

AN ANALYSIS OF THE TURMOIL IN JAMMU AND KASHMIR

Present Situation and Future Prospects

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PREAMBLE

To analyze the Kashmir problem and consider solutions for it, one has to study the political upheaval that shook the entire Indian subcontinent on the eve of independence in 1947 and correlate it to the Pakistani invasion of Kashmir. The significance of the geo-strategic factor as a root cause of the confrontation between India and Pakistan over Kashmir since 1947 must be recognized. Pakistan's occupation of Northern Areas of Kashmir gave it tremendous strategic advantages in South Asia as the region shares common boundaries with Xinjiang and Afghanistan, and the Central Asian countries are its next-door neighbours. Annexation of this area provided Pakistan land routes to Tibet, Xinjiang and Central Asia while it blocked all land routes between India and these regions.

The events that led to armed Indo-Pakistan confrontation and the UN-sponsored ceasefire agreement in 1948 created a no war, no peace situation. The undecided future of Kashmir and Pakistan's relentless quest to make further inroads in the subcontinent through Kashmir led to major wars in 1965 and 1971 and many military confrontations.

Political developments after the partition of the state, the impact of insurgent terrorism on the policies and agendas of various key players in India, Pakistan and Kashmir, on both sides of the Line of Control (LoC) added a new dimension to Indo-Pakistan confrontation.

Pakistan-based terrorists attacked the Jammu & Kashmir (J&K) Assembly in October 2001 and followed it up by an attack on the Indian Parliament on 13 December 2001, the symbol of India's sovereignty. These incidents brought the two countries to the brink of war.

In the years 2003-2006, there was some reduction in the scale of infiltration but not in the intensity of violent attacks or subversive activities. As long as the terrorist bases and infrastructure in Pakistan and Pakistan Occupied Kashmir (POK) remain intact the possibility of escalation of terrorist-related violence in Kashmir and attacks on other Indian targets will exist. It is evident that unless the Pakistan's policy of attacking sensitive Indian targets changes radically, the possibility of war between the two countries will continue to exist.

In view of the various complex factors involved, most observers believe that there is no immediate prospect of a solution to the Kashmir problem, especially if sponsored terrorism continues to vitiate the atmosphere. These factors have been examined here with the view to assess the chances of peace in Kashmir and the possibility of finding a final solution to the problem in the current environment.

It is evident that a lasting solution can only emerge if the geo-strategic aspirations of both India and Pakistan are adequately addressed in a spirit of mutual accommodation. To examine various diverse issues involved, a brief look at the developments of the past six decades is necessary, starting with the invasion of the Kashmir state by Pakistan that began before the Maharaja of Kashmir, Hari Singh, acceded to India.

The political turmoil in the Valley, the geo-political impact of the division of the state by the Ceasefire Line and the advent of terrorism needs to be examined carefully to assess the feasibility of solutions that are being currently offered by various groups and individuals.

PART ONE

THE INVASION OF KASHMIR AND ITS AIMS

Even a cursory look at the Pakistan-J&K boundary will indicate that the primary factor behind Pakistan's invasion of the Kashmir state in 1947 was to create a strategic cushion for the defense of the Punjab and North-West Frontier provinces of Pakistan that shared common boundaries with Kashmir. The possession of these areas was of importance to Pakistan, not because they were Muslim-majority areas but for the strategic depth they would provide to Pakistan's heartland. For the fledgling state of Pakistan, it was indeed important to possess the western parts of the erstwhile Kashmir state for creating strategic depth. It has been said on good authority that General Sir Frank Messervy, the British Commander-in-Chief and other British officers serving temporarily in the newly formed Pakistan Army, pointed out to its military leadership the necessity of capturing western and northern parts of Kashmir for reducing the strategic vulnerability of Pakistan. It should be noted that the military operations for capturing these areas by Pakistan started in September-October 1947, much before the Indian Army entered the state.

The Gilgit region that shared common boundaries was annexed first. A full-fledged tribal invasion was launched in Kashmir and Jammu provinces in the first half of October 1947; the invaders comprised hordes of Muhsuds tribesmen from Pakistan's North West Frontier Province (NWFP). They were organized in company-level units and armed with lethal weapons.

Till 27 October 1947, the war was fought between the Maharaja's army and the Pakistani tribesmen led by retired or 'on leave' regular officers of the newly formed Pakistan Army. The Indian Army entered Kashmir only on 27 October 1947.

The Pattern of Pakistan's Invasion

Invasion of Gilgit Agency: August/ September 1947: Baltistan-Skardu: October/ November 1947.

In 1935, the Maharaja of Jammu and Kashmir was persuaded to lease the Gilgit Wazarat, north of Indus and its dependencies, to the British for a period of sixty years. It was, however, made clear in the lease agreement that the leased area would remain an integral part of the Kashmir State.

The British government terminated the lease agreement of Gilgit Wazarat in 1947 and the region reverted to the state of Jammu and Kashmir. The Political Agent of Gilgit handed over his charge to Brigadier Ghansara Singh, the governor appointed by the Maharaja.

Major William A. Brown, a British officer who was the Commandant of the Gilgit Scouts, however, sabotaged the legal transition with the aim of facilitating the occupation of this region by Pakistan. “Brown and his second in command, Captain A.S. Mathieson, used the Scouts to stage a revolt to take complete control of the Gilgit Agency and offer it to Pakistan.” (Centre of South Asian Studies, University of Cambridge, Hand list of Papers of Lieutenant Colonel P.C. Garrett.) Whether Major Brown was acting on his own or was carrying out orders from above is not known. The annexation of the Gilgit Agency by Pakistan, placed Hunza, Nagar, Puniyal and neighbouring territories of the Karakoram mountains under Pakistan’s control, in the autumn of 1947. (*The Dawn*, Karachi, 4 September 2002.)

The Gilgit agency and the neighbouring areas were named, “The independent Republic of Gilgit.” This so-called republic opted for Pakistan immediately. The Gilgit Scouts were now dispatched to Baltistan to assist in the occupation of this region by Pakistan.

Invasion of Jammu & Kashmir Provinces:

22 October 1947 onwards

- ♦ Muzaffrabad-Srinagar
- ♦ Mirpur- Poonch-Bhimber areas.

After capturing Muzaffarabad, the tribal forces entered the Valley of Kashmir and sacked Baramulla. When the first contingents of the Indian Army landed at the Srinagar airfield on 27 October 1947, the Pakistan raiders had already reached the outskirts of the city.

The Indian Army was able to land at Srinagar because Pakistani military planners failed to appreciate the importance of capturing Srinagar airfield at the first instance to block the only route of induction available to the Indian Army in October 1947. It was a costly blunder of Pakistani military planners which enabled the Indian Army to land in strength and operate against the invaders in the Kashmir Valley and eventually push them out of the Valley.

In the northwest, Pakistan threatened Leh and briefly occupied Zojila and Kargil. Pakistani forces were eventually evicted from these areas thanks to some innovative tactics used by the Indian Army commanders.

The situation in Naushera-Rajouri-Poonch belt in Jammu was quite precarious, the enemy forces had penetrated deep in this area, and the Indian army had to fight bitter battles for

every bit of ground from Jhangar to Naushera. Poonch town was completely encircled by the Pakistani forces and was held by sheer grit by one battalion group right up to ceasefire despite very heavy enemy pressure from all sides. The Indian army eventually managed to push the enemy out of Naushera-Jhangar areas at a great cost. The declaration of ceasefire stopped further operations.

India agreed to a UN-sponsored ceasefire before all the areas occupied by Pakistan in Kashmir were cleared. The Government of India stopped Indian troops in their tracks and rushed to the UN in 1948, thus missing an opportunity to clear the entire state of the raiders and the Pakistan Army. It is believed that the offensive was stalled on political considerations on a suggestion from Sheikh Abdullah who had little interest in Muzaffarabad-Mirpur belt as he had no political support in this region. Whatever the reason, it proved to be a major strategic setback for India for all times to come.

In 1947-48, India lost Gilgit-Hunza-Baltistan and Muzaffarabad-Kotli-Mirpur, these broadly came to be termed as Azad Kashmir (Pakistan Occupied Kashmir- POK by India) and Northern Areas (NA) by Pakistan. Holding these areas enabled Pakistan to pose diverse military threats to the areas under Indian control.

PART TWO

POLITICAL TURMOIL AND TERRORISM

The Internal Divide in Kashmir

Sheikh Mohammad Abdullah formally dissolved the Muslim Conference (MC) in 1939, established the Jammu Kashmir National Conference (hereafter NC) and parted company with prominent pro-Pakistan leaders, such as Choudhury Ghulam Abbas, and Mohammad Yusuf Shah of the MC. They however, resurrected the MC with the agenda of bringing about merger of Kashmir with Pakistan.

The main political contention regarding the future of the state was at that stage between the National Conference led by Sheikh Abdullah and the Muslim Conference led by Mirwaiz Mohammed Yusuf Shah. The MC found little support in the Kashmir Valley and therefore established itself in Muzaffarabad in PoK. Many of its supporters, however, continued to function from the Kashmir Valley.

It is an established fact that Sheikh Mohammad Abdullah was totally opposed to the merger of Kashmir with Pakistan, but it is believed he wanted an “independent Kashmir” after ousting the Maharaja. Since the National Conference enjoyed support of the majority of people in J&K, the state remained largely peaceful and stable till the arrest of Sheikh Abdullah in August 1953. Bakhshi Ghulam Mohammad who replaced Abdullah was not trusted either in Jammu or Kashmir; he was considered to be corrupt and despotic. The factors that led to rapid alienation of the people of the Kashmir Valley may be summarized as follows:

- ◆ The arrest of Sheikh Abdullah and treatment meted out to him by his former political allies at the Centre;
- ◆ Corruption in various echelons of administration under Bakhshi Ghulam Mohammad;
- ◆ Witch-hunt of opposition leaders and oppression and deprivation of the common man once Sheikh Abdullah was removed;
- ◆ Appearance of communal politics after arrest of Sheikh Abdullah;
- ◆ And eventually, large-scale rigging of elections by the government of Farooq Abdullah in 1987. This proved to be the proverbial last straw and its ultimate outcome was advent of political violence and insurgency.

The Era of Insurgent Terrorism

The violent struggle in J&K was initially planned by the Jammu and Kashmir Liberation Front (JKLF) for destabilizing the government and mustering international support for the independence movement. Pro-Pakistan elements took advantage of the turbulence created by this movement to generate widespread anti-India sentiments. A virulent anti-India campaign was launched in the seventies followed by an indoctrination process of Kashmiri youth to create pro-Pakistan cadres. By the end of 1987 the independence agenda of the JKLF was sidelined and a pro-Pakistan movement emerged in the Valley mainly supported by Jamaat-e-Islami (Kashmir) [JEI-K] and militant cadres of Hizb-ul-Mujahideen. By 1988, Pakistan had trained a large number of Kashmiri youth from both sides of the LoC, for subversion and terrorism. At the end of war in Afghanistan, war veterans were mobilized to organize and lead the Pakistan-sponsored terrorist movement in J&K.

Besides exerting military pressure along the LoC, Pakistan started using retired army personnel, Afghan war veterans and irregulars to wage a well-planned proxy war. Pakistan's surrogates operating in J&K were equipped with high-calibre weapons; they were supplied with a large number of rocket launchers and remote-controlled devices giving them the capability of blowing up bunkers and vehicles with high explosives. They gradually developed ways and means to wage a long drawn non-conventional war against the security forces including the Indian army. Sponsored terrorism assumed the shape of a low intensity war in the next two decades.

Pakistan extensively used Pakistani and Kashmiri religious parties and their militant cadres as a front to mount armed attacks in J&K. The armed groups operating in J&K depended mainly on the Inter-Services Intelligence (ISI) for training, weapon systems, communications, safe havens and financial support. Gradually the terrorist network spread and the links between the indigenous groups and their sponsors in Pakistan were firmly established.

Objectives of the Proxy War

- ◆ Sponsoring terrorist groups and instigating violence through Jehadi-mercenary groups with the aim of wresting the state of J&K from India.
- ◆ Arming, training and launching domestic terrorist groups in J&K.
- ◆ Spreading disorder to divert critical material and human resources of the state from constructive socio-economic activities.
- ◆ Destroying political and social cohesion between diverse ethnic, caste and religious sub-groups that existed in Kashmir.
- ◆ Diverting armed forces from their primary task of securing the borders by involving them in internal stability and counter terrorist operations.

- ◆ Using terrorism to overawe the people and the state administration and coerce them to assist their subversive designs.
- ◆ Inculcate Islamic fundamentalism to alienate the people of J&K from secular India.
- ◆ Bring the Kashmir problem to the centre stage at the international forums.
- ◆ Present India as a highly repressive state that was using inordinate military force to suppress a domestic uprising.

Course of Proxy War

- ◆ The state administrative machinery was subverted, administrative cadres and the police forces were infiltrated by well-trained Pakistani agents.
- ◆ The JEI-K received large amounts of money to support and promote fundamentalism with the aim of establishing an Islamic state in Kashmir.
- ◆ The Hizb-ul-Mujahideen was provided bases and logistic support in Pakistan and PoK, while the JKLF, which demanded independence was sidelined.
- ◆ Random bomb attacks, assassination of political figures who opposed armed struggle and terrorism became frequent.
- ◆ Selective ethnic cleansing by planned massacres of Hindus and Sikhs was carried out and Kashmiri Pundits were hounded out of Valley.

There was rapid escalation of violence, subversion of the administrative apparatus and attacks on common people in the nineties. The following events were witnessed during this phase from 1993 onwards:

- ◆ Brutal attacks on political opponents and members of minority communities to communalize the situation.
- ◆ Planned attacks on minorities particularly the Kashmiri Pundits to drive them out of the Kashmir Valley.
- ◆ Increased use of religious places as hideouts by the terrorists to invigorate the fundamentalist movement and inhibit attacks by the security forces.
- ◆ Engineering a confrontation between the security forces and the people calculated to increase alienation.
- ◆ Massive propaganda drive against Sufi Islam and the composite Kashmiri culture, dubbing both as anti-Islamic.
- ◆ Efforts of changing demographic balances in areas north of Chenab River.
- ◆ Increased use of high-tech weapons, use of remotely controlled devices to blast army and police personnel/ vehicles.

- ♦ Advent of *fidayeens* with the main aim of causing maximum casualties among the security forces in high security areas.

Kashmiri Pandits, became the worst victims of terrorism because they did not fit in with Pakistan's plans for Kashmir; they were therefore pushed out the Valley as a collective group. A majority has since been living in miserable conditions in migrant camps — Muthi camp on the outskirts of Jammu amply demonstrates the appalling neglect of the community. Their leaders have repeatedly raised the issues of loss of their identity, unhygienic living conditions, lack of civic facilities, and denial of political rights but scant attention has been paid to their plight. It seems there is little chance of a change in their fortunes and no one in India has a viable scheme to resettle them in the Valley from where they were thrown out unceremoniously.

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In the years 2003-2006, there was some reduction in the scale of infiltration but not in the intensity of violent attacks or subversive activities. As long as the terrorist bases and infrastructure in Pakistan and PoK remains intact, the possibility of escalation of terrorist-related violence in Kashmir and attacks on other Indian targets will exist. It is evident that unless the Pakistani policy of attacking sensitive Indian targets changes radically the probability of war between the two countries will remain high.

The Kargil Episode

During 1986-88, Musharraf as the commander of the Siachen sector failed in all his attempts to dislodge key Indian positions from the Saltoro ridge. He ultimately attacked Kargil sector in 1999 in an attempt to interdict the Kargil–Leh highway that is the main land route for the Indian Army's logistic supplies to Siachen. Musharraf also hoped to draw Indian troops away from insurgency areas in the Valley as the sponsored insurgency and terrorism were losing steam. The operation was meant to boost the sagging morale of terrorist groups operating in Kashmir. This desperate gamble failed because the Kargil operation was conceptually flawed and based on unrealistic operational objectives. Pakistani troops had no logistic lifeline to Kargil heights and therefore had no chance of holding these heights for an indefinite period. Very soon a determined Indian counter offensive inflicted large number of casualties on the Pakistan army and forced it to withdraw in disarray. The Kargil operation proved a military and political disaster for Pakistan; Pakistan was militarily humiliated and internationally isolated. Despite the setback in Kargil, Pakistan continued terrorist activities in J&K without let up.

PART THREE

KEY PLAYERS AND THEIR AGENDAS

The Pakistan Army

The army brass in Pakistan is the arbiter of all security- related decisions and it has a well set policy on Kashmir that translates into two basic components; first, no compromise on the Kashmir issue without very substantial territorial gains: second, changing the status quo in Kashmir by subversion and terrorism.

This policy is primarily premised on the following factors:

- ◆ Depicting India as enemy number one for continuing the predominant position of the army in Pakistan.
- ◆ Avenging the humiliating defeat of the army in 1971 war that resulted in the division of Pakistan.
- ◆ Increasing strategic depth while inflicting a defeat on the Indian army in Kashmir.

It is doubtful if the mindset of the army or its policy of engaging India in a proxy war will change in the near future. In the present circumstances the army may block every peace proposal unless Pakistan makes major territorial gains in the Kashmir Valley in the bargain.

Fundamentalists and Terrorists

A conglomeration of Islamists with large public support exist in Pakistan; they have a good number of supporters in the lower and middle rank of the Pakistan Army also. Their ultimate objective is to establish an 'Islamic State of Kashmir' with rigid Sharia laws. Their antagonism to India is on religious grounds, they consider Hindu India an enemy of Islam. Most of them believe that Pakistan and Islam must prevail in the entire subcontinent. Any compromise with the polytheistic Indians is considered to be a betrayal of Islam. In the same context they believe that Kashmiri Muslims must be freed from India's clutches by Jihad and it is the bounden duty of every Muslim to join this Jihad.

Presently, the Islamists are in no position to dictate terms in Pakistan. But there is little difference in the Kashmir policy of the Pakistan army and the Islamists; both sustain and support the terrorist groups which are operating in Kashmir. The Jihadis are the fountainhead of fundamentalism; they sustain and support al-Qaeda and Taliban activities in Pakistan. They will never accept any compromise on Kashmir, they believe force must be used to dislodge India from Kashmir.

President Pervez Musharraf's declared policy after 9/11 has often been described as "enlightened moderation" that rejects the orthodox, militant Islam. But there has been a political shift towards a more rigid religious order after the rise of the Muttahida Majlis-e-Amal (MMA) which is the main supporter of Musharraf on key political issues.

The Taliban movement has gained greater support in Pakistan's with the tacit support of the Pakistan army; the percentage of Pakistanis who repose confidence in Osama bin Laden as a Muslim leader has grown from 45 per cent to 51 per cent between 2003 and 2005, according to a survey. The local Taliban, and al-Qaeda cadres, now run a parallel administration in the various tribal regions of Pakistan and dispense justice according to rigid Sharia laws. Various quasi- military elements in Pakistan help sustain the Taliban military capability in Afghanistan by providing training, new recruits and logistic support.

Opinion Makers in India

The national parties in India have no clear policy for finding a solution to the Kashmir problem. No national or regional party has a clear vision about the future set up in Kashmir; moreover there is no consensus among the political groups on the core issues. Many experts see this as the main reason for a lack of any constructive approach towards the resolution of the problems of Kashmir. Although the debate on Kashmir is no longer limited to a few rigid

positions there is still no certainty that the governments in New Delhi, Islamabad, or the political groups of Kashmir, will come up with a solution that will satisfy all the concerned parties.

Political parties and various assorted separatist groups of Kashmir want a solution of the Kashmir problem on their own terms and hope India and Pakistan will come out with a Kashmir solution that would give them substantial benefits.

The idea of self-rule idea is popular with young Kashmiri leaders, who see it as a way out of the present impasse. Omar Abdullah says: “No Indian prime minister will ever have a mandate to redraw lines; similarly no Pakistani president or prime minister will have a mandate to agree to a solution that solidifies the Line of Control as a border. But there are ways around this - if the border becomes irrelevant to the extent that nobody talks about it, then perhaps both sides would have won without either side losing.”

Some separatist leaders suggest that a ‘United States of Kashmir’ should be created. They want joint supervision by India and Pakistan. Pakistani President Pervez Musharraf mooted the idea of self-rule for Kashmir but no concrete shape has been given to it. India has not directly commented on these ideas, but various functionaries point out that J&K already has its own constitution and runs on its internal affairs; the proposal of self-rule is therefore redundant.

Syed Ali Shah Geelani who is a member of the hard-line faction of the All Parties Hurriyat Conference says, there is only one way to resolve the dispute -- and it dates back to 1947. He says, “The whole state should be given to the UN Security Council so that they will take control of the whole state...And then they will arrange the plebiscite for the people of Jammu and Kashmir. This is our basic demand, we have rejected all other solutions and other road maps and other formulas because they are not according to our wishes.”

PART FOUR

NEW IDEAS AND DIVERGENT VIEWPOINTS

President Pervez Musharraf has propagated the idea of self-rule for Kashmir at various public forums, demilitarization and mutual control of Kashmir by India and Pakistan. In a TV interview, he said, “Demilitarize Kashmir, give self-governance to the people of Kashmir with joint management on top.”

The concept of joint control remains ambiguous and it cannot work smoothly due to enormous administrative difficulties it would entail. Besides it will be disrupted from the very beginning by the terrorist groups -- a single catastrophic event will bring it to grinding halt.

President Pervez Musharraf's 'out of the box' solution to the Kashmir problem which he presents in his book, *In the Line of Fire: A Memoir*, is based on four basic factors:

- ◆ First, identification of the geographic regions of the erstwhile princely state of Jammu and Kashmir that need resolution. This proposal does not specifically address the question whether the Northern Areas and 'Azad Kashmir' (called PoK in India), and Jammu, Kashmir and Ladakh will be “on the table for discussion or are there ethnic, political and strategic considerations dictating some give and take.”
- ◆ Second, demilitarisation of “this identified region or regions” and curbing “all militant parts of the freedom struggle.”
- ◆ Third, the introduction of “self- governance or self-rule in the identified regions.” This would enable Kashmiris to “have the satisfaction of running their own affairs without having an international character and remaining short of independence.”
- ◆ Fourth, setting up “a joint mechanism with a membership of Pakistanis, Indians and Kashmiris overseeing the self-governance and dealing with residual subjects common to all identified regions.”

General Musharraf in the chapter titled 'International Diplomacy' in his book, adds: “The idea that I have evolved which ought to satisfy Pakistan, India and the Kashmiris involves a partial stepping back by all.” He clarifies that “the idea is purely personal and would need refinement and selling to the public by all involved parties for acceptance as a *via media*.”

- ◆ The first proposal seems to imply that, the focus would be on re-identification of regions. India has been opposed to any change in existing boundaries of the Jammu and Kashmir state.
- ◆ The second element that calls for the demilitarization puts the cart before the horse; obviously there can no demilitarization unless insurgent–terrorism ends first.
- ◆ The third proposal talks of a high degree of autonomy or 'self-rule', that can be interpreted in various ways. Would it mean a degree of autonomy going far beyond the 1952 Delhi agreement for the Indian-controlled areas?

- ♦ The idea of the joint mechanism, hints at a degree of control by both countries, an idea most unlikely to be accepted by India.
- ♦ General Musharraf expressed hope during a press conference that ‘something’ could be announced during Prime Minister Manmohan Singh’s proposed visit to Pakistan. He said “Yes, there are discussions. We cannot divulge anything now. When we agree on something, we will announce it. We are trying to make [Dr Singh’s] visit – I have invited him and he has accepted – substantive.”

According to Minister for Kashmir Affairs and Northern Areas Major Tahir Iqbal, President Musharraf has suggested establishing a single government for the entire state of J&K – Azad Kashmir and Indian-held Kashmir – with internal autonomy except for defence, foreign affairs and currency. He added that “we should not wait another 60 years considering that the UN resolutions passed 60 years ago have produced no solution of the dispute.”

The All Parties Hurriyat Conference (APHC) leader, Mirwaiz Umer Farooq, told a British TV channel that a joint working group had been set up to work out a road map. General Musharraf, however, denied existence of any such group but said that the two countries wanted to move forward on Kashmir, and the Havana declaration following his meeting with Prime Minister Manmohan Singh in Cuba was evidence of that. He added that the agreement to resume talks had shown that both countries were willing to make compromises. On the charge that the ISI had a hand in the July 2006 Mumbai blasts, he said no proof had been given to him in Havana.

According to media reports, Manmohan Singh said that an acceptable Kashmir solution would be if India provided autonomy to Jammu and Kashmir and Pakistan agreed to make the same arrangement in PoK.

The NC demands restoration of the position that existed under the Delhi Agreement, 1952, which essentially means all matters, except defence, foreign affairs and communications, would be run by the state government.

The People’s Democratic Party’s (PDP) ideas on self-rule include an elected governor, separate civil services, a new indigenous police set up and constitutional guarantees against imposition of article 356. The party also suggests a regional federation and a consultative mechanism to resolve issues between three units, Kashmir, Jammu and Ladakh. The PDP maintains that their proposal has no connection with Pakistan President Pervez Musharraf’s suggestion of self-governance for the state. “Rather, it is a proposal that would effect greater integration between Jammu and Kashmir and rest of the country,” senior PDP leader and former deputy chief minister, Muzaffar Hussain Baig is stated to have said while addressing party leaders of the Jammu region.

The APHC Geelani group has serious misgiving about Pakistan's Kashmir policy. Chairman of the hardline faction Syed Ali Geelani believes the September 2006 recent meeting between President General Pervez Musharraf and Indian Prime Minister Manmohan Singh in Havana (Cuba) will prove to be an exercise in futility for resolving the Kashmir issue like in the past. Addressing the participants of an 'Iftar' dinner hosted by former Jamaat-e-Islami Amir Abdul Rasheed Turabi in PoK, via telephone from Srinagar, Geelani said the present Kashmir policy of Pakistan is totally against the basic perspective of Kashmiri people. He ruled out any chance of alliance with the Mirwaiz faction because "this group has negated the basis of the Kashmir issue."

Geelani maintains that self-governance, joint control and opening of borders are not sustainable solutions to the Kashmir issue. He said, "If India takes sincere steps for resolution of Kashmir issue by withdrawing its troops from the valley and release all detained Kashmiris and agree for the solution of Jammu and Kashmir issue as per UN resolution then we will immediately announce a ceasefire."

Geelani maintains that Kashmiris are highly upset about the shift of Pakistani policy on Kashmir as it has had a negative impact on the freedom movement. He said that the people of Kashmir are grateful to the people of Pakistan for supporting them, morally and politically. Geelani believes that proposals of Pakistan-India joint mechanism against terrorism are being made at the behest of the United States. "Despite the continuing peace process India has not shown any flexibility over Jammu and Kashmir issue, it is only Pakistan that is unilaterally forwarding proposals for a solution and this attitude of government of Pakistan has made Pakistan's position very contentious," he said. The US is using President Musharraf for accomplishing its Indian agenda, claims Geelani.

Hizb-ul-Mujahideen leaders still insist that jihad is the only means to liberate Kashmir from Indian occupation. Addressing a 'Jihad Paigham' conference in October 2006, the supreme commander of the organization criticised the policies of General Pervez Musharraf and said that 'due to his Kashmir policy the cause of Kashmir had received a setback. Lately the Hizb has, however, shown willingness to enter into a dialogue, even a ceasefire with India, if there are no preconditions and India first recognizes that Kashmir is a disputed territory. This conference was also addressed by senior provincial minister (PoK) Sirajul Haq, the vice-amir of Hizb-ul-Mujahideen, Abdul Wasai, provincial president Abdul Malik, A. Muzzafar Saeed, Amir Jamaat-i-Islamic and Muhammad Gulab. Most speakers urged people to come forward and support the 'Kashmir liberation movement'. They insinuated that the liberation movement has reached a crucial stage and a little push would force the Indian occupation forces out of the area. They accused their government of betraying the Kashmiri freedom

fighters. They said that the Indians would never resolve the issue through negotiations and the only solution to the problem was to support the liberation movement.

Proposals of the Kashmir Study Group (KSG)

In 1998, some members of the Kashmir Study group (KSG) developed the so-called Livingston Proposal titled, "Kashmir: A Way Forward." The proposals put forward in 2005 were that, portions of the former princely State of Jammu and Kashmir be reconstituted into self-governing entities enjoying free access to one another and to and from both India and Pakistan. The KSG proposed:

1. Three entities - Kashmir, Jammu, and Ladakh - would be established in the portion of the pre-1947 state now administered by India. These three self-governing entities would each take part in a body that would coordinate issues of interest to all of them, such as internal trade and transportation.
2. Two entities -- Azad Kashmir and the Northern Areas -- would be established on the side now administered by Pakistan. Like the entities on the Indian side, they would each be represented in a coordinating body that would consider issues in which they both had an interest.
3. An all-Kashmir body would be set up to coordinate areas of broader interest such as regional trade, tourism, environment, and water resources. This body would include representatives from each of the five entities as well as from India and Pakistan.
4. Each of the new entities would have its own democratic constitution, as well as its own citizenship, flag, and legislature which would legislate on all matters other than defense and foreign affairs. India and Pakistan would be responsible for the defense of the entities, and the entities would maintain police forces to maintain internal law and order. India and Pakistan would be expected to work out financial arrangements for the entities.
5. Citizenship of the entities would also entitle individuals to acquire Indian or Pakistani passports (depending on which side of the Line of Control they live on). Alternatively, they could use entity passports subject to endorsements by India or Pakistan as appropriate.
6. The borders of the entities with India and Pakistan would remain open for the free transit of people, goods, and services in accordance with arrangements to be worked out between India, Pakistan and the entities.
7. While the present Line of Control (LOC) would remain in place until such time as both India and Pakistan decided to alter it in their mutual interest, both India and Pakistan would demilitarize the area included in the entities. Neither India nor Pakistan could place troops on the other side of the LOC without the permission of the other state.

8. All displaced persons who left any portion of the entities would have the right to return to their home localities.

The proposals mooted by General Musharraf are identical in essence with that of the KSG. However, he represents the authoritative view of Pakistan and it is of interest that he has moved away from the traditional Pakistani position.

During an interview to NDTV General Musharraf said, “Yes, we are against independence” for Kashmir. He also said that “both India and Pakistan would have to make compromises and be prepared to give up the positions they had held on Kashmir for almost six decades.”

In an earlier interview to CNN-IBN, General Musharraf had proposed self-rule for Kashmir.

PART FIVE

THE PEACE PROCESS

The Peace Process: 2003-2006

- ♦ April 2003 -- Indian Prime Minister Atal Behari Vajpayee said that he wanted to make a final push for peace in his lifetime and offered Pakistan a “hand of friendship”.
- ♦ November 2003 -- India and Pakistan agreed to a ceasefire along the Line of Control (LoC).
- ♦ January 2004 – Atal Behari Vajpayee met President Pervez Musharraf in Islamabad, giving a big push to the prospects of peace. The two sides agreed to resume peace talks; Pakistan promised to curb anti-India militants operating from its territory.
- ♦ April 2005 -- Declaring the peace process as irreversible, India and Pakistan agreed to open up the LoC dividing Kashmir, a high-profile visit to New Delhi by Musharraf strengthened the resolve.

- ◆ Kashmiris from both sides crossed the “Peace Bridge” across the LoC aboard the first bus service after almost 60 years.
- ◆ July 2005 -- India and Pakistan open their first land trade route.
- ◆ October 2005 -- The two nations sign pacts on advance warning of ballistic missile tests and on establishing a hotline between their coast guards.
- ◆ February 2006 -- The 210-feet long “Peace Bridge” at the LoC near Uri that was wrecked by the October 2005 Kashmir earthquake is re-opened.
- ◆ May 2006 -- Talks over the Siachen Glacier, no agreement was reached.
- ◆ July 2006 -- Bomb blasts in Mumbai kill 186 people. Peace talks due in the month were cancelled as the Mumbai police claimed that the evidence gathered by them indicated involvement of ISI of Pakistan and the Lashkar-e-Taiba. Pakistan indicated it would take action if proof was given.
- ◆ September 2006 -- Indian Prime Minister Manmohan Singh and General Musharraf agree to resume peace talks.
- ◆ November 2006 -- Secretary-level talks held in New Delhi. Several important agreements were reached.

Progress and Setbacks

The prospects of peace receded and the relationship between India and Pakistan plunged to a new low after nuclear tests were carried out by India and Pakistan in 1998. Atal Behari Vajpayee, however, revived the peace process with the signing of the Lahore Agreement in February 1999. Pakistan shattered all hopes of a peaceful settlement by invading Kargil soon afterwards. The political scenario changed very rapidly once the Pakistani Army was forced out of the Kargil region. Pakistan got involved in a new political turmoil. Nawaz Sharif's government was ousted by General Musharraf in a dramatic military take over. The peace process seemed to have no future at this stage.

A new phase of India-Pakistan relations started taking shape after 9/11 and the declaration of war by America on international terrorism. Pakistan was compelled to join the war against the Taliban and al-Qaeda who were its closest allies in the pre-9/11 era. Pakistan came under pressure from the US to find a peaceful solution to the Kashmir problem. Eventually Vajpayee and Musharraf met at Agra in June 2000. The summit failed to resolve any issue, but a new beginning was, however, made. The peace process came to a grinding halt once again after a terrorist attack on the Indian Parliament in December 2001, this attack brought

India and Pakistan to the brink of major war. India's massive military build up all along the Pakistan border was matched by Pakistan across the border; this meant that almost one million troops faced each other at the international frontier in combat readiness. The danger of war was quite real for quite some time but a war was averted through quiet but assertive international diplomacy led by the US. Gradually the atmosphere cooled down and India and Pakistan resumed the peace process.

The April 2003 peace initiative brought about a reduction in tension. In October a ceasefire agreement was initiated by Pakistan that eventually led to a summit meeting in January 2004 in Islamabad. A joint agreement was reached to resume a "Composite Dialogue" for a "Peaceful settlement of all bilateral issues, including Jammu and Kashmir, to the satisfaction of both sides."

In 2004, numerous officials level meetings, cooled down tensions and paved the way for better diplomatic relations. Increased people-to-people contacts improved the atmosphere for a peaceful dialogue between the two countries. Regular dialogue process continued in 2005. By now a number of confidence building measures had been put in place, but the problem of Pakistan instigated terrorism continued to vitiate the atmosphere.

Following the July 2006 terrorist bombings of commuter trains in Mumbai, New Delhi postponed the planned foreign secretary-level talks. However, after meeting on the sidelines of the Non-aligned Movement summit in Cuba in September, President Musharraf and Indian Prime Minister Singh announced a resumption of formal peace talks. They also decided to implement a joint anti-terrorism mechanism.

The Indian and the Pakistani foreign secretaries met on 14 and 15 November. This round of discussions should have taken place in July but were postponed after Mumbai blasts. At the end of the meet a joint statement was issued.

By all indications, Kashmir was discussed in some detail. The Mumbai blasts were mentioned but no evidence was presented to Pakistan. According to India's Foreign Secretary Shiv Shankar Menon, the blasts were definitely discussed, but no written evidence was put on the table because the chargesheets in the case were still to be filed, but Riaz Mohammad Khan, Pakistani Foreign Secretary maintained: "Mumbai was not discussed at all, not even verbally. You can't share information just like that. It has to be formally placed. I am an old man. I will not remember any verbal information."

Purposeful discussions were held to narrow down divergences on the Kashmir issue. An agreement was reached to increase interaction across the LoC. The joint statement issued at the end of the meet said that, “the two sides agreed to fully implement measures to enhance interaction and cooperation across the ‘Line of Control’ including an early start of truck service for trade.”

Another important agreement was reached on reducing risk from accidents related to nuclear weapons. “We have agreed to prevent risks relating to nuclear weapons. There are some procedural requirements but hopefully the agreement will be signed very soon,” Riaz Mohammad Khan said.

As part of the confidence-building measures (CBM) the two governments decided to release all fishermen and prisoners of the other country by 25 December, provided their national status has been confirmed and they had completed their sentences.

An early finalization of an “updated visa agreement” to cut down delays in granting visas was also agreed upon by the two sides.

During this meeting progress made towards the revision of the 1982 protocol on consular access was also reviewed. “While it has been agreed upon to promote friendly exchanges between the two sides, they have also agreed to expand the list of shrines under the 1974 bilateral protocol on visits to religious places.”

It was agreed to set up a high-level anti-terrorism mechanism on each side to consider ways and means of sharing information between the two governments.

On the Indian side, the mechanism will be headed by an additional secretary (international organizations), while in Pakistan it will be headed the Additional Secretary (UN EC) at the foreign ministry.

Siachen and Sir Creek

Siachen was not discussed but it was agreed that the defence secretaries would meet a couple of months later to discuss the issue. Obviously there is no agreement in sight. “Let’s face it. There’s still a big gap between our positions on Siachen”, Shiv Shankar Menon is quoted by the media as having said.

India maintains that the boundary of the Sir Creek area, which lies between the state of Gujarat and the southern Pakistani province of Sindh, should be in the middle of the 100-kilometre estuary. Pakistan on the other hand wants the border to lay on the south-east bank -- a position that would place almost the entire area in Pakistan.

It was agreed during the November talks that experts from both countries will meet to find ways and means to determine, “coordinates for the joint survey of the Sir Creek marshland and adjoining areas, without prejudice to each other’s position, as well as to simultaneously conduct discussions on the maritime boundary.”

It was stated that the joint survey will be completed by February 2007. It is likely that a solution acceptable to both sides will emerge in 2007.

Another foreign secretary’s meet has been scheduled in Islamabad in February to take the peace talks forward, the functioning of the anti-terrorism mechanism will become clearer after the secretary-level meet scheduled for February 2007.

PART SIX

THE PROSPECTS OF PEACE

Positive Trends

The agreement on a ceasefire on the LoC and introduction of bus services along important routes between Kashmir, Jammu and PoK were some of the significant steps taken after resumption of peace initiatives between 2003 and 2005. It will be recalled that the peace process was once again stalled because of a vicious terrorist strike on local trains in Mumbai in July 2006. The process remained in a state of suspended animation till the Indian Prime Minister and President Musharraf met on the sidelines of the Non-Aligned summit in Havana in September 2006 and reached an agreement to resume the peace process.

Many Kashmiri separatist leaders, perhaps on a cue from Pakistan, have shown willingness to consider new ideas and work towards a peaceful solution of the Kashmir problem. Chairman of the so-called moderate Hurriyat Conference, Moulvi Mirwaiz Farooq, expressed hope that a reasonable and honourable settlement of the Kashmir dispute will emerge.

Shifting Stands of President Musharraf

Musharraf told the Indian NDTV news channel in an interview: “Yes, we are against independence” for Kashmir. Musharraf said both India and Pakistan would have to make compromises and be prepared to give up the positions they had held on Kashmir for almost six decades. Pakistan would give up its claim on Kashmir if India too did the same in the interest of a solution to the issue.

In an earlier interview to another news channel CNN-IBN in January, Musharraf had proposed self-governance for Kashmir — held in part by India and Pakistan.

In the CNN-IBN interview, Musharraf had defined self-governance as “falling between autonomy and independence” the details of which would have be worked out jointly “by India, Pakistan and Kashmiris.”

The above suggestions made by General Musharraf were severely criticized by the opposition parties, a section of the press in Pakistan, besides the United Jihadi Council (UJC).

The opposition parties called it a complete sell out. The UJC called it an unacceptable unilateral concession, and added that options like joint control can be only accepted if “they are a prelude to self-determination and freedom that is our aim.”

General Musharraf, according to some reports, substituted the term ‘self-rule’ with ‘autonomy’ and ‘self-governance’ and the term ‘joint management’ with ‘joint supervision.’ If so this is a positive sign.

The change in terminology has perhaps been made to bring it closer to India’s perception of autonomy. Major political organizations in J&K have generally reacted positively to the proposals made by General Musharraf.

The moderate Hurriyat faction is expected to present their proposals to the Prime Minister shortly, they are likely to propose creation of five autonomous entities, each with their own legislature, flag within a ‘United States of Kashmir’.

Round Tables and Working Groups on J&K

Four working groups were formed after the second Round Table Conference of all parties that was chaired by prime minister Manmohan Singh in April 2006. These groups were tasked to look into the problems of:

- ♦ Building Centre-State relationship and intra-regional relations; greater autonomy or devolution to J&K /or regions.
- ♦ Strengthening relationship across the LoC through trade, tourism, pilgrimage, etc.
- ♦ Promoting economic development.
- ♦ Ensuring good governance, and showing zero tolerance for human rights violations.

The Working Groups interacted with various political groups and opinion makers in the state; they were instructed to submit their recommendations to the chief minister of J&K by the end of December 2006. The group that concerned Centre-State relations is yet to make progress.

Separatist groups from the Valley did not cooperate with the Round Tables or the working groups. Even the NC President Omar Abdullah announced that his party was boycotting KWGs on the ground that “human rights violations, custodial killings and tortures have taken place during one-year rule of Congress-led coalition government.” Indications are that this stand may change.

Thorny Issues

Terrorism is not likely to abate in the current political milieu prevailing in Kashmir. Terrorist groups still operate with impunity, in most parts of the Kashmir valley and the higher reaches of the Pir Panjal range. They are given shelter by a number of local organizations which are cooperating with them. Infiltration of armed groups continues despite stringent measures instituted by the security forces. The front organization of the terrorist groups function under several names taking advantage of the democratic freedom they enjoy in the state. Security forces are a hindrance in their way, but they do not have the ability to completely stop infiltration.

The situation will remain unchanged till terrorist bases and camps located across the LoC continue to function unhindered. So far India has not been able to convince Pakistani sponsors of terrorism that they are continuing a policy that has failed to achieve its aims and it has only harmed the Kashmiri people.

The armies of India and Pakistan have been facing each other on the high battlefield of Siachen since 1984. Despite several rounds of talks on this issue at a high level since 1987 no breakthrough has been made on the contentious issue of the demilitarization of the Siachen glacier.

It is evident that there is a “gap in the positions” of India and Pakistan countries that could not be filled through discussions held at various levels so far. Riaz Khan, Pakistan’s Foreign Secretary maintains that: “If the desire is an indication of positions as they are today, they could be accommodated. But if it is endorsement of certain claims, then it could be an unfair expectation. There are fears and apprehensions on both sides... but this is an issue which is resolvable. If it can be turned into a mountain of peace and then it can be jointly monitored.”

It doubtful that any agreement can be reached easily on the authentication of the Actual Ground Position (AGPL). The problem in any case cannot be finally resolved unless agreement is reached on the alignment of the Line of Control beyond NJ 9842.

The Siachen problem does not directly relate to the people of Kashmir, it is basically an India-Pakistan problem. If solved it may prove a good confidence building measures between the two countries but its resolution will not change the situation in J&K or current stands of India – Pakistan on Kashmir in any way. As far as the people of Kashmir are concerned Siachen is even further away than the moon, no ordinary Kashmiri considers Siachen as an issue affecting his life.

CONCLUDING OBSERVATIONS

The expectations of a favourable solution depend on the identity of the originators and their supporters. Pakistan and pro-Pakistan elements still want Muslim majority areas of J&K to become part of Pakistan. The so-called North of Chenab solution propagated by the KSG is predicated on these lines though it is being presented in a secular format. A certain amount of ethnic cleansing is already being attempted in selected areas north of Chenab River, where there are sizable Hindu pockets. This is a bad sign.

Proposals that eventually aim to divide Kashmir on communal lines will not be accepted by India in any form, grant of a degree of autonomy on both sides of the LOC may find acceptance in India.

The proposals of self-rule put forward by diverse political groups in Kashmir aim to gain maximum political mileage, muster support of the fence-sitters and pro-independence lobbies. The proposals lack clarity about the ultimate status of Kashmir or the various autonomous regions visualized by them within the state.

The proposal of autonomy put forward by NC may be partially acceptable to India but that would in no way satisfy the, independence seekers, pro-Pakistan lobbies or the militants.

It can be assumed that both factions of APHC and other separatist groups are jockeying for power in the Valley. The militants and the Jihadis want to establish a united Islamic state of Kashmir. The majority of people on both sides of the LoC want both India and Pakistan to get off their backs.

In the prevailing political environment, a stalemate is likely to continue in J&K in the foreseeable future. In the intermediate time frame the following developments may be expected:

- ♦ The present boundaries of Jammu and Kashmir under Indian and Pakistan control will by and large remain unchanged but a soft border policy with partial demilitarization may be accepted by both sides.
- ♦ Limited autonomy may be granted to Indian controlled J&K, with similar but cosmetic measures taken by Pakistan in areas under its control.
- ♦ Terrorism is not likely to abate because neither the Jihadi groups nor hard liners will accept any compromise.
- ♦ Agreement on Siachen may be reached in the long run but this will not help very much in resolving the Kashmir problem.

Prime Minister Manmohan Singh recently stated: “that India was open to new ideas for resolving all issues with Pakistan.” This has been taken as indirect response to President Pervez Musharraf’s formula for resolving the Kashmir issue.

The External Affairs Minister Pranab Mukherjee met Pakistan President Pervez Musharraf in Islamabad on 13 January 2007. Terrorism and the Kashmir issue featured prominently during the meeting. During the meeting, President Pervez Musharraf is reported to have told Pranab Mukherjee that resolution on long standing issues like Kashmir, Siachen and Sir Creek would open avenues for further cooperation between the two countries.

Pranab Mukherjee also met Pakistan Prime Minister Shaukat Aziz and invited him to attend the forthcoming New Delhi Summit of the South Asian Association for Regional Cooperation (SAARC). Mukherjee said “reasonable progress” has been achieved in the peace process with Pakistan.

Prime Minister Manmohan Singh is expected to visit Pakistan in due course; the future course of the peace process may become clearer after this visit. Also, with the elections due in Pakistan in November 2007, a lot depends on the political strategy of General Pervez Musharraf, whose fight for political survival will determine the course of India-Pakistan relations in the next five years.

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APPENDIX

Summary of Reports of four Working Groups on Jammu & Kashmir

**SUMMARY OF REPORT OF WORKING GROUP-I
ON CONFIDENCE BUILDING MEASURES**

ACROSS SEGMENTS OF SOCIETY IN THE STATE

The Working group on confidence building measures across segments of society in the State was chaired by Shri Mohammad Hamid Ansari and comprised of 17 other members (list attached) drawn from across the political spectrum and other spheres of life. The Working Group held three meetings on 27.07.2006, 15.09.2006 and 24.11.2006.

2. The Group had the following agenda:

- Measures to improve the condition of people affected by militancy.
- Schemes to rehabilitate all orphans and widows affected by militancy.
- Issues relating to the relaxation of conditions for persons who have forsworn militancy.
- An effective rehabilitation policy, including employment, for Kashmiri Pandit migrants.
- An approach considering issues relating to return of Kashmiri youth from areas controlled by Pakistan.

3. After consolidating all the viewpoints and identifying the items of convergence the recommendations were finalized after thorough discussions.

4. The Group expressed serious concern over the incidents of human rights violations in Jammu and Kashmir. The necessity of curbing human rights violations are considered to be one of the most important measures to be taken so that the innocent persons do not become victims of counter-insurgency measures. It was also felt that this would also help to enhance India's International image. The Group therefore recommended strengthening of the State Human Rights Commission along the lines of the NHRC, revitalization of its functioning and setting up of an Empowered Committee for monitoring the Action Taken Report on its recommendations.

5. The Working Group recommended administering the relief to the victims of militancy prescribing an order of priority for the victims to receive relief assistance. Considering the limitation on the number of Government jobs available it is necessary to prioritize normative conditions in the provision for jobs to victims' families. The Working Group was of the view that wherever it is not possible to provide Government jobs, a one-time compensation of Rs 5 lakhs be given. A rehabilitation package for the injured victims and relief/compensation for victims of the Kargil War was also suggested.

6. The Group recommended review and revocation of laws that impinge on fundamental rights of common citizens, such as Armed Forces Special Powers Act. Law and order was to be maintained through normal laws to the maximum extent.

7. The Group deliberated on the conditions of widows and orphans of those killed in militancy related violence. It was considered necessary to set up a special cell to get complete data including [that of] wives and children of persons missing or presumed dead for making effective rehabilitation schemes. They should complete the work within 3 months. The widow relief of Rs 500/- at present should be revised and orphans provided scholarships to cover cost of education and their livelihood concern by a suitable scheme. Orphans of killed militants with no other source of income should be included as a goodwill gesture. Relief measures should be monitored regularly and malpractices curbed effectively.

8. The Group felt that there is a need to create conditions for persons who have forsworn the path of militancy to avoid reversion back to militancy and to provide them a definite policy/package for their rehabilitation. They should be treated in a dignified manner. The Group has recommended that the security forces should be instructed to keep a check on fake encounters and fake recovery of arms. Cases of all persons in jails should be reviewed and those who are under trial for minor offences should be given general amnesty.

9. The Group also recommended devising an effective rehabilitation policy including employment for Kashmiri Pandit migrants. Further it has been recommended that the rights of Kashmiri Pandit migrants to return to the places of their residence should be recognized and a comprehensive package devised in consultation with their representatives. This should be based on comprehensive collection of database. It should include other militancy affected migrants of Jammu region. Jobs for Kashmiri Pandits should be identified in Police and other Civil Service vacancies besides Government of India offices located in J&K. Relief to NoKs who could not be provided jobs as prescribed under SRO-43 should be increased from Rs 1 lakh to Rs 5 lakhs. An inventory of their properties should be prepared to examine illegal occupation. Adequate compensation/rent should be provided to the properties of migrants occupied by SFs. All camp migrants should be provided living conditions and accommodation. Kashmiri Pandits living in the Valley should also be provided opportunities of education and employment. It is also necessary to start a dialogue with the representatives of Kashmiri Pandit migrants with a view to design a package for their return and rehabilitation within next three years. Working Group also recommended setting up of a Minority Commission for J&K.

10. The Working Group recommended to categorize youth into those who joined militancy for misguided ideological reasons, monetary considerations and forced circumstances. It suggested consideration of a policy within a framework of CBM enunciated in the RTC and after verifying the identity of persons returning from the other side within a time frame to be decided. Such persons should be given a rehabilitation package and treated with dignity to join the mainstream similar to para 8 above.

11. The recommendations of the Group included preparation of a comprehensive policy to preserve monuments, sites, building structures, objects and landscapes that are significant in indigenous history, architecture, archaeology, engineering and traditional art forms by a body of experts through an autonomous institution.

12. The Group recommended that problems being faced by the refugees who came from West Pakistan in 1947 such as State Subject Status should be settled once for all. The Working Group expressed concern and need for further relief and rehabilitation of refugees of 1965 and 1971 wars who have not been fully rehabilitated living mostly in Jammu Division.

13. The Working Group touched upon balanced regional development, economic development of certain communities and the need for more power projects.

14. The Group also suggested the following steps to stop migration :

- (i) Centre and State Government to consider application of internationally accepted policy in consultation with experts.
- (ii) To start unconditional dialogue process with militant groups for finding sustainable solutions to the problems of militancy.
- (iii) To examine the role of media in generating an image of the people of the State so as to lessen the indignity and suspicion that the people face outside the State.

**SUMMARY OF RECOMMENDATIONS OF WORKING GROUP-II ON
STRENGTHENING RELATIONS ACROSS THE LINE OF CONTROL (LOC) :
JAMMU AND KASHMIR**

The Working Group submitted the report in January 2007 on the following agenda taken up for deliberation :

1. 'Measures to simplify procedures to facilitate travel across the Line of Control.'
2. 'Measures to increase goods traffic.'

3. 'Measures to expand people-to-people contacts, including promotion of pilgrimage and group tourism.'
4. 'Measures to open up new routes such as Kargil-Skardu.'

Methodology and guiding principles adopted by the Group

The Group recognized and was motivated in their efforts on the importance of people-to-people contacts and free travel facilities for the purpose of persons residing on two sides of the LoC thereby resulting in promotion of friendly and beneficial cooperation and the strengthening of peace in the region. The Working Group was guided by the belief that the opening of routes for trade and commerce would help in not only improving the economic conditions on both sides but also it would be an important step towards normalization of the situation.

The Working Group has made the following important recommendations on the issues concerned in pursuance to agenda:

1.a. Expand eligibility for travel and visit across Loc

The Working Group recommended that the category of persons eligible to travel across the LoC from among divided families be not restricted to relations only, but to expand and cover persons who want to visit places of religious interest, tourism, and those requiring medical aid. However, tourism was to be allowed in groups only.

1.b. Simplify and speed up procedure for travel across the LoC

All residents of Jammu and Kashmir may be required to obtain Permanent Resident Certificate (PRC). The PRC should be taken as the basic document on the strength of which travel permit is issued and Security clearance completed within a maximum period of two months. Traders should be issued multiple entry/exit permit valid for a minimum period of one year. Priority for clearance should be given for Emergency cases like serious illness, death or marriage in the family. Applications for travel permit should be accepted and disposed of in more number of places beginning Anantnag, Baramullah, Poonch and Rajouri besides Jammu & Srinagar and relations permitted to go upto the border.

2. Measures to increase trade and commerce between two sides

The Working Group recommended the Provision of a Joint Consultative Machinery of officials and representative of trade and commerce from both sides to resolve difficulties. The eligible list of items for export should include handicrafts, fruits and other items manufactured by SSI's in J&K, and similar list finalized for imports from the other side. The hazardous goods should be allowed to be transported in a special vehicle and authorized to travel across LoC direct to the destination or earmarked transport depots at the LoC. Provision should be made for effective and quick mechanism for unloading, checking, etc. Concerted efforts may be taken to improve infrastructure support for goods and passengers traffic. The Working Group also suggested reciprocal waiver of customs duties for 3 years, promotion of trade fairs, Common Free Trade Area and reasonable levy of state Tax on goods traded.

3. Measures to expand people-to-people contact, including promotion of pilgrimage and group tourism

The Working Group recommendations suggested Exchange visits between students and faculty members of the Universities on two sides of the LoC; Organized visit of school students; Short term courses in certain specific subjects; Consideration for the grant of admission of PoK students in J&K Universities; Exchange visits of group of journalists, academicians, lawyers etc; Cultural trips in the fields of music, dance, etc. After due consideration of security aspects the landline and mobile communication should also be permitted.

4. Measures to open up new routes across the LoC

The Working Group recommended opening up of additional routes, viz. Kargil - Skardu; Jammu – Sialkote; Turtuk – Khapulu, Chhamb – Jorian to Mirpur; Gurez – Astroor-Gilgit; Titwal-Chilhan; Jhangar (Nowshera) – Mirpur and Kotli. Additional contact points need to be established and in the Ladakh region Hundurman and any suitable point in Turtuk – Khapulu route was suggested. The Initiative to open new routes, should be taken unilaterally, integrated check posts set up to facilitate trade. Persons holding passport and visas should be allowed to travel on Jammu – Sialkote route for which appropriate mechanism are to be created.

5. Additional recommendations on other issues

The Working Group recommended constitution of a Joint Consultative Group of 10 numbers of the legislatures on both sides and to exchange views periodically on social, economic, cultural and trade-related matters of mutual interest. The Working Group recommended consultation, as necessary, for the provision of disaster and relief measures, exchange visits

of groups of professionals for horticulture, tourism promotion etc., programme for the removal of land mines for better utilization of agricultural and grazing lands, consideration for opening of Leh-Xinjiang route across LOC with China and Leh to be promoted as an alternative for the Kailash-Mansarovar yatra.

The Working Group also noted that it understands and appreciates that in implementing its recommendations the Central and the State Governments will have to take into account the prevailing security situation.

SUMMARY OF REPORT OF WORKING GROUP-III ON ECONOMIC DEVELOPMENT OF JAMMU & KASHMIR

The Working Group on Economic Development was chaired by Dr C. Rangarajan and comprised of 11 other Members drawn from across the political spectrum. The composition of the Working Group is given in the annexure. The Working Group held three meetings and identified sectors which will have the maximum impact on growth and employment generation. The specific focus is on inclusive growth and balanced economic development of three regions. The Working Group was of the view that the development challenges of J&K can be identified by the following six objectives :

- (i) Reconstruction and maintenance of existing physical assets.
- (ii) Investment in physical infrastructure particularly power and roads.
- (iii) Investment in social infrastructure.
- (iv) Creating a conducive climate for private investment.
- (v) Balanced regional development.
- (vi) Comprehensive fiscal adjustment.

2. The Working Group accordingly, came up with a number of recommendations for achievement of the above mentioned objectives. To achieve the first objective of Reconstruction and maintenance of existing physical assets, the working group has felt that what needs to be done is to have three sub-plans within the state plan. The first sub-plan will focus on completing ongoing projects, the second sub-plan to bring all existing assets to working order, and the third sub-plan focused on capacity creation in the infrastructure sector.

3. To achieve the second objective of investment in physical infrastructure particularly power and roads, the working group has made recommendations relating to augmenting capacity and efficient management of power sector, improvement in road connectivity including rural roads to facilitate movement of goods to major markets. The

recommendations relate to solving the power shortage problem in the short term (transfer of Dulhasti HEP) and in the long term (transfer of Bursar HEP), strengthening of infrastructure and power sector reforms. In power sector, the working group has recommended transfer of 390 MW Dulhasti HEP to state Government (financial implication Rs. 4933 crore) and transfer of 1020 MW Bursar Project for execution by the State Government instead of NHPC. The group has also made recommendations relating to enhancement of states share of free power in Central Projects, simplification of procedures for various clearances, acquiring stake in thermal projects and exploiting Geo-Thermal and Micro-Hydel Projects to reduce dependency on Hydel Power. The group has also made recommendations relating to power sector reforms such as functioning of State Electricity Regulatory Commission reducing transmission and distribution losses and rationalization of tariff, establishing distribution regions/circles, improving Accelerated Power Development and Reform Programmes fund utilization.

4. The group made the following recommendations regarding development of Communications, Rural Roads and Telecom. The recommendations include according high priority to four-laning and repairing National Highways, early completion of the railway project on extending the railhead from Udhampur to Katra and from there to Kashmir Valley early, improving rural road density across districts, revising unit cost norms of road construction per km length, specifically taking into account the hilly terrain of J&K, including the cost of land acquisition as a part of the project in the road construction schemes of the Government of India, land acquisition law to be modified such that the owners get a fair value for their land, implementing reduction in stamp duty to encourage sellers and buyers to indicate the correct value of transactions, revising the subsidy policy of Government of India for rural telephony, reducing entry tax on telecom equipment and sorting out inter connection impasse by Department of Telecommunication.

5. To achieve the third objective of investment in social infrastructure, the working group made the following recommendations relating to Health, Employment and Education. The recommendations pertaining to health are implementation of the National Rural Health Mission without further delay by completing all preparatory work, setting up Mobile Diagnostic and Primary Clinics at the block level, setting up advanced mobile units with emergency care facilities for dealing with injuries from IED blasts, grenade explosions and other such militancy related emergencies, creating a telemedicine network, designing and implementing an appropriate health insurance scheme for BPL families.

6. The recommendations relating to Employment and Education are upgrading existing vocational and technical training institutions and making them fully functional by providing

them with building, equipment and trained faculty, expeditiously establishing 13 new ITIs, creating an incentive structure for encouraging the private sector to open IT training institutes in the state, delivering the adult literacy programme through “literacy volunteers” drawn from the ranks of the educated unemployed in the state and appointing agricultural graduates in all the 2700 Panchayats in the state for agricultural extension effort.

7. To achieve the fourth objective of creating conducive climate for private investment, the working group made recommendations relating to industrial development and commerce. The recommendations include creation of Special Investment Zone with world class infrastructure, captive power generation and distribution, high quality services and utilities, dedicated infrastructure facilities, fast track and single window clearances, and liberalized labour laws, leveraging the special concession package announced by the Centre to attract in the public sector and the private sector, constructing an air cargo complex and a container depot (which could possibly be located in Jammu), revitalizing handicraft sector through targeted investment and skill upgradation of artisans, exploring the potential for trade across the border and scope for co-operation on subjects of common interest, upgradation and rehabilitation of industrial estates and creation of an Asset Reconstruction Company. The financial implication of the major proposals amount of Rs 475 crore.

8. To achieve the fifth objective of balanced regional development of three regions of the State, the Working Group felt that the three regions of the state have different comparative advantages and the development strategies for each region has to be consistent with these the advantages. The Group recommended that resources should be deployed in such a way that no region feels aggrieved or left behind. The recommendations include adopting the participative and inclusive process inherent in the State Finance Commission to give fillip to balanced regional development, making District Development Boards more inclusive by including elected representatives and prominent person from among the backward communities, carrying out functions like minor roads, lanes, drainage, local level water supply schemes, primary education, rural health through the local bodies, involving public representatives in the process of allocations from the State Plan, Examining establishment of a separate Directorate for Gujjaras and Bakkerwals.

9. To achieve the sixth objective of comprehensive fiscal adjustment, the Working Group has recommended re-structuring public finances of the state to generate resources for development by pruning the unproductive expenditure, and redesigning the flow of central assistance to finance development expenditure rather than filling non-plan revenue gap.

10. The Working Group also made recommendations relating to development of other sectors of economy. The recommendations relating to Tourism are preparation of tourism

vision document and a master plan based on sustainable tourism, exploiting state's rich cultural heritage and developing modern allurements like shopping, food courts, multiplexes, music festivals and sports events. The recommendations relating to Agriculture, Irrigation and Forest are diversifying production and adopting market oriented products, encouraging new avenues like floriculture, aromatic and medicinal plant cultivation, completing on going irrigation projects, tapping the main rivers per minor irrigation projects, reforestation of degraded forests and using fallow land for fast growing trees. The Group also made recommendations relating to Horticulture such as market development schemes for fruit and fruit processing, better sorting, grading, packaging, and cold chain storage facilities to improve price realization.

11. Apart from the above, the Working Group also made recommendations on the other issues such as restoring properties occupied by the Army and Central paramilitary forces to owners or paying compensation, giving attention to internal roads in areas of tourist importance like Patnitop, Katra, Sonmarg, Yusmarg, etc. and expediting the work on Mughal Road, development of lakes and ponds for fisheries development by Panchayats, exploring an alternate route through Ladakh for the Kailash-Mansarover pilgrimage, giving a special package for better drinking water facilities in *Kandi* areas, exploring possibility of relocation of business activities in Srinagar to other places in view of the congestion, conducting survey of mineral resources and relaxing eligibility norms for police and para military forces for aspirants from the state.

12. Finally, the Working Group recommended setting [up] of a small monitoring authority for implementation of these recommendation. The financial implication of the major recommendations of the Working Group amount to Rs 7947 crore.

SUMMARY OF RECOMMENDATIONS OF WORKING GROUP-IV ON ENSURING GOOD GOVERNANCE IN J&K

The Working Group on ensuring good governance submitted the report in March, 2007. The Working Group held its meetings on 8.8.2006, 20.11.2006 and 10.02.2007 at Srinagar and Jammu.

1. The Working Group recommended the appointment of the Chief Information Commissioner of the State, the Appellate Authorities and the Departmental Information Officers for effective implementation of the Right to Information Act.

2. The Working Group recommended the introduction of e-governance in the State for the purposes of computerization of the functioning of government departments and public services such as Land records; Sub-Registrars Officers; Treasury operations; Electoral rolls; issue of Certificates etc. The capacity of Information Technology department must be built to serve such purpose. The Working Group laid stress on introducing Information Kiosks at key service delivery institutions and to introduce Single Window Payment system for utilities like water, electricity, telephone, etc. Websites and on-line redressal methods should be incorporated in all government departments.
3. The Working Group recommended Review of laws and Simplification of rules and procedures in departments which have a large public interface, e.g., Land Acquisition Act, land use changes, etc. Levy of fees should be more for commercial and industrial use in land use; digitized photographs of buyers and sellers be made compulsory; making Stakeholder benefits a reality in project rehabilitation are among the other suggestions of the Working Group. The Working Group suggested measures to promote entrepreneurship; formatting and standardization of forms and certificates; adoption of Single File system to bring about transparency in Government.
4. The Working Group recommended independent Committees to assess performance of Police, Municipalities and Revenue departments once in 3 years.
5. The Working Group recommended a 3 year tenure for officials, bringing down the weightage to interview in recruitments of teachers, review of qualifications in tune with higher specialization, fixing of responsibility and accountability, merit based promotions, etc. The Working Group recommended dual signing of Government orders to eliminate fake orders.
6. The Working Group prescribed formulation of Citizens Charter and their review of implementation besides a system of public hearings at the District and State levels for increasing government visibility and people participation.
7. The Working Group also recommended self assessment of department by presenting a Report card by the Ministers and performance review of outcomes and expenditure, public perception surveys, institutional strengthening, public-private partnership, social audit and fiscal reform etc. The budget cycle should be 2 years and a roll over facility followed for the unspent balance at the end of 1 year.
8. The Working Group recommended implementation of Panchayati Raj Act in letter and spirit giving them appropriate devolution as per advice of State Finance Commission. J&K Government should examine extending of the 73rd Amendment. Capacity building of

functionaries, mobilization of community leadership as partners and effective transfer of funds and functions are among the important suggestions in this regard.

9. Programme implementation should be made more transparent by the use of Information Technology, e.g., tendering process could be made on-line. For proper monitoring the Working Group suggested elimination of overlapping jurisdictions, measurement of outcomes, and timely receipt of funds by the departments, etc.

10. The Working Group considered measures of institute Zero-tolerance of Human Rights violations. For this purpose the Working Group recommended strengthening of the State Human Rights Commission (SHRC) for speedy redressal of complaints. There should also be comprehensive training for law enforcement Agencies on the subject. Political and civil society members should be part of a High Powered Committee to enforce Human rights, ensure accountability and implementation of laws. The State Government should act on all the recommendations of SHRC and there should be a speaking order for non-acceptance on any account.

11. The Working Group recommended that there should be sensitization of the RTI Act, biannual review of the application field to bring about transparency in Government.

12. The Working Group recommended Security Forces to adopt a Citizen Friendly approach; Safeguarding the life and property of innocents; Offering Special protection to minority residential areas; Activating local bodies to have a system of community watch on elements who pose a threat and isolating them besides setting of a Minority Commission to look into their problems.

13. A High Level State Committee reporting to the Highest authority should oversee the implementation of the recommendations was suggested by the Working Group and also the setting up of an Special Purpose Vehicle for their delivery.

Composition of Working Group-I

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| 1. Shri Mohammad Hamid Ansari, Chairperson,
National Commission of Minorities | Chairman |
| 2. Shri Ali Mohammad Sagar, MLA, (Ex-Minister
J&K) National Conference | Member |
| 3. Shri Molvi Iftikhar Ansari, Ex-Minister, J&K
People's Democratic Party | Member |
| 4. Peerzada Mohammad Sayeed, Minister for | |

	School Education, IT, Science & Technology, Haj & Auqaf President, J&K PCC	Member
5.	Prof. Chaman Lal Gupta, Ex-MoS, Govt. of India, BJP	Member
6.	Shri Omkar Nath Trisal, Advocate, CPI (M)	Member
7.	Shri Hakeem Mohd. Yaseen, Minister of Transport, J&K, PDF	Member
8.	Shri Yashpal Kundal, MLA, Panthers Party	Member
9.	Shri Tsering Dorjee, Chairman, LAHDC, Leh	Member
10.	Shri Asagar Hussain, Karbalai, Chairmna, LAHDC, Kargil	Member
11.	Dr. Agni Shekhar, Panun Kashmir Movement	Member
12.	Shri Taj Mohi-ud-Din, Minister for Consumer Affairs, J&K	Member
13.	Shri Shabir Khan, Vice Chairman, State Pahari Board	Member
14.	Sardar T.S. Wazir, President, Shiromani Gurudwara Prabandhak Committee, Jammu	Member
15.	Shri R.S. Chib, Ex-Minister, J&K	Member
16.	Shri Gh. Nabi Khayal, Journalist	Member
17.	Master Tassaduq Hussain, Ex-MLC	Member
18.	Sheikh Abdul Rehaman, Ex-MP & Ex-MLA	Member

Composition of Working Group-II

1.	Shri M. Rasgotra	Chairman
2.	Choudhary Mian Altaf, MLA (Ex. Minister), National Conference	Member
3.	Shri Tariq Hamid Qara, Minister for Finance, J&K, People's Democratic Party	Member
4.	Shri Abdul Gani Vakil, MLC, Senior Vice President, J&K PCC Congress	Member
5.	Shri Ashok Khajuria, State President, Bhartiya Janta Party, J&K	Member
6.	Shri Ghulam Nabi Malik, CPI(M)	Member
7.	Prof. Bhim Singh, MLC, President, Panthers Party	Member
8.	Shri Haji Nissar Ali, Minister for Social Welfare, J&K	Member
9.	Prof. Ashok Aima	Member
10.	Qazi Mehboob Illahi	Member
11.	Shri Mohd. Yousuf Bhat, CPI	Member

Composition of Working Group-III

1.	Dr. C. Rangarajan, Chairman, Prime Minister's Economic Advisory Council	Chairman
2.	Shri Omar Abdhullah, M.P., President, National Conference	Member
3.	Shri Muzaffar Hussain Baig, MLA, Ex.Deputy Chief Minister, Peoples Democratic Party (PDP)	Member

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| 4. | Shri Gulchain Singh Charak, MLC, Minister for Public Works Dept., J&K Congress (INC) (Representing Dogra Sadar Sabha) | Member |
| 5. | Shri Nirmal Singh, Ex. State President BJP, J&K | Member |
| 6. | Shri Shyam Prasad Kesar, Member, State Committee, CPI(M) | Member |
| 7. | Shri Ghulam Mohd. Sheikh, CPI | Member |
| 8. | Shri Bhalwant Singh Mankotia, MLA, Panthers Party | Member |
| 9. | Shri Nawang Rigzin Jora, Minister for Power, Representing Ladakh | Member |
| 10. | Thakur Puran Singh, MLA, Ex MoS(J), Representing Paharis | Member |
| 11. | Shri Nizam-ud-din Khatana, Representing Gujjars & Bakerwals | Member |
| 12. | Shri Mohd. Sharief Niaz, Ex. Minister | Member |

Composition of Working-IV

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| 1. | Shri N.C. Saxena | Chairman |
| 2. | Shri Ajay Sadhotra, MLA, (Ex-Minister, J&K), National Conference | Member |
| 3. | Sardar Rangil Singh, Ex-Minister, J&K People's Democratic Party | Member |
| 4. | Pandit Mangat Ram Sharma, Minister for Health & Labour, J&K Congress (INC) | Member |
| 5. | Prof. Hari Om, State Vice President, BJP, J&K | Member |
| 6. | Shri Abdul Gani Hafiz, State Committee, CPI(M) | Member |
| 7. | Prof. K.S. Jamwal, Panthers Party | Member |
| 8. | Shri P. Namgyal, MLC, (Ex-Minister, GOI) | Member |
| 9. | Shri Amar Nath, Kashmiri Pandit Samiti, Vaishnavi | Member |
| 10. | Mohd. Shafi Pandit, Chairman, State Public Service Commission | Member |
| 11. | Shri Nizam-ud-din, MLC, J&K | Member |
| 12. | Shri Bashir Ahmad Dar, Ex-Secretary, Board of School Education | Member |

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