



Indian Exploitation of Kashmir Through the Phenomenon of Terrorism: A Case Study

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Abstract: *The genesis of conflict roots back to the exploitation of the Muslim majority by the Hindu rulers from 1846 onwards. Conflict broke out between India and Pakistan in 1947 as India took the matter to the UNSC which decided on a plebiscite to determine the will of the people. After the initial agreement, India slowly deviated to portray Kashmir as her internal issue. Having failed to suppress Kashmiri sentiment, India tried to crush resistance through brutal laws enacted in the garb of combating terrorism. In the process, it unleashed the worst form of state terrorism against the Kashmiri masses through a process of huge military deployment, extra judicial killings, arbitrary arrests, rapes and intimidation. This article makes an attempt to understand how the Indian state, used terrorism as a weapon to obfuscate, mask and in fact change the nature of a pure struggle for the right of self-determination to tag it as terrorism.*

Key Words: Kashmir, Right of Self-determination, United Nations, India, Pakistan, Terrorism, State Terrorism, Discourse

Introduction

The genesis of the Kashmir conflict roots back to the exploitation of the Muslim majority by the Hindu rulers from 1846 onwards. Conflict broke out between India and Pakistan in 1947 as India took the matter to the UNSC which decided on a plebiscite to determine the will of the people. After the initial agreement, India slowly deviated declaring Kashmir as her internal issue. Having failed to suppress Kashmiri sentiment, India tried to crush resistance through brutal laws enacted in the garb of combating terrorism. In the process, it unleashed the worst form of state terrorism against the Kashmiri masses through a process of huge military deployment, extra judicial killings, arbitrary arrests, rapes and intimidation. The US and its partners have used the phenomenon of terrorism to further their new order in the unipolar world, especially after 9/11 (Blair T, 2001) Vast range of related laws, based on defined and undefined justifications, was introduced in the aftermath of 9/11. These laws were exploited by states and institutions. Many states have used the

terrorism phenomenon to address their internal or external fault lines and political purposes. Extra-legal practices were adopted when existing laws either failed to facilitate or hindered these purposes. This study intends to explore India's use of 'terrorism' and 'war on terrorism' with a specific focus on Kashmir. Foucault's concept of discourse, its analysis focusing on genealogy and later improved critical discourse analysis methodology have been adopted to understand the application and use of 'terrorism' by India in Kashmir.

Terrorism Discourse Fault Lines

Terrorism became one of the most discussed subjects in the last two decades with astonishingly little groundwork and substantial deficiencies. Over the period of time, Scholars have exposed fault lines in the terrorism discourse. Silke A (2003:1) calls terrorism a very serious, dangerous, and damaging problem of present times. Jackson (2007) declares 'terrorism studies as a discrete field of academic research'. Shepherd (2007) notices Silke who suggests a new book on

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terrorism is published 'every six hours' in the English language and thus over 90 per cent of all terrorism-related literature will be post-2001 published. Gurr (1988, 115) highlights the lack of empirical research on terrorism while Crenshaw (2014, 556) found Terrorism growing from a marginal social science in the 1970s to a full-fledged Programme. Silke's (2001, 2003) found a lack of genuine research, a limited number of scholars, and most authors with singular and one-time contribution (Schmid et al., 1984b), resulting in a lack of 'regularity and constancy' in research (Gordon, 2007) Schmid and Jongman (1984) noted 'so little research' to 'write so much'(Jongman, 2017:179).

Scholars who focused on terrorism found multiple problems in its epistemology, politics, and methodology aspects (Silke, A, 2003, Burnett and Whyte, 2005; Ranstorp, 2006 Gordon 2007, Jackson et al., 2009 etc.). Development of terrorism study into a field or specific subject as part of social sciences has been viewed by scholars like Silke (2003:26) who noted increasing interest and funding for terrorism-related research (\$727 million in 2000 and \$2.4 billion Post 9/11). Paul Wilkinson (1986) has suggested terrorism be studied through an interdisciplinary approach undermining it as an exclusive discipline while Avishag Gordon considers it as a viable field of studies (as quoted by Silke, A, 2003:27). Silke, A (2003:27) feels that terrorism lacks right knowledge, right understanding and willingness to act on the lessons of past. To prevent terrorist acts in future, firstly we need to accept deficiencies and then work to undo these.

Extensive US policy-oriented think tanks, area study centres as well as Indian literature declare terrorism as emanating from Pakistan also falls in the same category Waheed (2020,75). Jackson (2012) feels Foucault's thoughts on 'subjugation of Knowledge' (1997, P: 7) are applicable to terrorism literature as firstly, terrorism scholars 'mask or bury' the existing knowledge and secondly, they declare related understanding from other disciplines as lacking empiricism. Jackson (2012, 15) suggests most experts push for a violent approach to tackle terrorism, thus justifying the extinction of alleged culprits (Stampnitzky 2013) while overlooking cultural, societal, strategic, and political factors behind

terrorism, an approach advocated by anthropology and sociology. Crenshaw, M (1981, 385) emphasises taking into account the role of the 'broader social, political, and economic' 'environment' which makes terrorism conducive. Hashmi (2017) considers US's War on Terrorism (WoT) as self-stimulating and self-perpetuating while Elsadiqelfakih (2017) declares the inability to address the root causes of the terrorism as intellectual terrorism, also suggesting that the use of the word to target Muslims is ironical as they are themselves the target of terrorism in most cases.

State Terrorism

Jackson (2012, 13) is critical of the focus of scholarship on 'violent acts only by non-state actors' while ignoring and thus sanctioning 'State terrorism' called 'terrorism from above' (Jalata 2011). Terrorism has mostly been studied in relation to non-state actors while state terrorism has received only a tiny percentage of overall studies on the subject. Grosscup (2006) suggests State terrorism has cast the worst effects on humanity through killing millions of civilians in atomic and 'terror carpet bombing' unleashed to undermine and intimidate the population into submission. Jackson et al (2008) suggest that state terrorism is one of the greatest sources of human suffering and destruction of the past five centuries. Martin (2007: 66) states: 'Terrorism by states is characterized by official government support for policies of violence, repression and intimidation'. Astonishingly, terrorism perpetrated by non-state actors, as called 'terrorism from below' is almost insignificant to millions killed, disappeared, tortured, kidnapped, intimidated, injured, blinded, raped, abused, silenced, isolated and threatened by states through agents and proxies by many states in 'terrorism from above' (Jalata, 2011). Jackson (2008, 8) highlights four main characteristics of state terrorism. Firstly, the use of terrorism as 'a pre-determined strategy of political violence employed in the pursuit of strategic goals'. Secondly, terrorism is a deliberate act of communicating a political message. Thirdly, it is used deliberately to cause fear and intimidation. Lastly, terrorism is mostly used against civilians.

Theoretical Framework

To Foucault (1972, 131), 'truth is the thing of this world', as he suggested "each society has its regime of truth, its 'general politics' of truth: that is, the types of discourse which it accepts and makes function as true". Through studying discourse, Foucault wished to expose historical struggles, and how power and knowledge constitute truth (as a thing of this world). In the post-Foucault era, scholars have explored what functions are performed by the discourse. Foucault (1972, 83-85) uses the term subjugated knowledge to mean two aspects of knowledge. Firstly, subjugation refers to the historical knowledge which was present but cloaked in functionalist and systematizing theory and which can be exposed through scholarly criticism. Secondly, by subjugation, he means bits of knowledge which were disqualified as low standard, naive, or below the desired level of cognition or scientificity. Foucault believes that through the re-emergence of such low declared, unqualified, even straight away disqualified pieces of knowledge, the criticism can perform its work. He calls such knowledge 'popular knowledge'. These subjugated pieces of knowledge were concerned with historical knowledge of struggle.

He also makes mention of erudite knowledge which is considered scientifically correct, functionally coherent and as such recognized as only knowledge. Foucault feels that this erudite knowledge has in fact buried and masked popular knowledge. He suggests that the genealogy, through the union of erudite and popular knowledge, can insurrect and emancipate subjugated knowledge, and it can allow us to establish a historical knowledge of the struggle against centralizing power and 'institutionalization of scientific discourse'. He considers genealogy not as science but as anti-science.

India's Kashmir Dispute and its Genealogy

Kashmir issue is a synonym for struggle. The people of Kashmir have been struggling to get their right of self-determination promised to them through multiple UNSC resolutions. India has exploited the 'historical struggle' (Foucault) of the people of Kashmir. In a classic sense, the Indian state has tried to mask and bury the real

facet of the Kashmir issue as it existed in 1948 through multi-directional efforts.

Through criticism, we can find two clear dimensions of India's Kashmir issue. First is the international nature of the conflict, a solution for which has been suggested through the UNSC resolutions which have determined the plebiscite by the people of Kashmir as a solution to the issue. The second dimension relates to the internal policies enacted and enforced by the Indian state inside its occupied Kashmir to deal with the sentiments and uprising in the masses. Irrespective of the policies adopted by India inside the occupied Kashmir, the international stature of the conflict stays as it is. Pakistan is concerned with both aspects as it considers itself morally, legally and politically bound to stand for oppression against the people of Kashmir. India has made efforts to declare Kashmir as its internal affair or at most, a bilateral issue with Pakistan while trying to completely evade the international dimension.

This article suggests that India has tried to obfuscate the international conflict through State efforts to internalize the question of Kashmir. Furthermore, the Indian State has used the phenomenon of terrorism, especially in the aftermath of 9/11 in two ways to affect the Kashmir question. Terrorism has been used as an 'erudite knowledge' sanctioned through sustained efforts by what Stampnitzky (2012, 39) referred to as 'terrorism mafia'. Firstly, the Indian state enacted laws, rules and policies through questionable use of the concept of terrorism to undermine the internal nature of the Kashmir issue thereby trying to crush the voices and will of the Kashmiri people. Secondly, the legal and democratic struggle of the Kashmiri people was demonized using terrorism as a hoax and linking it invariably with alleged support from Pakistan.

International Aspects of Kashmir Dispute History of Dispute

The state of Kashmir remained under various Muslim rules from 1320 to 1819 A.D (Korbel 2015, 12). The rule of Ranjit Singh followed from 1819 to 1846 when Kashmir fell to the British. However, the British sold Kashmir to Dogra ruler Gulab Singh through the 'Treaty of Amritsar' for seven and a half million Nanakshahi Rupees. Dogra Raj also agreed to

pay a token tribute to British paramountcy. With discrimination toward Muslims, Dogra rule continued till October 1947 (Behera [2007](#)). Kashmir remained a Muslim Majority state for ages, as Muslims formed 76% of the four million population of Kashmir in the last census held in British India in 1941. Hindus were 21% while Sikhs were 1.6% with the remaining Buddhists (Brush [1949](#)). Even with present changes, Muslims constitute 68% of the 12.5 Million total Kashmiri population, based on the Indian census of 2011 (Pew Research 2021). The Pakistani Administered Kashmir, comprising Azad Kashmir and Gilgit- Baltistan, has a massive Muslim majority out of approximately five million inhabitants (BBC News webpage).k

In 1947, the Redcliff commission was formed under the British to determine the boundaries of the two parts of the province of Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslim (Lamb [1991](#), 104). The formula for distribution had to cater for the majority factor and the geographical contiguity (most land routes linking Sub-continent with Kashmir emanating from Pakistan) and also for trade and economic dependence, Kashmir was clearly considered to be part of Pakistan (Nawaz 2008, 37-38, Bose [2005-31](#), Rizvi [2019](#)), The Commission, awarded seven Muslim - majority Tehsils to India (Wirsing [1994](#)) including majority Tehsils of District Gurdaspur to India (Nawaz 2008, 38). Thus providing a land link from India to Kashmir in future (Lamb, [1991](#), 37-39).

The unrest started simmering in Kashmir as top Kashmiri political leadership including Sheikh Abdullah (National Conference) and Ghulam Abbas (Muslim Conference leaders were prisoned by Maharaja on charges related to the "Quit Kashmir Movement" with demands from the British to terminate the "Sale of Kashmir" agreement of 1846) (Lamb, [1991](#), 94-95). Fearing a revolt Maharaja asked Muslims of the state to surrender their arms triggering unrest and revolt (Schofield [2021](#), 41).

State of Jammu and Kashmir offered a "Standstill Agreement" to both India and Pakistan through a telegram on 12 August 1947 to which Pakistan immediately agreed on 15 August 1947 while India desired discussions to consider the contents of the agreement (Behera [2006](#), 28, Korbelt [2015](#), 28, Schofield [2021](#), 61). Certain services including rail, post and

telegram were transferred to Pakistan for administration by the Government of Kashmir.

Hindu extremist mindset under Hindutva figures out in a historical linkage with Kashmir. Hindutva as practised and preached by basically meant to undermine minorities, especially Muslims and Christians, while interestingly including Sikhs, Jains and Buddhists as Hindus. It also aimed at reconverting those Indian-origin Hindus and Christians back to Hinduism through Shuddhi. Leader of right-wing Hindu extremist organization Rashtriya Swayamsevak Sangh (RSS) Golwalkar visited the Maharaja of Kashmir and pressurized him to join India. This mindset was earlier demonstrated when the Government of Jammu and Kashmir confiscated all the weapons from Jammu Muslims and RSS along with Sikhs from India were allowed to participate in the Jammu Massacre of over 200,000 Muslims in February 1948 (Lamb [1991](#), 67) out of 500,000 Muslim population while rest fled across to Pakistan (Schofield [2021](#), 123). Many buses dispatched by Pakistan to bring refugees to Sialkot in November 1947 were targeted by Dogras and RSS, killing most passengers while abducting women (Friedrich [2020](#), 65). This massacre converted Jammu into a Hindu-majority region. These tales triggered Pashtun tribesmen from Pakistan's tribal areas to march to help their Muslim brethren in Kashmir (Nawaz 2008, 73). Fed up from the oppressions of Maharaja, Poonch was also simmering. As a distinction, Poonch had a huge number of soldiers who had participated in World War 2. The Muslims revolted against Maharaja and soon liberated Poonch, Baramula, Bhimber, Kotli, Muzaffarabad and Gilgit - Baltistan thus forming the provisional Azad Jammu and Kashmir Government on 3 October 1947 (Bose [2005](#), 32).

Revolt, Accession and UNSC

The Maharaja escaped from Srinagar and asked India for military help on October 26, 1947. Forced by the Indian Government under Nehru and Governor General Lord Mountbatten the Maharaja succumbed to the signing of the "Instrument of Accession" (Bose [2005](#), 33, Ganguly and Kapur [2010](#), 49) which remains controversial owing to serious timeline mismatches (Lamb [1991](#), 137&150-152,

Schofield [2021](#), 54-58, Lamb [2002](#), 157-158). A consistent failure of the Indian Government to produce an "original document of accession", has further shrouded the mystery (Lamb [2002](#), 166-167). The Government of Pakistan overruled the accession, declaring it fraudulent and against the will of the population (Behera [2007](#), 28, Korbelt [2015](#), 61). Cheema ([2019](#)) maintains that Pakistan invalidates accession because of two factors including a standstill agreement as well as the overthrow of the Maharaja by his subjects as he had to escape capital.

However, India in her official stance (Lord Mountbatten's letter of acceptance of accession, Wirsing [1994](#), 55) and Indian PM Nehru's 27 October 1947 Telegram to Pakistani PM (Lamb [1991](#), 182) conceded to settling the issue as per the will of the Kashmiri people. The same stance was confirmed by multiple statements from Prime Minister Nehru in later time frames (Lamb [1991](#), 182, Wirsing [1994](#), 56). Indian Prime Minister's statements made it clear that at the time of the start of the Kashmir dispute Indian Government expressed and admitted Maharaja's accession was only provisional and the matter was to be decided by the will of the people of Kashmir. This stance of the Indian Government was accepted and confirmed when India took the matter to UNSC in form of a complaint against Pakistan on January 1, 1948, once again committing to settle the issue as per the will of the people of Kashmir when normalcy returns (Korbelt [2015](#), 97, Hasan [1999](#), 27). Cheema ([2019](#)) maintains that India pressurized the ruler of Kashmir (through multiple visits by various state leaders and Gandhi himself) to enter into accession with India after which it relegated the majority (opinion) principle and instead adopted a legalistic approach. Cheema further argues that interestingly, Maharaja did not accuse or blame Pakistan for giving assistance to the rebel forces while Indian officials immediately blamed Pakistan for such activities.

The UNSC Resolution S/654(1948), established the UN Commission on India and Pakistan (UNCIP) on 20 January 1948 (Wirsing [1994](#), 264). Later, the historic UNSC resolution S/726 of 21 April 1948 was unanimously adopted to grant the right of self-determination to the people of Kashmir by means of a plebiscite. The resolution further asked UNCIP

to make arrangements for the plebiscite in Kashmir and for the establishment of the UN military Observers Group for India and Pakistan (UNMOGIP) (Korbelt [2015](#), 307-312).

The UNCIP's resolution of 13 August 1948 proposed a peace plan which was agreed upon by both warring parties India and Pakistan in December 1948. Plan asked for a ceasefire, a truce asking for the simultaneous withdrawal of non-Kashmiri forces and for the conduct of a plebiscite (Hasan 1999, 32). On 27 July 1949, the Ceasefire Line (CFL) Agreement was signed between Pakistan and India under the UNCIP, upholding the status of Pakistani-administered Kashmir as Azad Kashmir and Gilgit - Baltistan, while India held on remaining Kashmir (Schofield [2021](#), 69-71).

State Terrorism and Indian Efforts to Internalize Kashmir Issue

India made efforts to internalize and legalize Kashmir through ratification by its Kashmir Legislative Assembly in 1954 but the move was rejected by the people of Kashmir as well as by Pakistan. Cheema ([2019, 101](#)) maintains that the UNSC Resolution of January 1957 (UNSC Resolution 122) declared the effort as "invalid" affirming that the solution is to be made only through the will of the people of Kashmir. All Indian efforts to internally adjust the issue of Kashmir based on internal legislation inside the Indian Kashmir were rejected by Pakistan which stood firm on its stance of holding a plebiscite in light of UN Resolutions to determine the fate of Kashmir. Contrary to Pakistani stance and based on disputed accession by Maharaja, India accorded special status to Kashmir under article 370 of her constitution. Article 370 which was approved on November 26, 1949, gave special status to the state of Jammu and Kashmir to have a separate constitution, flag and own laws in all matters except defence, foreign affairs, finance, and communications. The article banned property rights for citizens from rest of the India in Kashmir (The Constitution of India). Later, Article 35-A was adopted in the Indian Constitution in 1954 through the order of the President (A. G. Noorani, [2018](#)).¹ This Article deliberated further on Kashmiri citizenship and secured rights for Kashmiri people on their land. These articles clearly suggest that Indian leaders did not have any logic to undermine the

status of Kashmir at least till 1957. Furthermore, the wish of the people and leadership of Kashmir to keep their special status intact highlights their hope to decide their future through plebiscite as decided by the UNSC resolutions.

On 27 December 1963, the holy hair of Prophet Muhammad (SAW) was stolen from Hazratbal Mosque (Lamb [1991](#), 253), leading to widespread protests through the civil disobedience movement on January 5, 1965. The scale and quantum of the protest and dissent made Indian leaders think that India could not win on hearts and minds of the people of Kashmir. Thus they extended articles 356 and 357 of the Indian constitution to Kashmir which allowed Indian parliamentary legislation alongside the opening path for the presidential rule (Lamb [1991](#), 207). Lamb ([1991](#), 249) interprets this step as leading to the abrogation of article 370. Cheema ([2019](#), [105](#)) suggests that the special status of Kashmir was badly affected by the extension of articles 356 and 357 of the constitution of India to Kashmir. Rizvi ([2019](#), 68) maintains that India tried to undermine the special status of Kashmir to like other states 'through Sixth Amendment' in March 1965, when the Jammu and Kashmir Legislative Assembly replaced the office of the '*Sadar-i-Riyast*' with a Governor appointed by Indian President, and of '*Wazir-e-Azam*' with Chief Minister. Events led to a war between India and Pakistan in September 1965 which ended in a stalemate after UN intervention and ceasefire (Schofield [2021](#), 255-256). Tashkent Declaration of January 1966 only perpetuated the status quo on the Kashmir Dispute (Schofield [2021](#), 112). Rizvi ([2019](#), 70) maintains that India interprets the agreement asking for "not to interfere in the internal affairs of each other" as termination of Pakistan's claims on Kashmir while Pakistan maintains that an internationally disputed territory like Kashmir cannot be termed as the internal affair of India.

Chari, Cheema, & Cohen, S. P. ([2009](#),[16](#)) maintain that the Simla Accord of June 1972 after the Pakistan- India War of 1971 transformed the CFL into the Line of Control (LoC) without affecting the status quo of the Kashmir conflict. Schofield ([2021](#), 117) suggests that the accord asked both sides to respect LoC without prejudice to the recognized position of any side. Both sides were asked not to alter LoC unilaterally. Scholars (Lamb [1991](#),

[338-339](#), Sidhu [2006](#),[257](#), and Bhandari [2006](#), 73) suggest viewing the Indian militarization of Siachen Glacier in 1984 in this context as a violation of the Simla Accord.

Bose ([2005](#), [100-101](#)) points out that continuous efforts by the central Indian Government to extend influence in Kashmir, issues of governance, huge rigging in elections in 1987, repeated Governor Raj(s) and their culmination into the direct rule of the State from New Delhi led to huge unrest in Kashmir. Bose ([2005](#),[111](#)) suggests that the International situation and factors like the defeat of the USSR in Afghanistan, the uprising of Palestinians against Israel and the rise of Tamil resistance in Sri Lanka also inspired Kashmiri youth to pick up weapons against the brutal use of force by Indian Army and paramilitary forces. Bose ([2005](#), [107-109](#)) considers faulty policies and repressive Indian strategy to have further fueled the violence, spreading it to the entire valley. The scale and success of militancy, compelled India to blame Pakistan for supporting militancy, while Pakistan refuted the charges.

By 1990 Indian forces deployed in the valley of Kashmir, failed to control and confront militancy. Meanwhile in April 1993 major Kashmiri political parties formed 'All Parties Hurriyat Conference' (APHC) as a collective alliance thus clearly dividing pro-India and pro-Hurriyat (freedom) parties (Schofield, V. [2021](#), 159-160). Bose, et al ([1990](#)) suggest how Indian forces started targeting the masses through repressive practices like indiscriminate killings, unlawful searches, rapes, arbitrary arrests, complete dislocation of normal life and unprovoked assaults on peaceful demonstrators. Bose ([2005](#), [112](#)) maintains that for four decades (from 1950-1990) state-sponsored violations of fundamental democratic rights and civil liberties of citizens became an institutional practice in Jammu and Kashmir. However, from 1990 onwards 'order and magnitude' made it a massive human rights crisis. Indian counterinsurgency strategists opted for a non-surgical strategy to avoid its mass support in the valley. Bose ([2005](#), [112](#)) maintains that the 'nonsurgical' option converted the Indian state's relationship with the valley's people into an 'occupier-occupied' relationship, thus resulting in a bitter divide.

Till the year 2000 Indian state overcame the insurgency mainly through a combination of two factors. Firstly, extraordinary force deployment in the valley (Singh [2016](#) suggests Indian Kashmir as the world's most militarized zone). Secondly, the Indian state enacted laws to scuttle the individual and collective liberty of Kashmiris. Indian government crippled Human Rights through Jammu and Kashmir Public Safety Act (PSA) 1978, Terrorists and Disruptive Activities (Prevention) Act (TADA) 1987, Armed Forces Special Powers Act (AFSPA) 1990, Jammu and Kashmir Disturbed Areas Act 1990, Prevention of Terrorism Act (POTA) 2002 and Unlawful Activities (Prevention) Amendment Act (UAPA) 2019 (Bose [2005,258,294](#)). These laws were in utter violation of International laws on right to life, freedom of expression, right against arbitrary arrest and detention, freedom of association and right of peaceful assembly etc. These laws provided state machinery with the power to declare anyone a 'terrorist' at will, fire against the masses, grant impunity and legal immunity to forces operating in Kashmir along with the power to arrest anyone for extended periods without any charges and to conduct secret trials.

Through her oppressive policies, the Indian state silenced Kashmiri voices to quiet an extant with over 80,000 deliberate arbitrary killings. Besides, Schofield ([2021](#), 170) and Schaffer ([2009](#), 132-133) point to, countless horrendous acts of torture, rape and damage to property, were committed by Indian forces deployed in Kashmir. Kashmir Media service (2022) reported on HR Violations by the Indian state from January 1989 till 31 Mar 2022. As per the service, there have been a total of 96000 killings including over 7000 custodial killings. Over 164,000 civilians have been arrested under Indian laws while over 11000 women have been gang raped or molested by Indian forces. Asia Watch report of May 1991 suggests that rape has been used by Indian forces in Kashmir to punish and humiliate the entire community. On 23 February 1991 Indian Forces conducted mass rapes in the villages of Kunan and Poshpora (Priyanka Borpujari, [2018](#)) while ensuing clashes caused the killings of hundreds of Kashmiris at the hands of Indian troops. In 1992-93, Sopore was subjected to multiple killings and the burning of shops and houses. Similar incidents were witnessed in

1998-99, 2008 and 2010 (Dossier GOP, 2021, 38). Polgreen, L., & Kumar, H. ([2011](#)) reported that separate inquiries conducted in 2009 and 2011 found mass graves in multiple areas of Kashmir, while Human Rights Watch HRW (2011) asked the Indian Government to investigate these unmarked graves. The forced disappearance of thousands of Kashmiris has resulted in thousands of 'Half Widows' (Bhattacharya, [2016](#)), a term used for Kashmiri women's whereabouts whose husbands are not known.

The two most important events which raised the need for the importance of a peaceful solution to the Kashmir issue manifold were nuclear tests conducted in May 1998 first by India and then by Pakistan. India conducted five nuclear tests from 11-13 May 1998. In response, Pakistan conducted six such tests on 28 and 29 May 1998. The Nuclearization of South Asia added a new and very serious dimension to the simmering issue of Kashmir. In 1999 Kargil war was fought between India and Pakistan once again involving Kashmir below the Nuclear threshold.

9/11 shook international politics and thus shaping the emergence of new world order. Pakistan, under the military rule of General Musharraf, was coerced to become an ally of the US-led coalition which embarked upon the War on Terrorism in Afghanistan and Pakistan. Taking advantage of the terrorism buzz, India started using 9/11 to mock and present Pakistan as a state sponsor of terrorism because of alleged Kashmir struggle linkages. Musharraf ([2006](#), 202) maintains that India offered all-out help to the US including bases for operations in Afghanistan. Indian factor thus played an important role because of which President Musharraf opted to join the US-led war on terror (Musharraf [2006](#), 202). This 'ready to help' stance by President Musharraf eased US concerns about Pakistan.

Followed by an attack on the Indian parliament in December 2001, both states were pulled in for another certain war as forces of both countries remained deployed eye ball to eye ball. Compelled by its new partners (the US-led coalition), President Musharraf announced a ban and serious measures against the Kashmiri freedom-fighting groups (NYT, 2002). The ban was pleasantly seen in India as accepting her stance on Pakistani support for

terrorism in Kashmir. However, Haqqani (2004, 351-361) suggests that in a later interview with Washington Post in June 2002, Musharraf stressed the need to differentiate between a terrorist and a freedom fighter.

The US was focused on its objectives related to Afghanistan and the border belt of Pakistan for which it required uninterrupted help from Pakistan. Thus, the US helped Pakistan and India to ease their relations so that Pakistan could focus resources and efforts on the US's WoT war in Afghanistan. It was due to the US push that Pakistan and India went on to announce and practice multiple Confidence Building Measures (CBMs) including bus and train services across regular borders, bus service between Muzaffarabad and Srinagar and back door diplomacy (through exchanges of visits between students, teachers, journalists, lawyers and people from NGOs). Pakistan offered a ceasefire on the contested LoC on November 23, 2003, which was followed by an agreement between military leaders on November 25, 2003 (Watson P, 2003). There have been composite dialogues going on between the two countries without making much progress. Years after 2003 have been a mix of fluctuating relations between India and Pakistan. India continues to accuse Pakistan of acts of terrorism taking place in Kashmir (Uri September 2016, Pulwama 2019 etc.) or mainland India (Delhi, 2001, Mumbai, 2007, Pathankot, January 2016).

An important change was witnessed in the Kashmiri struggle when Burhan Wani surfaced as the new Kashmir hero. Saffee (2017) mentions Burhan Wani as an iconic figure in revived Kashmiri struggle. Wani was killed by Indian forces on July 8, 2016. His outreach on social media against the Indian occupation of Kashmir made him a popular symbol for Kashmiri youth. His killing gave new life to Kashmir's struggles against India. Peaceful Mass protests were held by Kashmiris to express sentiment against Indian oppressions. Through and after Wani's campaign, educated Kashmiris also joined armed resistance putting Indian forces in an extremely difficult situation.

On August 5, 2019, the Indian government annulled Article 370. Furthermore, by opening up land and residency rights to non-Kashmiris, Government paved the way to mount a settler-

colonial project in Kashmir that could lead to the ethnic cleansing of Kashmir's Muslim majority. Abrogation of Article 370 is a violation of the disputed Accession Treaty as well as of the Indian constitution itself. The article clearly mentioned that it could only be abrogated by the state's constituent assembly. The constituent assembly of Kashmir dissolved itself in 1957. Based on legal provisions the Supreme Court of India declared Article 370 an unalterable part of the Constitution of India in 2017. Mahapatra, D (2018) suggests that in a later judgement in 2018, Indian Supreme Court ruled that Article 370 could not be abrogated as the body that would have approved the change went out of existence in 1957. (Saffee 2017)

To counter a mass reaction, the Indian Government moved thousands of additional troops into the valley on August 4, 2019 (Fareed, R 2019). On August 15, Kashmir was placed on genocide alert by the 'Genocide Watch' (Stanton, 2019). Although India had already undermined Kashmir's semi-autonomous status for a long, the removal of Article 370 was blatant disrespect for the aspirations of Kashmiris who have been standing for the right to self-determination as promised to them through UNSC Resolution S/726, April 21, 1948.

Post-August 2019 Position

Unilateral revocation of Jammu and Kashmir's semi-autonomous status in August 2019 is based on the old agenda of the Bharatiya Janata Party which was part of its 2019 election manifesto (SBS News-2019). To suppress potential protests, Indian authorities ordered an unparalleled crackdown, detaining almost all local politicians and months-long communications blackout. Post-August 5, 2019 platform of Concerned Citizen Groups under former Indian State External Affairs minister Yashwant Sinha has released 9 reports admitting the indigenous nature of militancy and the presence of highly educated Kashmiris in this struggle (Mir Ehsan, Indian Express, 2018).

On the acts of terrorism, Gul (2004) suggests that Pakistanis accuse anti-Pakistan elements of the acts of terrorism in Pakistan while they consider terrorist acts in India as state-managed. However, most Indian backed by their state consider all acts of terrorism either directly or indirectly sponsored by the

Pakistani state linking these with Islamic terrorism, a concept declared flawed by Jackson (2007). The Indian Government links all events in Kashmir with Pakistani state sponsorship and continuously threatens Pakistan with serious action. India demonstrated its will by conducting an air strike across the international border on mainland Pakistan on 26 February 2019 on an alleged terrorist camp near Balakot. Pakistan denied the presence of any such camp. On 27 February 2019, Pakistan also targeted Indian Occupied Kashmir in a tit-for-tat response to demonstrate its will and ability to respond. Indian Airforce Pilot was captured alive by Pakistan Army as his aircraft was targeted by Pakistan. The urge to teach a lesson to Pakistan on alleged Terrorism could have resulted in an all-out war between two nuclear-armed neighbours but sanity prevailed as Pakistan returned Indian Pilot the next night without any preconditions.

The genealogy discussed so far, discloses continuous Indian refusal to admit the existence of any problem in Kashmir. India exercises two options in relation to its policies concerning the issue of Kashmir. On the international dispute level, it has slowly adopted the policy of refusal to accept Kashmir as a dispute. It obfuscates the resolutions of the UNSC which firstly is proof of the international status of the Kashmir issue and secondly declares plebiscite as a solution. Lately, India has used terrorism as a curtain and excuse to mask Kashmir's disputed status. At the internal level, India firstly internalizes Kashmir by projecting it as its internal issue. India uses the laws and provisions, mostly crafted in the name of terrorism to curb the rights of the people to get a sort of sanction for human rights abuses and for violations of the liberty of people. It has got sanctions for its state terrorism which is otherwise clearly declared

as a violation of human rights and liberty. Terrorism is exploited by almost all actors to blame and undermine opponents. Scholars opine that the political reason which causes the conflict must be addressed to overcome violence. However, many states adopt repressive measures to address the problem.

Conclusion

Kashmir is a distinct case of the right of self-determination, guaranteed to the People of the state through the collective wisdom of the United Nations. The Indian state, after having initially committed to the plebiscite, slowly evaded the commitment. It adopted a two-prong policy of handling the conflict. Firstly, obfuscating and avoiding discussion on the Plebiscite while declaring Kashmir as an internal matter of India. Secondly, it tried to internalize the issue by declaring the limited political activity within the state as an excuse. Having failed in its effort to change the hearts and minds of the people, it adopted oppressive policies through state terrorism. In the last four decades, it has used the international environment built about terrorism to exploit the conflict in its favour. Indian state unleashed a reign of terror against the masses using draconian laws and subjecting people to drastic human rights violations. Further, it propagated the movement for self-determination as terrorism. Pakistan, which supports the case of Kashmir's right to self-determination was blamed for supporting the so-called and so-manufactured terrorism. This paper has attempted to uncover the mist of obfuscation which has been spread around the Kashmir conflict in the name of terrorism. The paper suggests that unless the sentiment of Kashmiris is understood and the right to self-determination is granted to them, the conflict will exist at fluctuating levels of intensity.

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