

DECONSTRUCTING MODI'S KASHMIR POLICY, 2014-2018

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Abstract

In the years following Prime Minister Narendra Modi's ascent to power in May 2014, the Kashmir Valley went through massive protests, commonly called uprising or third intifada. Prime Minister Modi promised to reintegrate disputed State of Jammu and Kashmir into the Indian Union during the election campaign, championing an overtly hostile stance towards Pakistan. In the following years, major contours of the ruling right-wing Bhartiya Janta Party's Kashmir policy has largely been grounded in unpromising assertiveness. Unexpectedly, a massive uprising erupted in the Kashmir Valley in 2016 which, despite oppressive measures by India, has refused to die down to date. On the other hand, the Line of Control (LoC) has also witnessed unprecedented ceasefire violations while India-Pakistan relations are touching the lowest ebb. This study argues that a policy of development without political engagement is a negation of the genuine political aspirations of the people of Indian Occupied Kashmir (IOK) and a denial of their fundamental rights.

Keywords: *Jammu and Kashmir, Line of Control, India-Pakistan, Bharatiya Janata Party, APHC, Peace Constituency*

Introduction

Since August 2014, India-Pakistan relations have been on a bumpy road. This unfortunate downwards trajectory began when New Delhi cancelled talks with Islamabad on 19th August, 2014, presumably due to Pakistani High Commissioner's intention to have a consultative meeting with the Kashmiri leaders, ahead of foreign secretaries' talks to discuss the resumption of formal dialogue. The power transfer, from the Congress Party to the Bharatiya Janata Party (BJP) led by the Prime Minister Narendra Modi in May 2014, sent fairly positive signals. Hoping to capitalize on the momentum of a new government, Prime Minister Nawaz Sharif hastened to New Delhi to

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Modi's swearing-in ceremony on his invitation. It was regarded as a grand initiative across the world but it did not last for more than eight weeks.

The BJP government's approach towards Pakistan as well as the issue of Jammu and Kashmir went through radical changes. Since attaining power, the BJP government has employed coercive diplomacy coupled with belligerent rhetoric, and the violations of the ceasefire along the Line of Control (LoC) have increased manifold while dialogue at the official level has been suspended. Above all, cross-LoC interaction and Track II engagement has systematically been discouraged during the last five years.

Additionally, a heavy-handed approach was employed to handle the Kashmir conflict. As a result, political engagement froze. BJP's approach called off all communication, formal and informal, with the Kashmiri resistance leadership and has shown zero interest in political engagement. Worse, Kashmiri freedom fighters are being imprisoned and political activities are being suppressed by the security forces. The absence of dialogue and engagement in Occupied Kashmir has generated increased disenchantment and despondency. Consequently, a sizeable number of young people, including highly educated individuals, are joining militants' ranks. This has caused a massive spike in violence.

At the domestic level; the BJP, for the first time in history, ascended to power in Indian Occupied Kashmir (IOK) by partnering with People's Democratic Party (PDP). This alliance promised to make significant political and administrative inroads to improve the situation in the disputed territory. The BJP, as a partner in the coalition government, tried hard to push its agenda such as erosion of Kashmir's special constitutional status granted though article 370 and 35-A. These ill-fated plans further strengthened the cynicism about New Delhi's intent and consequently fuelled the resistance movement.

A decade-long ceasefire along the 720-km long Line of Control (LoC) and 198-km long working boundary, dividing the erstwhile state of Jammu and Kashmir became practically irrelevant. Shelling across the LoC is currently at its highest levels and resident communities live under the shadow of fear and death. Clearly, the Indian military leadership took quite an aggressive stance towards Pakistan, on the pretext of terrorism to win the approval of their hard-core support base. India even claimed that it had conducted a surgical strike inside Azad Jammu and Kashmir (AJK) and allegedly destroyed a few so-called terrorist establishments. No real evidence was ever provided to support this declaration.

Against this backdrop, the paper deals with various facets of India's political, military and diplomatic strategy from 2014 to 2018. Second, it will examine BJP's overall strategy regarding the domestic Kashmiri politics. Third, it will examine BJP's relations with Pakistan in the context of Kashmir. Fourth, it will analyze the indigenous Kashmiri response to India's initiatives such as attempts at mainstreaming Kashmir, its infrastructural developmental plans and heightened use of military oppression. Fifth, it identifies obstacles to conflict resolution mechanisms and discusses steps which can enhance

Kashmiri participation in the dialogue process to make it inclusive and grass-rooted. Additionally, it also offers a perspective on the necessary policy changes required to find a just and durable solution of the Jammu and Kashmir issue.

Development but Not Engagement

The BJP came up with a multi-pronged strategy that it thought would change the dynamics of the Kashmir conflict. Given the State Assembly elections in IOK, PDP-BJP coalition got an opportunity to reach out to the people of Kashmir. The coalition promised them mega projects and vast infrastructure development. In fact, Modi, and his party, strived to paint him as a 'development guru' to galvanize mass support in the Assembly which was scheduled to be formed in November/December 2014.¹ Moreover, five weeks after assuming premiership, he declared that 'our priority is to win the hearts of every citizen of this state through development.'²

Then, in his subsequent visits to the Kashmir Valley, he again used development as a tool to convince alienated Kashmiri youth to become a partner in progress and economic growth, and shun the growing resistance towards Indian rule. To that effect, in November 2015, Indian Prime Minister announced a developmental package of 80 billion INR which was unprecedented. However, it failed to significantly change the political climate in the valley. On this occasion, a complete shutdown was observed across Kashmir valley. Sofi Ahsan, an undergraduate journalism student based in IOK, aptly remarked on Modi's lack of understanding and his flawed approach to deal with the Kashmir issue by sidelining the political dimension of the long-festering conflict. He writes:

There was only a semblance of former Indian Prime Minister Vajpayee but in reality, he failed to achieve anything substantial to remove the alienation of people in Kashmir by failing to address their long-pending demand of a political engagement and deliberation. They (people) have revealed their demand of a political resolution and a right to decide their future through continuous resistance, be it by picking up the gun in the early '90s or today by throwing stones on the Kalashnikov-wielding soldiers.³

¹ "Development only Path to Solve Problems ailing J & K: Modi," *News18*, December 8, 2014, 5:16 PM IST, <https://www.news18.com/news/politics/development-only-path-to-solve-problems-ailing-jk-modi-730236.html>

² "Modi Flags off Inaugural Train from Katra," *The Hindu*, Updated: May 23, 2016 16:59 IST, <https://www.thehindu.com/news/national/modi-flags-off-inaugural-train-from-katra/article6176580.ece>

³ Sofi Ahsan, "How PM Modi Failed Kashmir: A Student Perspective," *The Citizen*, November 10, 2015, <https://www.thecitizen.in/index.php/en/NewsDetail/index/8/5778/How-PM-Modi-Failed-Kashmir-A-Students-Perspective>

On 19th May, 2018, Modi urged the youth in Srinagar to return to the "mainstream" declaring that there is no substitute for "peace and stability". "I want everybody to invest energy only in the development of Jammu and Kashmir. All problems, all differences have only one solution ... development, development and development."⁴ Modi never intended to initiate stalled political processes or even engage pro-freedom groups. His successive visits and public talks have always revolved around building infrastructure and creating jobs for locals, while ignoring any serious attempt at political engagement. Modi's predecessors, both Prime Minister P.V. Narasimha Rao and Atal Bihari Vajpayee, pledged that talks would be held within the framework of the "sky is the limit" for autonomy. Moreover, they promised that negotiations will not be confined to the framework of the present Indian Constitution but expanded to include "insaniyat (humanity), jamhuriyat (democracy) and Kashmiriyat (the traditional Kashmiri ethos)", as explained by Congress parliamentarian Mani Shankar Aiyer.⁵ Unlike his predecessors, he completely ignored the political dimension of the issue and only emphasized on development. A noted Kashmir scholar Farrukh Faheem concisely sums up the Indian dilemma:

This historical discontent of Kashmiris is always met by the state's brute force, followed by the announcement of economic packages and creation of jobs. This approach not only denies the Kashmiri people their agency, it also keeps India and its masses blinded about Kashmir, whose quest for a political solution remains obfuscated till another cycle of protests and ominous killings returns.⁶

BJP Politicking in Occupied Kashmir

For the first time in the history of Occupied Kashmir, BJP pitched a strong fight and ran a hectic elections campaign. Prime Minister Modi and BJP's President Amit Shah toured every nook and cranny to garner public support. In the state elections, BJP introduced 'Mission 44+' that aimed for a simple majority in the 87-member Assembly. Traditionally, BJP has a strong mass base in Jammu region since long. However, to form a government, 44 legislators are required in the Assembly. BJP won 25 seats from Jammu region and could not get even a single seat from the Kashmir valley, while People's Democratic Party

⁴ Rifat Fareed, "In Kashmir, India PM Modi says 'Development is the Solution'," *Aljazeera*, May 19, 2018, <https://www.aljazeera.com/news/southasia/2018/05/kashmir-india-pm-modi-development-solution-180519143705227.html>

⁵ Mani Shankar Aiyer, "What a Week in Kashmir Taught us," *Greater Kashmir*, July 29, 2019, <http://m.greaterkashmir.com/news/opinion/what-a-week-in-kashmir-taught-us/250870.html>.

⁶ Faheem Farrukh, "Three Generations of Kashmir's Azaadi: A Short History of Discontent," *Economic & Political Weekly*, August 27, 2016, Vol. 51, Issue no. 35.

bagged 28 seats there⁷. Both parties' political ideologies are poles apart but they jointly formed a collation government.

The coalition government led by Mufti Muhammad Saeed and subsequently, his daughter, Mehbooba Mufti, could not complete its term in office. This was so since both parties pursued divergent agendas and adhered to conflicting sets of political philosophies. Being Kashmiri Muslims, Mufti Saeed and Mehbooba Mufti were quite keen to resume India-Pakistan dialogue and also wanted New Delhi to engage Kashmiri resistance leadership. However, New Delhi did not pay heed to their recommendations even though the two parties had agreed upon these points, prior to formally entering into political alliance.⁸

Despite repeated calls to do otherwise, New Delhi continued to see Kashmir issue only through the prism of internal security or law and order, extensively used military muscle, and opposed engagement with the resistance leadership as well as Pakistan. Likewise, it consistently attempted to disempower Kashmiris politically and administratively. This, in response, generated stiff mass resistance and disenchantment. Finally, PDP-BJP coalition, which was commonly known as an alliance between the North Pole and the South Pole, came to an end in June 2018. Soon thereafter, Governor Rule was imposed and has only further deepened the mistrust between Kashmiris and New Delhi.

Silencing Kashmiri Resistance

The BJP Government's Kashmir strategy has been revolving around two key components i.e. provide massive financial support for infrastructure as mentioned above and the use of disproportional force to subdue the indigenous resistance struggle. It uses draconian laws such as the Armed Forces Special Power Act (AFSPA) and Public Safety Act (PSA) which provide blanket immunity from accountability to security forces, enable the forces to undermine the resistance's voice, while facilitating intimidation and personal

⁷ Shujaat Bukhari, "Result of Polarisation," *Frontline*, August 2, 2019, <https://frontline.thehindu.com/politics/result-of-polarisation/article6756763.ece>.

⁸ The PDP and the BJP released a common minimum programme (CMP) for running the coalition government in J&K wherein following key points were agreed: 1) Following the principles of "Insaniyat, Kashmiriyat and Jamhooriyat" of the earlier NDA government led by Atal Bihari Vajpayee, the state government will facilitate and help initiate a sustained and meaningful dialogue with all internal stakeholders which include political groups irrespective of their ideological views and predilections. The dialogue will seek to build a broad based consensus on resolution of all outstanding issues of the state.

harassment. To keep a lid on public outcry, it frequently shuts down social media websites and internet services.⁹

All formal and informal dialogue processes, with all stakeholders were stalled since August 2014. Pro-Freedom leadership was barred from running political activities. All channels of communication with the All Parties Hurriyat Conference (APHC), a conglomerate of several political parties, ceased to exist. Most of the leaders, particularly Syed Ali Gilani, Mirwaiz Umer Farooq and Yasin Malik either remained under house arrest or in prison. They were often not even allowed to offer Friday's prayer, which is unprecedented. The Association of Parents of Disappeared Persons and Jammu Kashmir Coalition of Civil Society states:

The state government in Indian administered Kashmir continues to exercise restraint on the freedom of religion and belief and frequently resorts to curbs. In 2018, for 12 Fridays out of 52, prayers were disallowed in the Jamia Masjid and Muharram processions were also disallowed. In 2017, the predominantly Muslim population was prevented from offering Friday prayers in the historic Jamia Masjid for 18 out of 52 Fridays. In 2016, Jamia Masjid was locked down for 19 weeks.¹⁰

Even the political workers close to resistance parties were declared overground militants and treated as militant sympathizers. Indian Army Chief Gen. Bipin Rawat made several statements wherein he warned the protesters and political workers of harsh treatment if they came out on the streets to run protests.¹¹ Several top Indian officials have persistently been trying to convey the message that Kashmir cannot have freedom. The struggle for freedom should therefore be stopped and youth should become part of the mainstream. General Rawat said:

Indian Army and the Indian State is strong enough to ensure that Jammu and Kashmir remain part of India... No one else can take it away by force or by any other means, because legally, legitimately J&K is integral part of India.¹²

⁹ Ravi Agrawal, "The Inside Story of How India Shuts Down the Internet in Kashmir," *Quartz India*, October 3, 2018, <https://qz.com/india/1408071/how-india-shuts-down-internet-in-kashmir/>

¹⁰ Jammu Kashmir Coalition of Civil Society, 2018, www.jkccs.net.

¹¹ On 28 April 2017, talking about the stone pelters in Kashmir, the Indian Army Chief Bipin Rawat has said, "In fact, I wish these people, instead of throwing stones at us, were firing weapons at us. Then I would have been happy. Then I could do what I (want to do)."; "Army Chief Bipin Rawat On Kashmir Unrest: Wish Protesters Fired at us Instead of Pelting Stones," *India Today*, November 6, 2018.

¹² PTI, "Army Chief General Bipin Rawat says Stone Pelters in Jammu and Kashmir Must be Dealt with Sternly," *Financial Express*, Updated: October 27, 2018 4:12:03 PM, <https://www.financialexpress.com/india-news/army-chief-general-bipin-rawat-says-stone-pelters-in-jammu-and-kashmir-must-be-dealt-with-sternly/1363448/>

The disproportionate use of state force against the protesters including youth, children and women; jamming internet, social media, cell phones etc.; and debarring newspapers are recurring occurrences in the region.

In October 2017, a significant political outreach was made by the BJP by appointing Dineshwar Sharma, a former chief of Intelligence Bureau, as an interlocutor to initiate a dialogue with all stakeholders. Apart from some initial conversations, Sharma could not succeed in making any headway in breaking the ice with the representatives of the resistance camp. It seems that this initiative has largely been dumped.¹³ These unsuccessful and ineffective policies massively raised the level of resistance in Occupied Kashmir and the young people started turning towards militant outfits to challenge the state's writ, despite knowing that it might end their own precious lives. The policy of disengagement produced an immense sense of helplessness and cynicism among the masses. Mani Shankar Aiyer spent a week in Srinagar in May 2017 and wrote a perceptive and candid piece for the NDTV's website wherein he acknowledged that:

No one, not one, in this wide spectrum of Kashmiri opinion had anything commendatory to say about the Government of India's handling of Kashmir. In most cases, the criticism extended back to Jawaharlal Nehru and Delhi's favored leaders of Kashmir, but the condemnation was most virulent about the present national leadership. One highly respected opinion-maker put it succinctly: hitherto, he said, it was Kashmiris getting alienated from India, now it is Indians getting alienated from Kashmiris.¹⁴

The Return of Home-Grown Intifada

Kashmir is festering__ after several years of calm, the Kashmir conflict has once again taken an ugly shape and has become a major source of tension between India and Pakistan. Recent reports show that young and educated people are turning towards violent ideologies. Interestingly, funerals of the fallen militants are well attended which indicates that public support for the resistance movement is largely intact despite elections and the huge influx of finances from New Delhi to Srinagar. Human rights violations by the State forces and limitations on peaceful political activities are also gradually increasing. Additionally, calm at the Line of Control, which was considered as one of the key confidence-building measures, has almost been broken and hardly a day passes for the last four years without exchange of fire. This has caused colossal damage to life and property of the local people, and forced

¹³ Mudasir Ahmed, "Kashmir Separatists Released, But Still Unconvinced on Dialogue with Government," *The Wire*, April 5, 2018, <https://thewire.in/politics/kashmir-separatists-released-geelani-mirwaiz-malik>.

¹⁴ Aiyer Shankar Mani, "What a Week in Kashmir Taught us," *Greater Kashmir*.

massive civilian displacement on both sides of the line. This has further alienated the Kashmiri people.

Now, since the killing of 22-year-old freedom fighter Burhan Muzaffar Wani on 8th July, 2016, followed by a mass uprising wherein over 120 civilians died in clashes with the Indian forces; Kashmir has once again been on the world's radar. Burhan was a local Kashmiri who has never been to Pakistan for training or obtaining weapons. Hurriyat Conference leader, Mirwaiz Umar Farooq, equated him with defiant nationalist Subhas Chandra Bose, an Indian hero who fought a war against the British rule with the help of Germany and Japan during the World War II, and Bhagat Singh, who resorted to armed resistance and rendered exceptional sacrifices for the liberation of India. Many Kashmiri leaders and intellectuals declared Burhan Wani an icon of the Kashmir struggle. In Azad Kashmir too, Burhan is considered as revered as Maqbool Butt, a pioneer Kashmiri leader who was hanged in Tihar Jail, New Delhi in 1984. A huge number of young people idealized him and romanticized his way of resistance. A young Kashmiri writer, Fahad Shah says:

The impact of Wani's killing is perhaps the most significant change in Valley since the late 1980s, when an armed rebellion erupted against Indian rule in the region.¹⁵

The Kashmiri youth is at the forefront in the new wave of resistance. It is widely said that most of these young people, who were born after 1989, are ardent supporters of the current resistance movement. Most of them have neither any positive memories linked with India nor do they feel any association with it. The latest census says that nearly 60 percent of Kashmir's male residents are under the age of 30, and 70 percent are below the age of 35.¹⁶ Besides, the registered unemployed people in the State number 2.2 lacs which when coupled with the unregistered, goes up to 6.5 lacs.¹⁷ Therefore, young people are drifting towards militancy in an obvious way. *India Today* aptly described the situation in a recent report:

Despite better intelligence, a senior officer says the northward spread of local militancy is worrying. According to him, "Local recruitments are up in all the 10 Valley districts." This, the officer points out, is in the face of the army's Operation All Out, which has felled over 380 militants since it commenced in early 2017. Over 170 have been killed in anti-insurgency operations in the

¹⁵ Fahad Shah, "Kashmir 2 Years after Burhan Wani," *The Diplomat*, July 10, 2018, <https://thediplomat.com/2018/07/kashmir-2-years-after-burhan-wani/>

¹⁶ Shamil Shams, "Kashmir Violence: Has Modis Policy Failed?" *DW*, April 4, 2018, <https://www.dw.com/en/kashmir-violence-has-modis-policy-failed/a-43247175>.

¹⁷ Gautam Navlakha, "Kashmir: When Ignorance Begets Tragedy and Farce," *Economic & Political Weekly*, vol. 51, Issue no. 32, August 6, 2016.

past 10 months alone. Still, recruitments are on the rise, the number of active militants has crossed 300 for the first time in the past decade.¹⁸

Noted Indian writer Gautam Navlakha, who frequently travels to Kashmir observed:

In the conditions that operate in J&K there will be many who would take to arms and an even larger number that see value in armed resistance. So militancy will not ebb until there are prospects of a democratic process, and people will not back off from lending militancy support or invest in the non-violent process unless there is a concrete political offer.¹⁹

Unlike past decades, the recent uprising is largely considered indigenous and driven by political aspirations. *New York Times* also acknowledged this fact in one of its several articles published over Kashmir in recent years. It writes:

Now, the resistance inside the Indian areas is overwhelmingly homegrown. The conflict today is probably driven less by geopolitics than by internal Indian politics, which have increasingly taken an anti-Muslim direction. Most of the fighters are young men, who draw support from a population deeply resentful of India's governing party and years of occupation.²⁰

Besides, several other international and Indian writers have also publicly testified that resistance struggle in Kashmir is fully backed by its native people and their aspirations are rooted in a history of injustice and constant repression. Veteran Indian writer and author A.G. Noorani acknowledged: since 1989, the people of Kashmir have shown their resolve "to part company from India". It was "expressed" and "clearly and definitely" too.²¹

Upping the Ante

During the last four and half years, BJP has a consistent policy of not engaging with Pakistan, especially concerning the Kashmir issue. Even, New Delhi's tone, rhetoric and attitude have hardened towards Islamabad. In August 2015, Pakistani National Security Advisor's scheduled visit to New Delhi was cancelled as India clearly communicated to Pakistan that New Delhi is only

¹⁸ Mohammad Moazum, "JK Trouble in the North," *India Today*, October 27, 2018, <https://www.indiatoday.in/magazine/states/story/20181105-j-k-trouble-in-the-north-1374992-2018-10-27>.

¹⁹ Gautam Navlakha, "Kashmir: When Ignorance Begets Tragedy and Farce,"

²⁰ Jeffery Gettleman, "In Kashmir, Blood and Grief in an Intimate War: 'These Bodies are our Assets,'" *NY Times*, August 1, 2018, <https://www.nytimes.com/2018/08/01/world/asia/kashmir-war-india-pakistan.html>.

²¹ A. G. Noorani, "Modi & Kashmir," *Dawn*, August 25, 2018, <https://www.dawn.com/news/1428808>.

interested to talk about terrorism and that Pakistani NSA's meeting with the All Parties Hurriyat Conference (APHC) would not be acceptable. Therefore, Pakistan refused to make a conditional visit to New Delhi. Another excellent opportunity was lost in this way.

In December 2015, Indian Prime Minister Narendra Modi's brief stopover in Lahore went down well across Pakistan and generated hope that both countries would soon be able to restart a full-fledged, uninterrupted and inclusive peace process leading to the complete normalization of ties and resolution of all outstanding issues, particularly Jammu and Kashmir. However, this goodwill turned out to be a short-lived episode when an Indian Air Force base at Pathankot in Punjab was attacked by an unidentified outfit. This incident not only put a stop on the forward momentum but also derailed the prospects for peace for a long time. As a result, scheduled Foreign Secretaries' meetings were put off.

Eventually, to up the ante, new fronts of confrontation were opened. On 15th August, 2016; in the Independence Day speech from the Red Fort, Prime Minister Modi made an unusual expression of support for the people of Balochistan, Gilgit and Azad Kashmir. He said:

In the last few days, people of Balochistan, Gilgit, Pakistan-occupied Kashmir have thanked me, have expressed gratitude, and expressed good wishes for me. The people who are living far away, whom I have never seen, never met — such people have expressed appreciation for Prime Minister of India, for 1.25 billion countrymen.²²

This statement just goes to show the level of denial and emotional imagery that fuels the Kashmir crisis. A few days ago Modi said that Pakistan had no business speaking about Kashmir when it is “dropping bombs on its own citizens” in Balochistan and other areas²³. This line of argument was a bad omen for the policy that India would follow i.e. funding insurgents in Balochistan and elsewhere. *The Hindu* reported that the Prime Minister had in an all-party meeting on Kashmir, vowed to take up the incidents of atrocities made by the Pakistani Government in these areas to the international stage.²⁴ A few months ago, Defence Minister Manohar Parrikar boasted:

²² Suhasini Haidar, “In Policy Shift, Narendra Modi Brings up Balochistan again,” *The Hindu*, Updated: September 20, 2016, <https://www.thehindu.com/news/national/In-policy-shift-Narendra-Modi-brings-up-Balochistan-again/article14572650.ece>.

²³ Special Correspondence, “Modi Questions Pak. on Rights Abuses in Balochistan, PoK,” *The Hindu*, October 18, 2016, <https://www.thehindu.com/news/national/Modi-questions-Pak.-on-rights-abuses-in-Balochistan-PoK/article14571403.ece>.

²⁴ Suhasini Haidar, “In Policy Shift, Narendra Modi Brings up Balochistan again”.

India will take "proactive" steps to prevent a 26/11 type attack hatched from foreign soil. "We have to neutralise terrorists through terrorists only. Why can't we do it? We should do it. Why does my soldier have to do it?"²⁵

In September 2016, the South Asian Association for Regional Cooperation (SAARC) summit, which was scheduled to be held in Islamabad, was adjourned due to India's refusal to participate in it. It was considered a major setback to bilateral relations for both the States. Consequently, numerous statements came from the top leadership of India which either demonstrated explicit hostility towards Pakistan or indicated minimum appetite for engagement in the dialogue. In the last week of September 2016, India claimed that its forces had conducted a "surgical strike" inside AJK in reaction to an attack in Uri- border town of Occupied Kashmir on the 18th September 2016 that left 19 Indian soldiers dead, and destroyed alleged "terror launch pads" which Pakistan vehemently denied.²⁶ It was a major setback to already fragile India-Pakistan relations. This announcement raised the threshold between the two nuclear neighbours. However, the claim of so-called surgical strikes was successfully used in the Uttar Pradesh state election campaign. It also helped BJP to silence its critics inside the BJP and RSS who were asking to take tough action against Pakistan. Modi and his colleagues presented it as a success story to impress the domestic audience.

In the following years, New Delhi has regularly been making threatening statements against Pakistan. On 22nd October, 2018 Prime Minister Modi himself stated that India will retaliate with 'double the force' against any attack on its sovereignty.²⁷ Several other senior officials including the Home Minister, the Defence Minister and the Army Chief frequently accused Pakistan of being responsible for all the trouble in Kashmir. All these attempts and hostile environment yielded nothing but invited more violence and hatred particularly in the Kashmir Valley. The so-called surgical strike further entrenched already prevailing fear syndrome and trust deficit.

Stumbling Roadblocks

It is time to reflect and identify the causes and major roadblocks, such as the top-down approach, limited infrastructure for peace and more

²⁵ "We have to Neutralise Terrorists through Terrorists Only: Manohar Parrikar," *India Today*, UPDATED: May 22, 2015, <https://www.indiatoday.in/india/story/parrikar-terrorism-india-aaj-tak-manthan-254206-2015-05-22>

²⁶ "Army's Daring Surgical Strike Marks Radical Change in India's Pakistan Policy," *Economic Times*, Updated: July 12, 2018, <https://economictimes.indiatimes.com/news/defence/armys-daring-surgical-strike-marks-radical-change-in-indias-pakistan-policy/articleshow/54593808.cms>

²⁷ "Modi Vows to Crush Attempts to Undermine India Sovereignty," *Gulf News*, October 21, 2018, <https://gulfnews.com/world/asia/india/modi-vows-to-crush-attempts-to-undermine-india-sovereignty-1.2292100>.

importantly absence of Kashmiri representation and limited support to the dialogue process, which have hindered forward movement over the last seven decades. Despite periodical engagement in dialogue, both India and Pakistan largely yielded no tangible result particularly in the context of the Kashmir dispute. Besides, it is imperative to find the key entry points which might help both countries to initiate a continuous, uninterrupted and insulated dialogue process, ensuring involvement of all stakeholders in the process including the civil society representatives.

First, a major obstacle is the inherent constraints of the top-down approach: most of the time, the top leadership interacts and initiates talks. The civil-military bureaucracy, commonly known as the establishment, plays a vital role in constructing the contours of the dialogue process which is not only conservative in terms of generating fresh thinking to engage with each other but also averse to new ideas for the engagements. A well thought out and structured peace process, involving citizens and multi-layer stakeholders, has not been formulated so far.

The leadership has not only remained unable to craft a roadmap which could ensure forward movement but rather created roadblocks instead of facilitating the process. Additionally, seven decades-long acrimonies resulted in the creation of the permanent infrastructures meant to undermine and compete with each other from the diplomatic level to economic gains. Secondly, the institutional structures for peace have not been created which could have served as a platform for dialogue and cooperation. Instead of creating institutions to promote dialogue and reconciliation, prevent conflict, and enable mediation; heavy investment is made to prevent each other's socio-political growth and international standing.

Thirdly, the absence of a sustained back channel between the two governments is regarded as one of the major roadblocks as most of the times they find no reliable interlocutor to convey messages to each other. Several accounts acknowledged the significant role played by the secret back channel set up by the two governments to resolve contentious issues and find common ground on the Kashmir settlement during 2004-2008.²⁸ However, delay in the pronouncement of the agreement made it redundant as changed political environments in both countries made it unfeasible to make the deal public.

Fourthly, several dialogues and even summit meetings hit a dead end quickly because these were not mutually well-designed and there was no strategy to contain backlash in case of failure. Conversely, both New Delhi and

²⁸ Besides, back channel, multiple paths such as track II diplomacy had greatly helped both countries to create a conducive environment for the dialogue and engagement. For instance, before Vajpayee's visit to Lahore both Prime Ministers, without making it public, established a communication channel through R. K. Mishra and Ambassador Niaz A. Naik who represented India and Pakistan respectively. It was the first ever internal mediation mechanism which subsequently resulted in the appointment of the formal back channel interlocutors.

Islamabad tried to out maneuver each other at all such meetings instead of resolving contentious issues. Regrettably, politics was played to address domestic audience and larger regional interests were conveniently compromised.

For instance in July 2009, on the side-lines of a Non-Aligned Movement summit in the Egyptian resort of Sharm el-Sheikh, then Prime Minister Manmohan Singh acknowledged Pakistan's apprehension about Indian involvement in Balochistan's insurgency. Likewise, on 10th July, 2015, the Prime Ministers of both states met on the side-lines of the Shanghai Cooperation Organization summit in the Russian city of Ufa. A joint statement outlined the future course of action to normalize the bilateral relations and mentioned that both sides should strive to combat terrorism. Pakistani media and politicians accused Premier Nawaz Sharif of accepting Indian terms by including the term 'terrorism' in the joint statement without mentioning Kashmir in particular. Amazingly, both leaders in India and Pakistan had to face an identical backlash in domestic politics. And people in media and politics described these joint statements as a betrayal of the national interests.

Almost all India and Pakistan meetings are keenly followed by the media which largely promotes traditional narrative, often led by ex-government officials who are driven by the popularity syndrome instead of balanced analysis and reason. The media has made it virtually impossible for the political leadership to move beyond the stated positions or think creatively to find new ways of engagement. In fact, most of the time the media involvement further ruins the prospects of positive engagement.

Kashmiri Participation: An Imperative for Peace

The inclusion of the Kashmiri resistance leadership and civil society actors in the dialogue process is one of the most important ingredients to make this process meaningful and a success story. Evidently, bringing them onto the India-Pakistan negotiation table seems quite unimaginable at the moment. However, an indirect process can be initiated for the consultations and briefings aimed to keep them in the loop and seek their ideas. The absence of a Kashmiri voice has often become a reason in derailing of the dialogue process which ultimately takes both countries back to square one.²⁹ People of Kashmir seldom find any incentive to negotiate. The peace process cannot be successful unless state-level steps are taken to undo the institutionalized biases against each other and the state mechanism meant to harm each other. Change in

²⁹ To overcome this problem a focused peace process was initiated by India and Pakistan in 2014. Then President Pervez Musharraf had held long meetings with the All Parties Hurriyat Conference (APHC) leaders of both sides and even with the militant commanders for brainstorming on the issue. He pursued them to become part of the peace process. A large number of the Kashmiri leaders appreciated his ideas about the future of Kashmir. Some of them resisted too, particularly Syed Ali Gilani, who commands considerable support in Kashmir Valley.

attitude and particularly in the state polices is a long drawn-out process that needs a persistent backing and encouragement from the top leadership of both the countries.

A number of creative and doable ideas were formulated by the civil society representatives that were fed into the official dialogue process from 2004-2008. Several Indian, Pakistani and international organizations provided platforms to Kashmiri politicians and civil society actors to articulate their stance. It opened up spaces for competitive politics and reduced violence drastically. Additionally, traditional discourse over Kashmir in Islamabad, New Delhi, Srinagar and Muzaffarabad evolved from the non-conformist standpoint to an accommodating one. Both countries had put in place a process in Kashmir at the local level which was gradually altering the status quo.³⁰

The trade and travel initiatives and limited space for cross-Line of Control dialogue stabilized the region and paved the way for the creation of peace constituencies. It provided people with a sense of participation and ownership to a great extent. However, these spaces and the peace constituency gradually vanished when India and Pakistan got disengaged in late 2008 and particularly during the last four and a half years.

Conclusion

As discussed above, hardly any considerable time and energy is being invested across the Line of Control to develop a peace constituency to champion the peaceful resolution of the conflict. The leaders of both countries have failed to inculcate peoples' stakes in peace and engagement. Therefore, when a crisis erupts, people rarely stand up and challenge the war-mongers to articulate their desire for peaceful settlement of the dispute. To develop a peace constituency across Occupied Kashmir, the exchange of ideas and people is a precondition. The opinion leaders can only play a constructive role when they are allowed to meet and discuss the issues.

To bridge the communication gap and build stakes, some of the steps that should be taken urgently are: people should be allowed to have weekly meetings in the trade centers which were basically built to facilitate trade and travel but also have the potential to become meeting points for families, particularly on weekends when trade does not take place. Elderly people, particularly those above 65 years of age, should be granted a lifetime travel

³⁰ In the era of Post-World War II Europe had adopted a conflict transformation approach to radically change societies and people's attitude towards each other. In this connection, a number of programmes were initiated wherein citizens of different countries got the chance to travel to each other's countries and enroll in educational institutions of different countries. Professional exchanges take place quite regularly. These people to people contacts created opportunities for business, trade, academic exchanges and social engagement which helped European societies to transform traditional confrontationalist approach with mutual cooperation.

pass so that they can travel whenever they want. Similarly, couples who have spouses from other sides must get one-year renewable pass to visit their families frequently.

The transportation of books, newspapers and academic journals must be ensured without any restriction. To facilitate exchange of ideas, universities on either side of Kashmir should run a scholar exchange program so that the young people living on both sides could benefit from each other's expertise. In this case, states should not demand reciprocity. These small steps, if taken properly, can be helpful to create an environment conducive to the initiation of more meaningful steps. It has time and again been proved that an iron fist approach could neither bring peace and stability in the region nor subdue the people's aspiration for the right of self-determination. A solution, therefore, must be based on justice and historical commitments.

Unpredictable incidents of violence, such as an attack on Pathankot Air Force base or Mumbai attacks of 2009, have ruined the gains which were made through years of meticulous parleys and hard negotiations. Hence, it must be recognized that incidents of terrorism should not be allowed to derail the dialogue process. Political leadership has to show courage in the face of terrorist acts. In this context, it is time for both governments to think how to save possible future dialogues from the traditional outcome i.e. suspension of dialogue for years or military escalation along the LoC.

Substantial progress over the Occupied Kashmir issue is essential to overcome the trust deficit and generate hope among the citizens across the dividing line. Any step forward in this regard will also mobilize public opinion in favor of the grand reconciliation between India and Pakistan which may accelerate the process of resolution of the Kashmir issue. There is a dire need to institutionalize the existing Confidence Building Measures, particularly regarding the ceasefire, trade, and travel to make them insulated from the occasional threats posed by the non-state actors. Back channels, as mentioned above, play a vital role to bridge gaps and quietly negotiate sticky issues. They must be revived on a sustained basis.

The secession of ceasefire violations along the LoC should be ensured so that communities across the dividing line can live a peaceful life. Likewise, frequent human rights violation and un-proportional presence of military forces in the major cities and towns must be drastically reduced. Finally, the battle of ideas and normal political activities of the resistance groups should be allowed and even encouraged so that the people get a space to vent out their grievances.

