd control was the sorest point of all conversation with Kashmiris we met. They want the pellet guns banned and cannot understand why Gol is delaying this decision and why Indian security establishment is reluctant to give up this weapon.

The use of pellet guns has led to several people, including children – some as young as 4-years-old – being blinded or partially blinded. These weapons, the Kashmiris point out, are not used in the rest of India even under grave provocation. They were not used in the Jat agitation in Haryana, the protests against Cauvery water sharing in Karnataka or the Patel agitation in Gujarat. All these agitations had resulted in large-scale damage to public property and in some cases even in gang rape of innocent women as in Haryana. Yet pellet guns were not used against the protestors. The fact that the use of pellet guns was

reserved only for Kashmir elicited the most amount of anger against India and Indian security forces in the people we talked to.

Asked about stone-pelting, most Kashmiri leaders denied that youngsters were being paid to throw stones. They claimed that this was being done in 'self-defence' by unarmed people protesting against India.

3. Night-time raids by security forces

These are ostensibly search operations which have resulted in destruction of property at Kashmir homes -- windows, doors, and household goods. Apparently electrical and electronic gadgets are destroyed in the name of search operations. This continues even when the search operation yields nothing.

One explanation we heard of this was that because the security forces get pelted with stones while returning to camp in the evening, they go back at night in anger to take revenge. That revenge in the form of wanton destruction of property to punish the people.

4. Misuse of Public Safety Act (PSA)

The PSA is seen as a revolving door process by the Kashmiris to keep people in jail. Brought into being to deal with timber smugglers by Sheikh Abdullah this draconian law, which does not require the victim to be produced before a magistrate and charged for up to a year, is used to keep trouble-makers in jail for longer than a year. As they are released in one case, another one under PSA is slapped on them in a different police jurisdiction.

However, the major misuse of the PSA is against minors. The amended Juvenile Justice Act for the state does not allow the police to arrest minors under PSA. Yet this has happened on a significant scale. The separatist leaders claim the number is about 6,000 while government sources place the figure at slightly less than half at 2,500. Even this is a large number of children. As there are no juvenile homes or Borstals for confining minors in J&K, they are kept with hardened criminals which can have long term deleterious impact on the minors imprisoned.

Kashmir leaders also allege that people arrested from the Valley are being housed in jails in the Jammu region so that their families cannot get easy access to them. This they claim is against a Supreme Court order. Kashmir, they claim, has also become the only state which has run out of jail space and seeking to transfer the overspill to jails in MP and other states.

5. Destruction of electric transformers and crops in rural areas

A strange phenomenon of destruction of electric transformers in rural Kashmir is being reported. Apparently over 200 transformers have been destroyed -- allegedly by the security forces. This again is apparently aimed at punishing villagers for either pelting stones at them or protesting against them.

There have also been some cases of standing paddy crop ready for harvesting being set on fire at some places. It is not known who is behind this. However, the news of such incidents -- some verified and others unverified -- is also fanning anger amongst people.

6. Attacks on Kashmiris outside J&K

There have been some reports of Kashmiri students as well as some Kashmiri traders being attacked in states outside J&K. The Kashmiri people want the safety of students and traders to be ensured by the Govt.

With everyone we strongly raised the issue of opening of schools.

REASONS FOR LONG TERM ANGER:

1. Refusal to recognize Kashmir as a politically contentious issue

Across the cross section of people we met there was anguish about India not recognizing that Kashmir was a dispute. The refusal to see Kashmir as a political issue, people claimed, had resulted in the present situation because a political issue cannot be solved through law and order measures.

2. Refusal to recognize the emotional and sentimental aspects of the Kashmir issue

India, Kashmiri separatist leaders believe, has not understood the wounded psyche of the Kashmiri people. Therefore, it is unable to understand why Kashmiris have locked horns with the world's largest democracy. Their argument is that because India does not see the psycho-historical aspects of the problem it tries to reduce it to issues of lack of development or economic growth, need to create jobs or offering economic packages and incentives. This has not suppressed the sense of hurt in the Kashmiri people or quell their political aspirations because these measures do not address the political issue of Kashmir.

3. Designating all Kashmiris as Pakistani puppets

There is also anger among Kashmiris that everything that happens in the Valley is being seen through the Pakistan prism and that this is being done to deny that they are free agents who are raising their own issues with India.

Another consequence of equating the protests in Kashmir with Pakistani machinations, they believe, is that every protesting Kashmiri can be equated with a terrorist and leadership, especially the Hurriyat Conference, is projected on a par with extremists when in fact, it was organised as the political face of a peaceful protest movement.

Even if GoI gets upset with the Azadi slogans, they argue, there is a need to recognize that the Kashmiris are upset and there is a sentiment for Azadi; and that this has little to do with Pakistan. Protestors pick up Pakistani and Chinese flags not because they want to solicit support from these countries but because they know that this riles India. And they want to rile India because it does not listen to them. "If everything that happens here is because of Pakistan, then what are we doing here?" a Hurriyat leader asked.

4. No dialogue with Pakistan

Kashmiri separatist leaders also think that unless India and Pakistan talk there can be no permanent solution to the Kashmir issue. While most of them recommend tripartite talks on Kashmir between India, Pakistan and the Kashmiri leadership (without specifying which leadership), others are willing for some other form of dialogue between the three as in Vajpayee's time. They called it "triangular dialogue" – presumably one in which India and Pakistan talk to each other and each of them then talks to the Kashmiris also.

There is widespread belief that without engaging Pakistan there can be no resolution of the Kashmir issue.

5. Vajpayee line on Kashmir jettisoned

Most Kashmiris believe that Prime Minister Atal Bihari Vajpayee was sincere in his approach to resolving the Kashmir tangle. They quoted him as saying that Kashmir is an issue which needs to be resolved and that even if Kashmiris want to distance themselves, even that had to be done through cooperation and goodwill.

They believe that Vajpayee saw the human aspect of the Kashmir issue and there was a need to once again appreciate the humanitarian aspects of the issue, irrespective of the state of India-Pakistan relations.

6. Indian public is indifferent to the plight of Kashmiris

Kashmiri separatist leaders believe that while Indian citizens are politically quite aware and quick to question the government, when it comes to the Kashmir issue, they keep quiet. This, they believe, is because they have been conditioned and encouraged to view the developments in Kashmir through anti-Pakistan glasses. GoI's approach to Kashmir also pushes this point of view. As a consequence, even politically aware Indian citizens have no time for Kashmir.

7. Kashmir being pushed towards anarchy

The situation in the Valley is not being controlled by the separatist leaders as they were all in jail for four months since the day after Burhan Wani's death. The Hurriyat leaders admitted that the street protester is not under anyone's control. The streets are being controlled by youngsters who give the call for spontaneous protests. If this continued, they think that they would lose whatever little authority they exercise over the local population and they would not be able to give the protests any political direction.

If such an anarchic situation was to develop in Kashmir, then India would have no reasonable person to talk to, they claim.

8. Kashmiri Pandits living in the Valley

The Kashmiri Pandits who have continued to live in the valley since 1990's want to be treated on par with Kashmiri migrants and be given same benefits as them because in a sense they are also migrants who have shifted from the original villages to towns. This had been agreed to by the former PM Dr. Manmohan Singh but never implemented. Because of the ongoing agitation, many of the Pandit families, whose breadwinners were employees of commercial establishments were now deprived of a livelihood. The Kashmiri Pandits fear that in light of breakdown of law and order and withdrawal of security their own security was compromised leading to the migration of employees to Jammu where they were not getting salaries unlike other employees who were not able to their offices. In consequence, out of remaining 850 families, 350 families were planning to migrate.

9. Regression from autonomy to uniformity; togetherness to communalism

Kashmiris believe that today Indian politics has taken such a turn that there is no willingness to listen to even demands for autonomy. **Today Kashmir issue is being seen as Hindu vs. Muslim and governance is seen as Jammu vs. Kashmir.**

RECOMMENDATIONS: WHAT NEEDS TO BE DONE:

The sense of despair and desperation in Kashmir is increasing by the day. There was unanimity among the civil society and mainstream political leaders that dialogue must begin with the inclusion of the separatist political leaders.

The question then is how to ease the existence of ordinary Kashmiris while leaving aside the complexities of resolving the Kashmir issue permanently.

After listening to a cross-section of Kashmiri voices, the group came to the conclusion that some small steps can be taken by the State government and the Union government to bring some semblance of normality in Kashmir. These proposed steps are listed below.

Steps that the J&K state government can take:

1. Start the process of reopening schools and as a precursor to this, release forthwith all first time offender school children and minors arrested under PSA.*
2. Consider postponing school examinations to a later date instead of insisting on holding them from November 15. Children who have been in jail have not probably had access to textbooks and other teaching material. They should be given sufficient time to prepare for exams.*
3. Repeat offenders amongst minors must be shifted out of adult jails and put up in temporarily designated juvenile detention centres and given psychological counseling.
4. Compensation must be announced for the next of kin of the civilians killed and for those wounded in police or action by the other security forces. This money may be transferred as DBT to designated accounts to prevent extortion and rent-seeking from the suffering families by the state bureaucracy.
5. Rehabilitation packages must be announced to ensure the life-time income needs of those permanently blinded by pellet guns.

6. Compensation and free treatment (both in India and abroad, if necessary) at state government expense for those who have been partially blinded by pellet guns.
7. Set up a blind school in Srinagar for children blinded by pellet guns. The state does not have a blind school and this may be a means of rehabilitation by the state to provide education for children with blindness or partially blindness.
8. Order a judicial commission into excesses by the police, especially the wanton use of pellet guns. While it is widely accepted that such commissions rarely lead to any conclusions, they serve a therapeutic purpose of allowing people to emotionally express themselves and it also helps project the state government as an accountable institution.

**Syed Ali Shah Geelani reciprocated this sentiment when the group met him for a second time to urge him to allow children to go to school, although he couched this in rhetoric that made it the responsibility of the state government to provide the secure conditions for children to attend school.*

Steps that the Union government can take

1. Ban the pellet gun with immediate effect as a crowd control weapon. This will have a salutary impact on the Kashmiris. This is not something that should be left to committees or to the security forces.
2. Work with the media not to escalate the situation in Kashmir. Educate media owners about the sensitive nature of the Kashmir issue and not add fuel to the fire in search of viewers and revenue.
3. Dispel the perception that Kashmir and Kashmiris are mere tools to be used for electoral purposes.
4. In its interactions with Kashmiris the centre might reiterate the approach enunciated by the Hon'ble PM that Kashmiris are Indians.
5. GOI move quickly to give facilities of migrants to Pandits continuing to reside in Kashmir Division of J&K.

Although separatist leaders like Syed Ali Shah Geelani and Mirwaiz Umar Farooq talked of being prepared for a dialogue (Geelani talked of "unconditional" talks), it was not within the competence of this group of concerned citizens to suggest when or if such a dialogue process should be started.

However, what we would like to emphasise is that we noted an overwhelming sentiment amongst the Kashmiris we interacted with for setting up a permanent process of dialogue with New Delhi. One of the reasons why so many doors were opened for us by the separatists and ordinary Kashmiris alike was because they saw our visit as a beginning of engagement with ordinary Indians.

The agenda of alliance of the BJP-PDP Coalition Government also commits to a dialogue with all the stakeholders. We recommend that such a dialogue is initiated at the earliest.

The Kashmiris we interacted with acknowledged that we had limitations in leveraging the complexities of the Kashmir issue. Yet, there was a consensus that we repeat our visit and continue this engagement with them.

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