

## **Seminar Report**

# **PERCEPTION MANAGEMENT AND CONSTRUCTING A POSITIVE NARRATIVE IN J&K**

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## EXECUTIVE SUMMARY

### Important Issues/Problems

- Pakistan is waging a dirty proxy war through different means and actions, primarily through terror and direct support of planning, human resources, training, weapons, transit facilities and finance, and changing strategy to instigate stone pelting as an easier and cheaper option than fighting with guns.
- Kashmiri youth are being indoctrinated to become irrational, and Irrationality does not know if your means justify your ends. The youth have grown under the shadow of the gun and perceive the Indian security apparatus as an opportunistic and occupational force. Stone pelting and sloganeering are perceived as legitimate instruments of dissent. Years of security forces' actions have led to this false and obtuse understanding of reality. The average profile of a new age terrorist is – middle class, thrill seeker, parents with no criminal antecedents, cordial parental relationship, normal family background, illiterate or below graduation level, not a product of a madrassa majority are from government schools, age group between 15-25, unemployed, unmarried, normal guy-next-door behavior, no earlier indication of drift, no substantial criminal antecedents, fairly religious, OGW Overground Workers with gradual access to social media, peer group pressure.
- Extremism is filling the cognitive domain through victimhood, trauma, memories, events and recordings. It is done scientifically through social, political and religious layers, and the religious layer is most potent.
- Social media is playing an important role in the distribution of folklore, myth-making and propaganda, through Facebook, Instagram, Telegram, WhatsApp, etc.
- The national media is contributing to the humiliation in Kashmir. They create social sanctity for aggressive rhetoric. Newsbytes are edited by the media to suit their purpose and cause harm. There

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is a need to filter debates and discussions on nationalist media so that they show less aggression.

- It has been recognized that there is indeed a political problem in J&K the political class has ceded space, politicians have carved different narratives at different times to suit their interests, but politics has also been suppressed due to violence. The mainstream is inconsistent because different audience wants to hear different things from the mainstream. Inconsistency has been incentivized somewhere. Boldness and consistency of mainstream needs to be incentivized by the central government and the system.
- Pakistan has kept the pot boiling but there is an internal dimension to the political situation. It is an unverified claim that 90 per cent of Kashmiris want Azaadi. It is a hypothesis at best. There is a need for more analysis. The local leadership of J&K looks at special status and autonomy as important issues.

### **Recommendations**

- Perception management cannot be counter propaganda. It has to be based on facts and objectivity. Perception and information are important parts of a coherent and well thought-out strategy to address the situation in J&K. Thinking about strategy as a narrative can help the strategist conceptualize the course he intends to take and can even help him communicate it to those who must decide to pursue it and those who must do the hard work of executing it.
- There needs to be a policy on rehabilitation and release of surrendered militants. A former senior police official estimates this figure to be approximately 20,000. Roughly 1 per cent of them are recycled by Pakistan annually to fuel the insurgency.
- In the overall context, there is a need for a dynamic, complicated and holistic solution on the lines of the Northern Ireland peace process. The four-point plan framework approach is another option.
- To counter religious propaganda, the best way is to follow the module of moderate Islam, blending socio-economic and political concerns. The brand needs to blend with the Hindu, Shaivik, Buddhist and Sufi ideologies.

- To effectively challenge Pakistan and its terror propaganda and lies, there is a need for a continuous narrative. Important statements from local and central leadership go a long way in changing the discourse.
- The Indian Army needs to act according to well-established standard operating procedures and not subject them to individual interpretation. Even when an individual interpretation is technically right, it might end up alienating a large population strategically.
- To win the confidence of the people, there is a need to go back to Article 370. Kashmir is a nuanced issue with a psychological aspect to it. Improvement of state machinery and creation of a people-friendly media showcasing it would be helpful.
- There is a need to improve education standards of schools and this has to be taken very seriously as there is a demand for education on the ground. Educational performance in government schools has to improve through curbing of corruption.
- The three Cs of messaging- Clarity, Conciseness and Comprehensiveness are essential. There is a need to follow the sober tempo of Doordarshan and AIR in Kashmir. J&K's population comprises of 60 per cent youth under the age of 30, with varying degrees of political and radical opinions. Therefore, captive message development capability depends on White, Black and Grey messaging as per target audience.
- The Indian Army should eventually, in due time, step back from dealing with internal strife. It is not the role of the Army to deal with the hostile force of our own population. This is a political failure, partially at the national level and partially at the regional level. The Army cannot supplant the political process.
- There needs to be a change in the narrative from management to engagement – a shift to a progressive narrative, with an openness to talk. The idea of India is so great, so multinational and multi-cultural that it allows Kashmiris and GoI to talk without outside interference.

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- Dignity and empathy towards each other are important. In any conflict situation, there is a difference between individual expression and collective expression. It happens because there is a dominant notion which people are afraid to challenge and speak about openly. Wherever the local leadership has chosen to challenge the dominant notion, it has helped the situation.
- One cannot neutralize Hurriyat but one can make them irrelevant. Negative ideas by themselves are not terrorism, so Hurriyat cannot be classified as terrorists.
- The administrative and legal system needs to be improved.
- India needs to monitor the funds of madrassas. Summoning of religious preachers for briefing or debriefing could be a part of the solution. Some other important steps include banning Al Hadith, stopping smuggling of Saudi gold biscuits through Haj pilgrimage into J&K, curbing hawala transactions, providing alternate pilgrimages to Tajikistan and deportation of non-Kashmiri mullahs and imams from the valley. The CRPF should stop throwing stones and start acting like a disciplined police force. OGW support was removed with considerable effort; multilayered early warning is needed to eliminate OGWs and terrorists.
- Career guidance and youth engagement is needed, creation of youth specific and women specific material on the Web is crucial.
- Large sustained campaign is needed to nullify ISPR propaganda through identifying, fact checking and posting-back. Providing regular and correct updates through official accounts and posting creative messages on official accounts is critical. Public outreach accounts which are official, like the MEA public diplomacy account, are the way for the future. Calling out wrong facts on the internet is essential. Feedback-based countering of propaganda is essential. Positive history needs to be highlighted to the Kashmiris.
- The condemnation of all kind of violence has to be unequivocal, including mob violence and lynching of police officers.

# DETAILED REPORT

## Introduction

A seminar on “perception management and constructing a positive narrative in J&K” was conducted by CLAWS on 28th of June, 2017.

The seminar had six speakers and two chairpersons. The composition had three military officers, one political leader, one Supreme Court lawyer, three analysts/media persons and a senior police officer. The mix of speakers ensured that diverse views and opinions were articulated and explained. The participants’ comments and questions, along with responses from the panelists, added to the rich discourse. Chatham house rules applied.

The main issues discussed and the solutions offered are clubbed together in the report.

The report lays out the themes/subjects of the seminar, listed as follows:

## Communication

Communication is a conversation, and strategy must simultaneously make its own plot while trying to derail the plot of the opponent in an environment where it is subject to inherent probability and chance. Thinking about strategy as a narrative can help the strategist conceptualize the course he intends to take and can even help him communicate it to those who must decide to pursue it and those who must do the hard work of executing it.

Perception management cannot be counter propaganda. It has to be based on facts and objectivity. Perception and information are important parts of a coherent and well thought-out strategy to address the situation in J&K.

## Pakistan Involvement

- **Cross-Border Strategy:** Pakistan is engaged in a dirty proxy war through different means and actions, primarily through terror

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and direct support of planning, human resources, training, weapons and transit facilities, and now, instigating stone pelting as an easier and cheaper option than fighting with guns. Pakistan is using fear, threat and contractual employment of violence to further unrest. The use of threat of force has driven innocent Kashmiris to join the stone pelting crowds. Now, with LC fencing and Indian CT ops grid-based deployment, it has become a zero-sum game for Pakistan; hence it supports radicalization to capitalize on local issues. Pakistan has even eliminated certain kin and leaders of Hurriyat if they talked to India. . Pakistan's PM called a terrorist, Burhan Wani, "a great leader of Kashmir murdered by Indian forces". Common Kashmiri Muslims did not make Pundits flee from valley; it was "the hokum" from across the border. Many Kashmiri Muslims also migrated to Jammu and other parts of India due to their political affiliations. There were also Sikhs who migrated to Jammu.

- **Options:** There needs to be a policy on rehabilitation and release of surrendered militants. A former senior police official estimates this figure to be approximately 20,000. Roughly 1 per cent of them are recycled by Pakistan annually to fuel the insurgency. In the overall context, there is a need for a dynamic, complicated and holistic solution on the lines of the Northern Ireland peace process. The four-point plan is another option. India and Pakistan are past the stage of open conventional wars to change borders and it is not practical for India to recapture PoK. India-Pakistan engagement and talks are not signs of weakness for either side.

### Radicalization

- **Changing Nature:** Wahhabi Islam is a big challenge in the valley; today, there are 1,000 Jamaat-e-hadith mosques in the valley, and all the clergy for the mosques come from UP, Bihar and other regions of the country. Kashmiris still hold Sufism close to their heart, but the voice of the silent majority is being choked due to the threat of the gun. Increasingly, traditional Islam is ceding space to a radical brand of Islam in Kashmir. Teachers and textbooks in regular schools are preaching radical Islam. Pro-Pakistan slogans

are popular because of religious affinity. Radicalization comes in where there is a political vacuum.

- **Youth Indoctrination:** Stone pelters are indoctrinated when they are in central jails. They come in direct contact with extremist literature in the central jail. They are detained in the same cells as OGWs and militants. The youth have grown under the shadow of the gun and perceive the Indian security apparatus as an opportunistic and occupational force. Stone pelting and sloganeering are perceived as legitimate instruments of dissent. Years of violence have led to this false and obtuse understanding of the reality. A new mindset in Kashmir in the younger generation is due to the fact that Kashmiris have severed their relationship with the past, and this break from the past is being exploited by inimical forces.
- **Islamiyat:** In October 2014, ISIS flags were worrying and ISIS had tremendous appeal, while 25,000 youth the world over were recruited. ISIS did not make too much progress in Kashmir. Extremism is filling cognitive domain through victimhood, trauma, memories, events and recordings. It is done scientifically through social, political and religious layers. The religious layer is the most potent. Islamiyat was part of Azaadi but now Azaadi is a sub-set of Islamiyat. Zakir Musa said that they needed to fight for an Islamic state but HM Hizbul Mujahideen has disowned him for strategic reasons. He is garnering support. Snatching of weapons is one of the tests for joining a tanzeem. The killing of Dy. Superintendent, Ayub Pandit, five policemen and Lt. Ummer Fayyez are clear indicators of a change in radicalism. Al-Qaeda, in the Indian subcontinent, has announced that it will target military officers for exchange of terrorists.
- **Stone Pelting:** Kashmiri youth suffer from the problem of irrationality. Stone pelting is irrational. Irrationality does not know if your means justify your ends. A stone thrown has a velocity of 120 Km/hr and can shatter a bullet proof helmet. No viable solution has emerged, lenient options such as water cannons do not suffice because fire tender water gets exhausted

in two minutes, and teargas smoke is of limited use. Pellet guns are a matter of controversy. Stone pelting is also sometimes used to provide cover for mujahids.

- **Counter-Radicalization:** To counter religious propaganda, the best way is to follow the module of moderate Islam, blending socio-economic and political concerns. The brand needs to blend with Hindu, Shaivik, Buddhist and Sufi ideologies. The essence of Islam is brotherhood, peace, tranquility and equality. Revival of Kashmiriyat and Sufism are important steps in this direction. The creation and promotion of inter-faith tourist circuit is another important step. Practical efforts to change the mindset of the people need to be given a boost, for example, when Army engineers built apartments during floods, there was a change in the perception of the people in the affected area. Reference points such as these have to be left behind. At the individual level, religious restrictions on girls have to be lifted; they should be allowed the freedom to choose, move, associate and express. Freedom of choice and dignity should be accorded in line with the Indian constitution. Inculcation of gender sensitivity can lead to better outcomes for India.
- **Ideological Support:** India needs to monitor the funds of madrassas. Summoning of religious preachers for briefing or debriefing could be a part of the solution. Some other important steps include banning Al Hadith, stopping smuggling of Saudi gold biscuits through haj pilgrimage into J&K, curbing hawala transactions, providing alternate pilgrimages to Tajikistan and deportation of non-Kashmiri mullahs and imams from the valley. The CRPF should stop throwing stones and start acting like a disciplined police force. OGW support was removed with considerable effort, multilayered early warning is needed to eliminate OGWs and terrorists.

### **Terrorism Propaganda and Public Support**

- **Chronology of Terrorism:** Terrorism in J&K started in 1947, not just 30 years ago. The first phase was tribal invasion, the second

phase was 1965, and the third phase was the Al-Fatah movement while the 1971 war was still going on. The current phase is “the last three decades of terrorism” initially started by the haji group which had four members- Hamir Sheikh, Ashfaq Majid Wani, Yasin Malik and Javed Mir. It started as a mass agitation with JKLF at the forefront. There was mobilization for Azaadi by the JKLF between 1989 and 1996, then HM was propped up which supported accession to Pakistan; also, there was creation of various splinter groups of this terrorist organisation. The first killings started with Neelkanth Ganjoo who was responsible for sentencing Maqbool Bhat. To send a message, Gen. Vaidya was killed for his involvement in Operation Bluestar. The murders of Kauland ML Khera, and the kidnapping and killing of Mushirul Hassan and Mushirul Haq were markers. The kidnapping of Doraiswamy, for whose release the GoI had to release dreaded terrorists, was a significant development. Selective killings in Jammu were intended to complete the communal divide. Indian government then acted with VDC sVillage Defence Committees. There were 35,000 VDC members in the hilly terrain of the Jammu Division. They generated intelligence and prevented migration on a large scale. Then the involvement of the people started again in a big way and the narrative started changing.

- **Controversial Issues, Propaganda and Fake Information:** Mass involvement had stopped by 1999-2000, but then things changed again. The narrative of the so-called sex scandal began in 2006, Amarnathland row happened in 2008 both in Jammu and Kashmir, and the alleged rape and murder of Asia and Nilofer caused a huge outrage. Many false statements of alleged gruesome details were circulated. The investigation conclusively proved that both ladies died due to drowning, asphyxia by anti-mortem. Around the same stretch, 13 people had died between 1995 and 2009, but people still believe the incident happened. Macchil was a trigger for 2010. At another point, Masarat Alam was released and he created unrest. The same mistake was made in 2015. He went and organised a welcome for Geelani and pro-Pakistan and religious slogans were raised in front of

the DGP's office. The alleged Gandharbal rape case, custodial disappearances and unidentified mass graves have all contributed to unrest. There was a time when shepherds were helping the Indian Army. Now school girls are throwing stones at the Indian Army. 90 per cent of the cases are proven false after a deep and thorough investigation. Reports to the human rights commission have been submitted and accepted. There are no mass graves. There are a few unidentified graves in three or four districts of North Kashmir. These were routes taken by infiltrators where pitched battles were fought. DNA testing of these is difficult without matching samples.

- **New Age Terrorist:** The average profile of a new age terrorist is-middle class, thrill seeker, parents with no criminal antecedents, cordial parental relationship, bonafide family background, illiterate or below graduation level, not a product of a madrassa majority are from government schools, age group between 15-25, unemployed, unmarried, normal guy-next-door behavior, no earlier indication of drift, no substantial criminal antecedents, fairly religious, OGW with gradual access to social media, peer group pressure.

India has so far, only made knee jerk reactions to migration, militancy and radicalization.

### Counter Insurgency/Counter Terrorist Operations

- **Institution:** The Indian Army is an institution in Kashmir. There is a very clear distinction between an institution and a force. People have expectations from an institution but not from a force. If a wrong killing is done by an institution, people have expectations that the same organisation will enforce and abide by the law. As long as the Army retains this principle, it will continue to do a great job.
- **Army Counter Terror Operation:** The Indian Army needs to act according to well-established standard operating procedures and not subject them to individual interpretation. Even when an individual interpretation is technically right, it might end

up alienating a large population strategically. There is a need to communicate in a straight-forward manner to protestors. Professionally trained individuals cannot resort to tribal tactics. The code of conduct of the Army has to be followed. The Indian way of operating is to delay operations so that collateral damage is reduced. Jawans often grant safe passage to families while fighting militants. The Army does take the police with them so that HR violations are avoided. All cases of HR violation that come to the Indian Army will have to get investigated in clear faith.

- **Sustained Narrative:** To effectively challenge Pakistan and its terror propaganda and lies, there is a need for a continuous narrative. In the past, political leaders have occasionally spoken in positive terms about the Army's work. For example, once a senior local leader said one cannot call this Army an occupational force; occupational forces do not build bridges, they build walls. One Chief Minister said that the Indian Army is building bridges not only for Kashmir but also for people across the line of control, which was a reference to the work done on the Uri Bridge and trade facilitation center. However, such positive statements from local and central leadership are few and far between. Important statements from local and central leadership go a long way in changing the discourse. Political leaders need to talk continuously of the nation-building work being done by the Army to create a positive public opinion. Public opinion persuades people and law can be used to break a stalemate; but law should not be used to persuade just because it threatens. Law and public opinion can be used to induce the state to start a political process.
- **Strategic Preparation:** Since the Army provides the enabling environment for all other functionaries to perform their duties, it is legitimate for the Army to have expectations from the environment in which it works. Winter preparation for the Army is more important than reminders of hot summers.
- **Winning Hearts and Minds:** Security forces are asked to build bridges, counsel children, conduct civic action programmes and control the law and order situation. Army schools are better than

government schools due to corruption in the latter. Operation Sadbhavana is good for the infrastructure it creates. If Operation Sadbhavana was a success, then polarization, isolation and alienation would not be at an all-time high. Yet, why is Operation Sadbhavana not appreciated by Kashmiris? The reasons have to be deciphered through feedback. Operation Sadbhavana has not been able to bring positivity in the population and erase the detrimental psychological effect. Political outreach has been outsourced to security forces.

### Governance

Three visual indicators of normalcy in Kashmir – the Shikara, Shops and Schools – are not functioning but slowly improving.

- **Political Constitutionalism:** To win the confidence of the people, there is a need to go back to Article 370. Kashmir is a nuanced issue which has a psychological aspect to it. Improvement of the state machinery and the creation of a people-friendly media showcasing it would be helpful. The special status of J&K adds to stability, including Article 35A. Conduct of periodic local panchayat elections is another durable stabilizer.
- **Education and Youth:** There is a need to improve education standards of schools, and this has to be taken very seriously, there is a demand for education on the ground. Educational performance in government schools has to improve through curbing of corruption. Transparency and accountability are lacking in this field. 70 per cent of the youth need to be included in socio-cultural and sporting activities. Kashmiri youth have global aspirations. Counseling of radicalized youth is important.

### Propaganda

- **National Media:** The national media is contributing to the humiliation in Kashmir. They create social sanctity for aggressive rhetoric. Newsbytes are edited by the media to suit their purpose and cause harm. There is a need to filter debates and discussions on nationalist media to show less aggression. The strategy must

also specify negatives to be avoided. The negatives to be avoided are firstly, not to treat Kashmiris as destitute but as inhabitants in a political situation. Negative comments on TV debates merely to earn TRP ratings alienate the valley and create a backlash, Kashmiris should not be repeatedly asked to prove their loyalty to India. Blame games and narrow competitive agendas need to be avoided. Therefore, we need a mature way of looking for a solution and a narrative.

- **Local Propaganda:** The propaganda inside Kashmir is also pervasive. False news about cracks in Sopore Bridge was circulated within Whatsapp groups. Release of videos showing terrorists with exaggerated capability and big weapons are circulated. Videos of patrolling terrorists singing religious songs are used for influencing gullible youth. Glorification of terrorists is done by releasing *taranas* on them along with calendars. Numbers are exaggerated in photographs of funerals. An attendance of 30,000 can be shown as attendance of 7 lakh in Burhan Wani's funeral. India is portrayed as occupationist. The State apparatus is targeted for intentional or unintentional mistakes that are later used for shaping perceptions. Selection of non-popular medium, primarily Hindi and English, is less effective than Kashmiri medium in influencing the population. Vernacular media is biased and the nationalist medium lacks connect with the *awaam*. The tone of reportage in J&K needs to be level headed, factual and precise. The three Cs of messaging – Clarity, Conciseness and Comprehensiveness – are essential. There is a need to follow the sober tempo of Doordarshan and AIR in Kashmir. J&K's population comprises of 60 per cent youth under the age of 30, with varying degrees of political and radical opinions. Therefore, captive message development capability depends on White, Black and Grey messaging as per target audience.

## Social Media

- **Rise of Social Media:** The unprecedented unrest of 2016 saw a rise in local recruitment. Noticeable changes include recruitment through social media. Social media is a cost effective, fast and

powerful tool to occupy the mind space market and increase the stamina of the separatists. Social media can also be an effective tool to bring about a change in the society and build bridges. In today's world, we cannot separate media and electronic media from the online world. It can be more democratic and participatory.

- **Different Platforms:** Social media is playing an important role in the communication of folklore, myth-making and propaganda through Facebook, Instagram, Telegram, WhatsApp, etc. Security personnel cannot crack WhatsApp calls. Hundreds of WhatsApp groups have been formed across Kashmir. Twitter and VOIP are also prominent tools. The most popular social media platform is YouTube, then Facebook, followed by WhatsApp and Twitter. Pakistan is training LeT in social media use. Social media activity is being monetized and commercialized all over the country with paid tweets, embedded messaging, sponsored social media posts and hired accounts and handles. This is being copied in J&K.
- **Media Strategy:** Young people belonging to the 18-24 age group are most active on social media and account for about 61 per cent of the traffic. False photographs and doctored videos are being circulated; for example, normal bulbs are projected as recording surveillance cameras of the State to illiterate people through photo-shopped photographs. Creating media sensation by launching multiple attacks on soft targets is another strategy. Everything works through mobile phones. Pellet injuries are capitalized for iconography for social media virality. The number of people blinded is exaggerated, for example, the figure of 1,000 people blinded by pellet guns is an exaggerated number.
- **Career Guidance:** Career guidance and youth engagement is needed, and creation of youth-specific and women-specific material on the Web is crucial. A large sustained campaign is needed to nullify ISPR propaganda through identifying, fact-checking and posting-back. Providing regular and correct updates through official accounts and posting creative messages on official accounts is critical. Public outreach accounts which

are official, like the MEA public diplomacy account, are the way for the future. Calling out wrong facts on the internet is essential. Feedback-based countering of propaganda is essential. Positive history needs to be highlighted to the Kashmiris.

## Political Process

- Political Vacuum:** It is recognized that there is indeed a political problem in J&K. The political class has ceded space, and politicians have carved different narratives at different times to suit their interests, but politics has also been suppressed due to violence. People unfairly look at mainstream politicians as if they are thieves, even though thousands of political workers have also laid down lives. The political leadership has not been free of blame but they have also spent time in jail when their governments were overthrown legitimately or illegitimately. The 1987 elections and their rigging was part of the problem. Politicians maintain double standards. What they say downtown is different from what they say in civil lines, which is far removed from what they say in Delhi. The Kashmir problem is a result of misgovernance and trust deficit. The reasons for a vacuum are that there is no three-tier panchayati raj, engagement of the civil society and engagement of the youth. Explicit and unambiguous signaling from New Delhi is lacking currently. A substantial amount of funds that goes to J&K remains unexplained to the people. There was stone pelting on politicians in South Kashmir. Winters were severe and not connecting with the people during this time was a missed opportunity. The setting up of a Central Accountability Commission is a necessity.
- Army:** The Indian Army should eventually, in due time, step back from dealing with internal strife. It is not the role of the Army to deal with the hostile force of our own population. This is a political failure, partially at the national level and partially at the regional level. The Army cannot supplant the political process. It has been thrust upon them out of convenience because other actors have failed. The role of the Army is to protect borders and maintain a healthy level of morale and modernization.

- **Engagement:** There needs to be a change in the narrative from management to engagement- a shift to a progressive narrative, with an openness to talk. The idea of India is so great, so multinational and multi-cultural that it allows Kashmiris and GoI to talk without outside interference. The situation needs to de-escalate. There are external dimensions that are building an idea of militancy, separatism and creating infrastructures of conflict. Historically, secular Islam had kept this in control.
- **Political Differences:** The Kashmiris have already rejected the two-nation theory. The election of 2014 was hailed world over as impartial, free and fair. Whilst political thoughts, views and perceptions may differ, there is a red line. For example, it should be ensured that differences in political thought are not exploited by the adversary to give a spin to the situation. Dignity and empathy towards each other are important. In any conflict situation, there is a difference between individual expression and collective expression. It happens because there is a dominant notion which people are afraid to challenge and speak openly about. Wherever the local leadership has chosen to challenge the dominant notion, it has helped the situation. There is a sense of urgency which is required in the present situation. The turnout in the Lok Sabha election has fallen to an unprecedented 2 per cent. Any kind of honest effort requires systemic support of the central and local governments.
- **Homeland Issue:** The exodus of pundits was one of the darkest chapters of history for which the average Kashmiri is not responsible, and Kashmir will remain incomplete without the return of the pundits. Pundits' contribution in the fields of law, medicine and education are well recognized in the valley.
- **Coordination between Local and Central:** The tag of the “four-district problem” is factually incorrect. It is not just a four-district Srinagar or country-side problem in Kashmir. The problem is more widespread.
- **The Mainstream of J&K:** The mainstream is inconsistent because different audience wants to hear different things from

the mainstream. Inconsistency has been incentivized somewhere. Boldness and consistency of the mainstream has to be incentivized by the central government and the system. The central government has to take the lead and initiative. For example, CM Mehbooba Mufti laid a wreath on the mortal remains of CRPF Jawans in the month of Ramadan, which has a very important precedent and it is highly unusual for the leadership to do so. Within 36 hours, voices against the CM were countered by voices in support of Ms. Mufti's interpretation of Ramadan. Such acts by the CM need support on a public scale by all people who speak on television.

- **The mainstream politicians in Kashmir are India's last line of defence politically.** Pakistan has kept the pot boiling, but there is an internal dimension to the political situation. It is an unverified claim that 90 per cent of Kashmiris want Azaadi. It's a hypothesis at best. There is a need for more analysis. Local leadership of J&K looks at special status and autonomy as important issues. Constitutional resolution of self-determination, which was an Indian constitutional document in 2000, was completely ignored by the central government. There is mistrust between central and local mainstems. There is a need for the GoI to talk to everybody who is willing to talk, but people who are invested in prolonging the conflict need to be avoided.
- **Political Rationality:** Emotions should not cloud rationality in actions; for example, one speaker stated that the DGP had proposed detaining 70 stone pelting instigators under PSA to ensure peace and it was rejected, there were absolutely no takers in the political class for the idea. It was decided to give the instigators some political space, but it failed. Ultimately, after the latest unrest, 5,000 persons had to be arrested under the same Act. The latest unrest ended up killing 85 people by the end of 2016 and 3,000 cases were registered under the same Act.
- **Separatism:** Separatism is a complex issue. The Hurriyat calendar is a trigger, but the political problem and mobs in Kashmir are not under the control of the Hurriyat Conference. In fact, Zakir

Musa said that he will hang Hurriyat leaders at Lal Chowk. On the other hand, to call the Hurriyat victims is also a sweeping generalization. They have had preliminary shady dealings and connections in the past.

- **Mob Violence/Lynching:** First, the administrative and legal systems need to be improved. The condemnation of all kinds of violence has to be unequivocal, including mob violence and lynching of police officers. If the people securing you have to be apprehensive about being lynched by your own followers, then you lose the moral right to be secured. The lynching of minorities in the rest of India has to be equally condemned.
- **Managing Distinctions:** Separatists blaming everything on the local mainstream is a false binary. The Indian State has not been completely objective and has suspended some of the ideals in the constitution, which is problematic. Separatists are those who refuse to contest elections. The mainstream constitutes those who contest elections. In a democratic set-up, everyone has the right to put their views forward. One cannot neutralize the Hurriyat, but it can be made irrelevant. Negative Ideas by themselves are not terrorism, so the Hurriyat cannot be classified as terrorists. To secure them from external danger, the might of the Indian State stands behind the leadership of the Hurriyat conference.

### **Epilogue: International law perspectives and British Colonial Perspectives**

The following views were presented by a Supreme Court Lawyer.

These views are based on research & comprehensive analysis of court rulings, UN papers, political observer reports and international law. The British conceived of Partition in 1939, they wanted a stake in South Asia due to the great game which was a pre-cursor to the cold war. The British wanted to create an ideological problem in South Asia and the rest of the world as part of their colonial exit strategy, thus they came up with the two nation theory. There was British complicity in the tribal invasion; the British had strategic stakes in the India-Pakistan conflict as they wanted to keep Russia

out of South Asia. The British governor-general did not sign the legal instrument of accession till Nehru verbally promised him to take the issue to the UNSC; the British wanted Nehru to take Kashmir to UNSC in 1947. The UNSC ignored Pakistani aggression and brought in the issue of Plebiscite. Four generations in Kashmir have lived under this conditioning. The GoI in Delhi cannot cede territory as per the constitution. The accession of J&K is legal and justified; the ruler was the sovereign who could grant accession and it was done correctly, hence, India has the title to J&K. The way to clear the title is to go to ICJ . Law cannot solve political issues but it can change the political discourse. Further, other princely states were not entitled to self-determination in 1947. India has already restored autonomy under Article 370. India has to clarify its title to the Kashmiris. We need to de-politicize the legal aspects of the issue. The international community cannot give moral support to Kashmiri separatism if the title of J&K to India is cleared by the ICJ.

The UN considers Kashmir to be disputed territory. Our hardline on the title issue is reinforcing radicalization. The current law and order in J&K is based partially on sweeping laws, which will create further unrest. Going to the ICJ will change political discourse in India's favour. The ICJ is a judicial body. It will change perceptions. Kashmir is a part of India according to the Indian constitution. We have to address the feeling of injustice among the Kashmiris. The formulation of the Constitutions of India and J&K is itself an act of self-determination.

J&K is the only princely state which refused to merge with the Indian union. It had acceded with the special status under Article 370, and so they have maintained their identity.

Mr. Prem Shankar Jha added that the issue of nation-building by Nehru and Patel is noteworthy . At that moment of history, Pt. Nehru was facing the issues of Hyderabad and J&K together. He needed a single principle. Pt. Nehru thought that India would win the Plebiscite. The British High Commissioner to Pakistan in 1948 stated in a letter that he thought the same. The ceasefire was also justified by adding that during the same time, Sheikh Abdullah said that beyond Uri, the language and cultural Kashmiriyat ended.

