



# ACROSS THE LINE OF CONTROL

INSIDE PAKISTAN-  
ADMINISTERED KASHMIR

LUV PURI

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*Inside Pakistan-administered*

*Jammu and Kashmir*

**Luv Puri**



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*For my family*



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## **INTRODUCTION**

THE INDIAN-ADMINISTERED PART OF Jammu and Kashmir (IAJK) has remained the focus of the discourse on the Jammu and Kashmir tangle since 1947. Every major political event or turn has attracted worldwide attention, been discussed threadbare and commented upon. While India claims legal right to the former princely state, Pakistan contests the claim, arguing that the subcontinent was divided in 1947 on religious grounds. By only focussing attention on the Kashmir valley, the majority of the state's population and the area is not properly represented. This is because the Kashmiri-speaking population of the state is smaller than the non-Kashmiri population. According to Kashmir Study Group, a New York-based academic forum established by an American businessman of Kashmiri origin, Kashmiri speaking population is 38.5 per cent of the total population in the undivided state of Jammu and Kashmir.<sup>1</sup>

Jammu, Ladakh and the Kashmir valley together form IAJK. Across the Line of Control lies Pakistan-administered Jammu and Kashmir of which little is known. At a time when attempts are

<sup>1</sup><http://www.kashmirstudygroup.net>

being made by policy makers on both sides of the Line of Control to find a consensual solution to the Jammu and Kashmir imbroglio, the need to understand PAJK is greater. *Across the LoC* is a humble contribution in this direction, an attempt to touch upon the little noticed aspects of PAJK life. The narrative discusses and analyses the complex social, economic and political factors that affect the region. For instance, there is little information available about the political history of PAJK, knowledge that would be important in framing policies related to the state of Jammu and Kashmir and for improving relations between India and Pakistan.

The first chapter of this book is a discussion of pre-1947 social and political processes within the state. The discussion is important to understand the events that were responsible for the religious polarization in some parts of the state, especially the Jammu region and PAJK. The situation in these areas was in sharp contrast to the tranquility prevailing in the Kashmir valley in 1947. The state's cultural diversity particularly within the Muslim community and its divergent political aspirations were one of the possible reasons for the rift. The existing literature on the subject is clearly deficient in this respect. *Kashmir: A Disputed Legacy, 1846–1990*, by Alastair Lamb, talks about the internal contestation within the state that resulted in the events of 1947.<sup>2</sup> Similarly, work by Kashmiri scholars like Ghulam Hassan's *Freedom Movement in Kashmir* gives details about this internal contestation which is focussed on the falling-out between Sheikh Abdullah, the founder of the National Conference, and Mirwaiz Yusuf Shah, a prominent Muslim Conference leader. This narrative ignores the political divide that existed between the Muslim communities in the Kashmir and Jammu provinces. It is important to understand the divergent political aspirations of the two culturally distinct groups of the Muslim community. Both the Congress party and

<sup>2</sup>*Kashmir: A Disputed Legacy, 1846–1990*, Alastair Lamb (Roxford Books, 1991).

the Muslim League played an important role in the political processes that were at work in the region.

The second chapter of the book is a discussion of the communal violence that wracked Jammu and PAJK. There is a lot of literature on Jammu and Kashmir and the bloodshed the state witnessed in 1947–48, most of which are memoirs written by the victims. *Memory Lane to Jammu* deals in detail with the selective killings of Muslims in the Hindu-majority areas of Jammu.<sup>3</sup> Khalid Hassan was twenty-eight-years old when he migrated from Jammu amidst large-scale communal violence. Hindu victims from PAJK have also penned their version of the events. *Kashmir 1947: A Survivor's Story* narrates the stories of the Sikh and Hindu communities after tribal raids in the Muzaffarabad district in 1947.<sup>4</sup> Krishna Mehta's narrative is built on her own experiences as she tried to rescue members of her community in the midst of personal tragedy. *A Mission in Kashmir* is a study of the Pashtun invasion in Jammu and Kashmir in 1947.<sup>5</sup> The book briefly mentions the events in PAJK, and the local revolt against the Dogra rule in the region, but the main focus is the Kashmir valley, particularly the Baramullah district. The third chapter deals with post-1947 PAJK history, the institutional structure and PAJK's relationship with Pakistan.

A surfeit of literature exists about the constitutional relationship between IAJK and India. The federal–provincial relations and the question of autonomy for IAJK within the Indian federal set-up has been elaborately discussed by both academia and policy makers. Balraj Puri's *Triumph and Tragedy of Indian Federalism* is one of the books that talk about the relationship of the constitutional

<sup>3</sup>*Memory Lane to Jammu*, Khalid Hassan and Rehmattullah Rad, eds (Lahore: Sang-e-Meel Publications, 2004).

<sup>4</sup>*Kashmir 1947: A Survivor's Story*, Krishna Mehta (New Delhi: Penguin Books India, 2005).

<sup>5</sup>*A Mission in Kashmir*, Andrew Whitehead (New Delhi: Penguin Books India, 2008).

integration of Jammu and Kashmir with India and the alienation of the people. But there is little literature on PAJK's constitutional relationship with Pakistan. Azad Jammu and Kashmir, as PAJK is known in Pakistan, considers itself a free nation, an idea that demands closer examination.

The fourth chapter focusses on the Mirpur district of PAJK. The fact that an entire chapter has been devoted to Mirpur demonstrates the importance of this belt. One of the largest migrant populations of South Asia living in Britain can be traced back to Mirpur. The construction of the Mangla dam on the banks of the Jhelum caused the second wave of migration. The grievance over the loss of their land to the dam became a source of political mobilization for the Mirpuri diaspora to rally behind Kashmiri nationalists who were seeking separation from India and demanding independence. In fact, they were the backbone of the financial support to the militant movement in Jammu and Kashmir in the early 1990s. Kashmiri nationalism based on its distinct culture and 5000 years of continuing civilization was not able to accommodate the aspirations of ethnic Mirpuris.<sup>6</sup> The lofty mountains gave Kashmir valley the splendid political and social isolation from the rest of the world. Marginal differences in cultural traditions including dialects after some distance is a reality in every part of the world. But it will be rare to find such a sharp cultural variance between the Kashmir valley and its neighbouring areas. The Kashmiri language shares no similarity with the Punjabi language spoken in Punjab province of Pakistan, the nearest province to Kashmir valley. Sir George Grierson, an authority on languages spoken in the Indian subcontinent, posits that Kashmiri is not of Sanskrit origin but of Dardic origin, implying that Kashmiri does not belong to the Indo-Aryan family of languages,

<sup>6</sup> *5000 Years of Kashmir*, Balraj Puri, ed. (Ajanta, 1997).

spoken from Dhaka (Bangladesh) to Peshawar (Pakistan).<sup>7</sup> Some of the scholars have stated that the Nagas, the earliest inhabitants of Kashmir, were an aboriginal race of Turanian stock who came much before the Aryans conquered North India.<sup>8</sup> The indigenous Naga cult and traditions impacted the religious rituals.

No doubt there was occasional engagement with the outside world as the local kings brought artisans from Central Asia to impart the locals with their skills in handicraft. The Kashmiri cuisine was also enriched by the Central Asian influence that had the same weather conditions. Buddhist monks, Hindu saints and Sufis from the Islamic fold were able to woo the Kashmiri society in different time periods of history. Each religion contributed to the evolution of the Kashmiri identity. This can be illustrated by the fact that Hazratbal, the most popular shrine in Kashmir valley, preserves the hair of Prophet Mohammad, which some scholars have attributed to Buddhist influence.<sup>9</sup> The religious and social practices of the Kashmiri Hindus, till their migration from the Kashmir valley in 1990, were also quite distinct from the other Hindu communities of North India or even from the Hindu community living in Jammu region of the state.

The historical isolation of Kashmir valley was broken by the Mughal emperor Akbar when his army occupied Kashmir valley in 1586, a watershed event in the region's rich past. Kashmiri nationalist historians have often cited 1586 as the first assault on the region's independence.

Kashmiri nationalism became a part of the political discourse of Kashmir valley in the 1940s under the leadership of Sheikh Abdullah. Sheikh repeatedly invoked Kashmiri nationalism in his

<sup>7</sup>Ibid., p. 137.

<sup>8</sup>Ibid.

<sup>9</sup>Ibid.



fight against the Maharaja and this was reflected in his demand for a fully representative government. For Sheikh Abdullah, 1586 marked the year when the Kashmiri nation lost its independence to a foreign ruler, even though the ruler was a Muslim.

## **A strong sense of belonging to the region**

*The Politics of Chaos in the Middle East* by Oliver Roy gives an interesting perspective on the developments within the Muslim community in the West. Roy brings out a more general point that it will be wrong to term the entire Muslim community living in different cultural, geographical and political systems as one bloc. My own research on the Muslim community of Jammu and Kashmir merely reiterates this point. The Muslim community is diverse in terms of its political beliefs, urges and aspirations.

The divided families living on either side of the Line of Control form the core of the fifth chapter. There is no shortage of partition-related narratives about the broken families in the Indian subcontinent, particularly Punjab. But there is little literature on Jammu and Kashmir that discusses the plight of the divided families. *Khooon Ke Aasu* by Anil Bharti, a novel written on the basis of interviews with community members, narrates the pain of Hindu women who converted to Islam after they were abducted and separated from their families.<sup>10</sup> This chapter stresses the fact that the state of Jammu and Kashmir is above all a humanitarian problem than a mere territorial zone of contestation between India and Pakistan. The chapter also illustrates the point that displacement in Jammu and Kashmir is not specific to a particular time-period; it is an ongoing phenomenon.

The sixth chapter discusses the post-1989 period that left a deep imprint on PAJK, which witnessed the mushrooming of

<sup>10</sup>*Khooon Ke Aasu*, Anil Bharti (Diamond Packed Books, 1982).

jihadi organizations, the changes within PAJK society and the effect the turbulence in Pakistan has had on the region.

*Across the LoC* is an addition to the vast literature on Jammu and Kashmir but it is also part of the small corpus of literature on PAJK, a territory that has remained largely unexplored by the scholars, and its complex relationship with the social, political and economic life of Pakistan.

# 1

## **FORMATION OF PAKISTAN-ADMINISTERED JAMMU AND KASHMIR**

PRESENT-DAY PAKISTAN-ADMINISTERED Jammu and Kashmir (PAJK) was formed on 4 October 1947. The exact circumstances and the reasons behind the formation of PAJK are lost in the historical dispute between India and Pakistan.

According to Pakistani official history, there was a revolt in the state of Jammu and Kashmir against Dogra forces and as the mujahidin (holy warriors) were marching towards the rest of the state and Srinagar, the Indian army captured it. The Indian army, according to Pakistani accounts, had entered the princely state illegally even before the Dogra ruler, Maharaja Hari Singh, signed the Instrument of Accession with the Indian state on 26 October 1947. The Indian official version, however, was that there was a Pashtun attack on the princely state of Jammu and Kashmir with the active support of the Pakistani army, and this was the main reason for the formation of PAJK. The official versions of the two countries are contesting ones, but both are true in a particular regional and social context within the state. Much of the scholarship in both India and Pakistan about the region has internalized the official versions.

None of the versions can be definitive to describe the complete picture of the complex political and social developments that shaped the future events and are even now impacting the relations between the two countries. This chapter reconciles the two contesting historical narratives by factoring in the diverse political, ethnic and religious make-up of each part of the state. In order to make an objective assessment we must understand the political processes that led to the bifurcation of the state and how far the politics in the state, particularly in the area now known as PAJK, influenced the events of 1947–48.

### **Pre-1947 administrative structure and ethno-demographic details**

The entire state of Jammu and Kashmir, with an area of 218,780 sq. km, was one of the largest princely states in pre-Independence India. The Jammu province occupied an area of 32,067 sq. km, the Kashmir province 22,165 sq. km and the frontier region of Ladakh and Gilgit 1,64,604.86 sq. km.<sup>1</sup> The Jammu province was composed of six districts, namely, Udhampur, including the present-day Doda district, Reasi, Mirpur, Poonch, Jammu and Kathua. In the Kashmir region, the districts were Srinagar, Baramulla, Anantnag and a non-Kashmiri-speaking Muzaffarabad.<sup>2</sup> In the third category was Ladakh and the Gilgit agency—Astore and Gilgit. With the marking of the ceasefire line between India and Pakistan in the Jammu and Kashmir regions on 1 January 1949, the area of the state under India's control was effectively reduced to 1,38,992 sq. km. In terms of area, the Jammu province was reduced to 26,689.4 sq. km and that of Kashmir to 15,520 sq. km.

<sup>1</sup>Census report, 1931.

<sup>2</sup>Ethnically and caste-wise, Muzaffarabad district was and is similar to other parts of the present-day PAJK.

The total population of the state of Jammu and Kashmir according to the 1941 census was 40,21,616, out of which 21,29,872 were males and 18,91,744 females. The population of the Jammu region according to the census report of 1941 was 19,81,433 whereas that of Kashmir was 17,28,705 and of the frontier district of Ladakh and Gilgit was 3,11,478 persons.<sup>3</sup> Besides an obvious territorial partition of the state, the demographic profile also altered. Jammu, which was a Muslim majority province, became a Hindu majority region. This was due to the fact that the Muslim majority district of Mirpur and parts of the Poonch jagir (a jagir is a small unit granted by a ruler to an army chieftain) became a part of the Pakistan-administered state, which had a total population of 808,483 persons.

The density of population among the affected districts was the highest in the Poonch jagir with 259 persons per sq. mile followed by Mirpur (238).<sup>4</sup> In the areas of the Jammu province that became part of Pakistan-administered Jammu and Kashmir, Muslim Rajputs and Gujjars constituted a considerable chunk. The total number of Muslim Rajputs was 2,26,000 persons and the Gujjars, a nomadic community spread all over the hilly parts of Jammu province at the time of partition, had a population of 2,72,431.<sup>5</sup> Even after partition, the Gujjar population in the Jammu province remained considerable despite migration from the peripheral area of the city. The details become particularly relevant in the post-1990 period. Clearly, going by the figures, the Jammu province of

<sup>3</sup>A part of the frontier district measuring 22,495 sq. km was given to the British and it had a population of 39,521. The area was given to the British by the princely ruler of Jammu and Kashmir in 1928 on a lease for fifty years. The British wanted this territory under their direct control to check Russian influence over British India and other areas. However, on 1 August 1947 it was returned to the state of Jammu and Kashmir.

<sup>4</sup>1941 census.

<sup>5</sup>1931 census.

the state was worst affected by communal riots during partition. The events of 1947 caused large-scale in-flow and out-flow of persons. The migration of Muslims from Hindu-dominated parts of Jammu and in-flow of Hindus to the Indian part of the state took place amidst communal frenzy.

It is important to know the ethno-demographic details about the present-day Pakistan-administered Jammu and Kashmir. Only the Muzaffarabad and Neelum districts of the present-day Pakistan-administered Jammu and Kashmir were part of the Kashmir province before 1947 whereas all the five districts of PAJK were part of the Jammu province.<sup>6</sup> Even Muzaffarabad and Neelum were ethno-demographically closer to Jammu than to Kashmir province. Prior to partition, the Jammu province consisted of five districts: Jammu, Kathua, Udhampur, Reasi, Mirpur, while the two jagirs, namely, Poonch and Chenani were autonomous

Table 1.1: 1941 census

Province	District	Area in sq. miles	Area in sq. km
Jammu	Udhampur	5070	13131.30
	Reasi	1789	4633.51
	Mirpur	1627	4213.93
	Poonch	1627	4213.93
	Jammu	1147	2970.73
	Kathua	1023	2649.57
Kashmir	Baramulla	3317	8591
	Anantnag	2814	7288.26
	Muzaffarabad	2408	6236.72
Frontier	Ladakh	45762	118523.58
	Gilgit Agency	14680	38021.20
	Astore	1632	4226.88
	Gilgit (Leased)	1480	3833.20

<sup>6</sup>Muzaffarabad district spanned an area of 6236.72 sq. km.

Table 1.2: Tehsil-wise position of area of the border ravaged by Indo-Pak war in 1947

District	Tehsil	Area in sq. miles	Area in sq. km
Mirpur	1) Bhimber	698 574	1807.82
	2) Kotli	355	1486.66
	3) Mirpur		919.45
Poonch jagir	1) Mendhar	479	1249.61
	2) Haveli	479 348	1249.61
	3) Sadhnuti	321	901.32
	4) Bagh		831.39
Muzaffarabad	1) Karnah	1342	3475.78
	2) Muzaffarabad	546	1414.14
	3) Uri	520	1346.80
Frontier	1) Skardu	8522	22071.98
District Ladakh	2) Astore	1632	4226.88
Gilgit	1) Gilgit	1480	3833.20
(Leased area)	1) Hunza	3900	10101.00
Gilgit Agency	2) Chilas	2800	7252.00
	3) Nagar	1600	4144.00

under the sovereignty of the Maharaja. Kashmir province included Baramulla, Anantnag and Muzaffarabad districts.

Racially and geographically, most of the Muslims living in the Jammu province and its jagirs are of the same stock as the Hindu population whereas the Muslims living in the Kashmir valley have a common ancestry with the Kashmiri Pandit community.<sup>7</sup>

Also, the districts of Poonch and Rajouri in Indian-administered Jammu and Kashmir (IAJK) had strong linkages, in terms of Muslim sub-castes, with the areas that now fall in PAJK. More importantly,

<sup>7</sup>According to the 1941 census, the total population of Kashmiri Pandits was 20,000.

the Dogra people of the Jammu plains and the linguistically similar Gujjars in the hilly parts of the state or even the Pothwari-speaking population of PAJK have far more in common with each other than the Kashmiri-speaking population of the valley.

In terms of religious affiliations, according to the 1941 census, the percentage of Muslims in the population was 93.45 per cent in the Kashmir valley, 61.35 per cent in Jammu and 86.7 per cent in the Frontier region.

Several socio-religious organizations were allowed to form in Jammu and Kashmir in the early twentieth century, which sowed the seeds of political mobilization in the years to come. The Anjuman-i-Nusrat-ul-Islam, which focused on social reform among Muslims, came into being in 1905 in Srinagar. Swami Dayanand's Arya Samaj took roots in the state mostly among non-Kashmiri-speaking Hindus, particularly those living in present-day PAJK since 1892. In 1924, a seventeen-point memorandum was presented to the then viceroy and governor-general of India, Lord Reading, which focused on improving the plight of Muslims in the state.<sup>8</sup> The memorandum, during Lord Reading's visit to Srinagar in the third week of October 1924, was submitted by the Kashmiri Muslim leadership comprising religious clerics such as Mirwaiz Maulvi Ahmedullah, Mirwaiz Hamdani and other prominent citizens like Khwaja Saad-ud-Din Shawl, Khwaja Hassan Shah Naqashbandi, Agha Hussan Shah Jalali, Mufti Sharif-ud-Din and Khwaja Hassan Shah Mahandi. The memorandum demanded ownership rights for the peasantry, more government jobs, better education, abolition of forced labour and restoration of mosques under the control of the government.

There were protests against the Maharaja's specific policies including economic policies that discriminated against the Muslim

<sup>8</sup>*Freedom Movement in Kashmir: 1931-1940*, Ghulam Hassan Khan (New Delhi: Light and Life Publishers, 1980), pp. 90-91.



community, in particular of Kashmir region. There were vociferous protests against the inadequate representation of Kashmiri Muslims in the state administration and the army in contrast to other communities of the state, including Jammu Muslims who were fairly well-represented in the state army. Weavers and shawl factory-owners, who were mostly Kashmir Muslims, had a long history of protest against high taxes imposed by the state.<sup>9</sup> The state's response was ruthless.

### **Foundation of the Muslim Conference**

The Muslim Conference was founded in 1932. The nucleus of the party consisted of Aligarh Muslim University alumni. The principal role in formation of the Muslim Conference was played by Jammu-born Ghulam Abbas (1904) and Srinagar-born Sheikh Abdullah (1905–82), a school teacher, who would dominate the state's politics for the next five decades. The early demands of the Muslim Conference were almost similar to those of the Congress party's charter of demands immediately after its formation. While the Congress party protested against the poor representation of Indians in the decision-making bodies, the Muslim Conference focused on the plight of Muslims who formed the majority in terms of religion in a state that was ruled by a Hindu monarch.

In 1931, a Hindu policeman in Jammu was accused by Muslims of a sacrilegious act against the holy Quran. The incident sparked off protests in the entire state, particularly the Kashmir valley. In one such protest, a speech by Abdul Qadir, a chef working for a European vacationing in Srinagar, against the Maharaja acted as fuel to the raging fire as sentiments had already been enraged by the news of the alleged sacrilegious act against the Quran in Jammu.

<sup>9</sup><http://www.thehindu.com/fline/fl2309/stories/20060519002309000.htm>

Qadir was charged with sedition. On 13 July 1931, a large crowd gathered in the Central Jail in Srinagar to witness his trial. The situation became tense during the trial and the Maharaja's forces opened fire on the crowd, killing twenty-one demonstrators. The incident shook the whole state, particularly the Kashmir valley.

Since then, 13 July is observed as Martyr's Day in the Kashmir valley and is a particularly important date for the people living there. After the events of 1931, Sheikh Abdullah emerged as a political hero as he assumed the leadership of the people along with Mirwaiz Yusuf Shah, the maulvi of the Jama Masjid. The Muslim Conference was formed on 16 October 1932 with Sheikh Abdullah as president and Chowdhary Ghulam Abbas as general secretary.

Sheikh Abdullah used the platform of Hazratbal Mosque, which symbolized Kashmiri Islam, for political mobilization. The two leaders developed ideological differences, a consequence of the growing politicization of the valley's population. While Sheikh Abdullah represented the urge for political empowerment and saw no harm in garnering support from the pro-British Ahmadiyas—now considered non-Muslims in Pakistan—Mirwaiz and his clergy strongly opposed it.<sup>10</sup> The Kashmir Lahore Committee was led by Ahmadiyas and it supported Sheikh Abdullah. Mirwaiz Yusuf Shah, the head priest of Srinagar city, commanded influence in some pockets of Srinagar because of religious reasons, while Sheikh Abdullah symbolized the new era in Kashmiri politics, which was in favour of political reforms.

Sheikh Abdullah's supporters were known as the Shers (lions) while those who supported Mirwaiz were called the Bakras (goats).

<sup>10</sup>The Ahmadiya movement was founded in 1889 by Mirza Ghulam Ahmad of Qadian, a place near Gurdaspur district, now in Indian Punjab. Ahmadiyas believed in the continuity of prophethood, which is contrary to one of the pillars of Islam—the belief that Prophet Mohammad was the last prophet. The community leaders were the supporters of the British rule.

## Formation of the National Conference and isolation of the Jammu leadership

Before the tumultuous events in the Kashmir valley, a socio-political reform movement had started in Jammu in 1925 under the aegis of Budh Singh, who resigned from his post as deputy commissioner in the state government and formed the Kissan Mazdoor party, the first political party in the state. Budh Singh addressed his initial political meeting in the Kashmir valley protesting against the forced labour colloquially known as 'begaar'. Ghulam Abbas, a prominent political Muslim leader in Jammu, also supported the movement. Both were arrested because of their protest. The friendship between Abbas and Singh grew while both were incarcerated in Reasi jail in 1938. After their release, they met Sheikh Abdullah to persuade him to convert the Muslim Conference into the National Conference and extend its activities to Jammu.<sup>11</sup> Some other factors too contributed to the conversion of the Muslim Conference into the National Conference. But Ghulam Abbas entered into what was called a gentleman's agreement to rotate the presidentship of the new party between Kashmiris and Jammu leaders. But this agreement was breached as Sheikh continued to be president of the National Conference consecutively for the next three years. This led to the parting of ways with Abbas. The principle of rotation clearly underlined the varied nature of the state where both religious and non-religious diversities played a crucial role in shaping its political processes.

The Muslim Conference was revived in Jammu under the leadership of Ghulam Abbas. Most of the cadre of the National Conference was from the Kashmir valley and Abdullah's decision not to abide by the agreement went unchallenged. The Hindu leaders rallied behind parties like the Hindu Mahasabha.

<sup>11</sup>'Neglected Regional Aspirations of Jammu and Kashmir', Balraj Puri, *Economic and Political Weekly*, 5–11 January 2008.

Although Hindus and Muslims of the region came together occasionally to protest against the policies of the monarchy, there was no political platform that could have bound the two communities together. In sharp contrast to the valley where Muslims formed a majority, Jammu had a mixed population just like the neighbouring Punjab province. The National Conference could not strike roots in the Jammu region. The Congress party recognized the National Conference in the state as its representative while the Muslim League gave the same status to the Muslim Conference.

### **Sheikh Abdullah and the Muslim League**

Muhammad Ali Jinnah visited the state in 1944 on Sheikh Abdullah's invitation who wanted him to personally verify the real leader of Kashmir. He came to Jammu first, where he spoke at a political rally in English rather than Urdu, the popular and official language of the state.<sup>12</sup> Jinnah defended his use of English by saying, 'There are complex political nuances that can be best expressed in English rather than Urdu. Kindly excuse me for that.' It was left to the members of the Muslim Conference to translate his speech into Urdu.<sup>13</sup> Jinnah's message was categorical: all Muslims of British India and the princely states should unite for Pakistan.<sup>14</sup>

In the Kashmir valley, Abdullah organized a rousing reception at Qazikund for Jinnah. The Quaid-e-Azam's visit to the valley was a vital turning point in the state's political history. In his last political rally at Srinagar, much to the discomfiture of Sheikh Abdullah, Jinnah appealed to the people to support the Muslim Conference, an ally of the Muslim League, thereby ignoring the

<sup>12</sup>Personal interview with scholar Balraj Puri, who attended Jinnah's political rally.

<sup>13</sup>Ibid.

<sup>14</sup>Ibid.

Sheikh Abdullah-led National Conference. It was after this visit that Abdullah openly supported the Congress party.

### **Muslim Conference resolution to support Pakistan in 1947**

The Jammu group of the Muslim Conference had officially opposed the 1946 Quit Kashmir movement started by Sheikh Abdullah to overthrow the monarchy. Chaudhry Hameed Ullah Khan, acting president of the Muslim Conference, said in a press conference held in Jammu on 28 May 1947:

Accession to India would be unpleasant to Muslims while accession to Pakistan will disturb Hindus. Therefore, we have decided not to enter into any controversy either with India or Pakistan. The second thing we have decided is that we should try to acquire independence for the state. The third question now before us is what would be the position of the Maharaja? We have never been lacking in showing loyalty and respect for him and it is because of this attachment that we did not support the Quit Kashmir movement although in one way it was a natural movement . . . The best solution we have found is that the Maharaja should become a constitutional king as is the position in many countries.<sup>15</sup>

The working committee of the Muslim Conference endorsed these views at Jammu. But even within the Muslim Conference there was a sharp divide. While the Jammu Muslim Conference leadership took a stand for the independence of the state with a constitutional monarchy, the valley-based Muslim Conference favoured Pakistan.

<sup>15</sup>*Kashmir Insurgency and After*, Balraj Puri (New Delhi: Orient Blackswan, 2008), p. 5.

The resolution made it clear that the Jammu Muslim Conference leaders desired independence, an option not much different from what supporters of the princely ruler desired.

Reversing its earlier stand for freedom of the state of Jammu and Kashmir, the valley-based Muslim Conference leadership, led by Mirwaiz Yusuf Shah, called a party convention in Srinagar. No advance notice was given to the different zones and branches in Jammu. A day before the convention, on 18 July 1947, newspapers advertised the general council meeting of the Muslim Conference that everyone was welcome to attend. The working committee of the Muslim Conference drafted a resolution in favour of independence for the approval of the general council of the party. However, during the meeting on 19 July, the Muslim Conference leadership decided that the state should join Pakistan. This clearly indicated that the party had been divided on regional lines between the leadership of the party hailing from Jammu and the valley. Both sides eventually agreed to a compromise on a resolution which respectfully and fervently appealed to the Maharaja to declare internal autonomy of the state, and accede to the Dominion of Pakistan in matters relating to defence, communications and external affairs.<sup>16</sup>

## **Events leading to communal violence in the state**

Although the Muslim Conference became a political ally of the Muslim League and looked towards it for framing party policies, within the state its loyalty towards the Jammu-based Maharaja was paramount. In fact, Hameed Ullah Khan stated in a press conference that ‘should the Pakistan government invade Kashmir, Muslims of the state will rise in arms against Pakistan and if necessity demands, they will seek Indian help.’<sup>17</sup>

<sup>16</sup>*Khidmat*, 17 October 1947.

<sup>17</sup>*The Hindu*, 17 June 1947.

In a press statement issued in May 1947, Hameed Ullah Khan also urged His Highness to 'declare Kashmir independent immediately and establish a separate constituent assembly to frame the constitution of the state.'<sup>18</sup> This statement was echoed by Muhammad Ali Jinnah who declared on 17 June 1947: 'Constitutionally and legally the Indian states will be independent and sovereign on the termination of paramountcy and they will be free to decide for themselves to adopt any course they like. It is open for them to join the Hindustan Constituent Assembly or the Pakistan Constituent Assembly or decide to remain independent.'<sup>19</sup> Jinnah even said on 11 July 1947: 'If Jammu and Kashmir opted for Independence, Pakistan would welcome it and would sign friendly agreements with her for [the] common weal of both the peoples.'<sup>20</sup> Initially, even the Maharaja's position was no different. His then prime minister, Mehar Chand Mahajan, states that the Maharaja 'was all the time hoping that Kashmir [read Jammu and Kashmir] could retain an independent status without acceding to either Dominion.'<sup>21</sup> The Maharaja was aspiring for independence and was supported by the Hindu Sabha and the Muslim Conference of Jammu. His prime minister, Ram Chand Kak, had gone to Karachi and met Jinnah to seek his support. Mehar Chand Mahajan, on assuming the office of prime minister on 15 October 1947, declared that 'Kashmir will become Switzerland of the east with friendly relations with both India and Pakistan.' In fact the working committee of the All Jammu and Kashmir Rajya

<sup>18</sup>*Kashmir: Towards Insurgency*, Balraj Puri (New Delhi: Orient Blackswan, 1993), p. 5.

<sup>19</sup>*Kashmir: Constitutional History and Documents*, Teng, Butt and Kaul (New Delhi: Light and Life Publishers, 1997), p. 534.

<sup>20</sup>*Mahatma Gandhi: The Last Phase*, Vol. 2, Pyarelal Nayyar (Ahmedabad: Navjivan Publishing House, 1958), p. 342.

<sup>21</sup>*Looking Back*, M.C. Mahajan (Bombay: Leaders Press Private Limited, 1963), p. 143.

Hindu Sabha adopted a resolution in May 1947 extending its full support to the Maharaja in whatever he decided on the issue of accession.<sup>22</sup> There was a dissident group led by Gopal Dutt Mengi who favoured accession of the state to India. For a long time, the Maharaja, the Muslim Conference, the Hindu Mahasabha and even Jinnah held the same opinion and were on the same page.

Abdul Khaliq Ansari, one of the stalwarts of the freedom movement in PAJK, who was a leading member of a secular student outfit known as the Jammu Student Union in Jammu city in the pre-1947 era, says that ideologically he and his group were closer to secular parties.<sup>23</sup> But his group met little support from elsewhere. While the entire focus of the Congress party was on the Kashmiri-speaking leadership headed by Sheikh Abdullah and his National Conference cadre, the Muslim League supported the Jammu Muslim leadership of Jammu.<sup>24</sup> Thus, he adds, the door was left open for religious-based groups, polarizing the civil society on Hindu and Muslim lines.

<sup>22</sup>*Ranbir*, 20 February 1947.

<sup>23</sup>Interview with Khaliq Ansari at his New York residence, October 2004.

<sup>24</sup>*Ibid.*



## 2

### JAMMU AND KASHMIR ON FIRE

THE PARTITION OF INDIA and the ensuing communal violence resulted in the deaths of almost one million people, and displaced more than ten million on either side of the border. The Pakistani government estimated that sixty-five lakh refugees came into Pakistan, while sixty lakh refugees entered India, according to the Indian government.<sup>1</sup>

Jammu and Kashmir was no exception to the carnage and displacement. The violence was limited to Jammu and the Muzaffarabad district; most of the valley was spared. In August 1947, Hindu and Sikh refugees started entering Jammu from West Punjab even as Muslims were massacred in the Sikh areas of East Punjab, polarizing the state on religious grounds.<sup>2</sup>

The study of the events in Poonch in August and September of 1947 is critical to understanding the violence in Jammu and Kashmir.

<sup>1</sup>*The Making of Pakistan*, Richard Symonds (London: Faber and Faber, 1950), p. 83.

<sup>2</sup>*Ibid.*, p. 158.

## Poonch revolt

Poonch had four administrative units, two and a half of which are now in PAJK while the rest are on the Indian side. Although the area was under the sovereignty of the Maharaja of Kashmir it was ruled by a local raja. Of the 71,667 men from Jammu and Kashmir who served in the British army during the Second World War, 60,402 were Muslims from Poonch and Mirpur.<sup>3</sup>

In June 1947, the Muslim residents of Poonch launched a no-tax campaign to protest against the Maharaja's decision to dismiss the local raja and bring the area under his direct rule as well as the rising taxes and food prices. In July, the Maharaja ordered all Muslims in the area to hand over their weapons to the authorities as he feared that Muslims would rebel against his administration.<sup>4</sup> It was feared that the rising communal polarization in the area and the neighbouring Punjab province would cause the Muslims to rebel. The communal tension in the region increased when the weapons were handed to Hindus and Sikhs.<sup>5</sup> The Maharaja further added to the tension when he cancelled his meeting with a deputation of ex-servicemen, who were mostly Muslims, looking to discuss their rehabilitation on the advice of his administration. The Maharaja's administration feared that the Maharaja's life would be under threat if he met the enraged ex-servicemen. This angered the ex-servicemen against the Maharaja. Matters came to a head when a procession of ex-servicemen was fired upon by the Maharaja's troops on 26 August 1947.

The rising local hostility against the Maharaja, the impact of the communal violence in Punjab and Jammu, and the desire to

<sup>3</sup>*Kashmir in the Crossfire*, Victoria Schofield (London: I.B. Tauris, 1996), Ch. 9, p. 133.

<sup>4</sup>*Ibid.*

<sup>5</sup>*Ibid.*

support Pakistan's bid over the state, led the Muslim community in Poonch to rebel against the Maharaja. The first call of revolt came on 23 August 1947 at Neelbutt in Rawalakot, where 50,000 men gathered under Sardar Abdul Qayoom Khan. On 15 October 1947, the newly appointed Jammu and Kashmir prime minister, Mehar Chand Mahajan, offered to make an impartial enquiry into the incident of firing on ex-servicemen. But by then it was too late as over 4,000 rifles and ammunition had been smuggled in with the support of low-level officers of the Pakistani army, and the Pashtun, Mahsud, Wazir, Daur, Bhattani, Khattak, Turi and Afridi tribes had been mobilized.<sup>6</sup> Apparently Pakistan's prime minister, Liaquat Ali, was aware of the mobilization, as Colonel Iskander Mirza (who later became Pakistan's president) admitted to Sir George Cunningham, the then governor of the North-West Frontier Province.<sup>7</sup> The tribes were mobilized to support the 'suffering' Muslim brethren of Jammu and Kashmir. In his diary, British Quaker Horace Alexander recollects being told by an officer in Peshawar that the corpses of Muslims killed by the Dogras in Jammu (to be discussed later) had been paraded through the city by men who called on the people to support a 'jihad' against the infidels in power in Kashmir and India.<sup>8</sup>

Some of the politicians of the Frontier were sympathetic to the jihadis' cause. Abdul Qayoom Khan, chief minister of the North-West Frontier Province made a special provision in his budget for resettling those who fought in Jammu and Kashmir in the province.<sup>9</sup> There was also a section within the Pashtuns that opposed the Kashmir invasion. Abdul Ghaffar Khan, the Pashtun

<sup>6</sup>Ibid., Ch. 10, p. 142.

<sup>7</sup>*A Mission in Kashmir*, Andrew Whitehead (New Delhi: Penguin Books India, 2008), p. 57.

<sup>8</sup>*Kashmir*, Horace Alexander (London, 1952), p. 8.

<sup>9</sup>*The Making of Pakistan*, Richard Symonds (London: Faber and Faber, 1950), p. 122.

leader of the Khudai Khidmatgars, opposed the participation of the people of the Frontier in the Jammu and Kashmir war.<sup>10</sup> In late 1948 he was detained for conspiring against Pakistan.

The military insurrection against the Maharaja's rule by the locals was quick and decisive. The easy availability of weapons from Pakistan, and manpower from the North-West Frontier Province added impetus to the assault. The PAJK Muslim cadre of the Maharaja's army also rebelled. The revolt that had originated in Poonch also spread to Mirpur, Kotli and Muzaffarabad. The rebellion and the Pashtun mobilization led to a full-fledged attack on the state infrastructure and minority population in Muzaffarabad on 22 October 1947, a day before the Maharaja appointed Bakshi Tek Chand, a retired judge of the Punjab High Court, to frame the constitution of the state. The attack caught the administration unawares, and anarchy prevailed in the region.

The turmoil in the north-western part of the state extended to the south as well, where Muslims were targeted. By September end, Muslims were rounded up in the villages and in Jammu city and were told by civil and military officials to depart to Pakistan. This was seen as an attempt to convert the Jammu province into a non-Muslim majority area.<sup>11</sup> In the first week of October, Hindu communalists attacked the Muslim population in the Jammu plains and the surrounding hills.

Mohammad Yosuf Saraf, former chief justice of the PAJK High Court, says that by 10 October 1947, 2,000 Muslims had migrated to Sialkot.<sup>12</sup> The Pakistan border had been sealed and no Muslim was allowed entry into the state.<sup>13</sup> Saraf remembers that on 14 October, the RSS and the Akalis mounted an attack

<sup>10</sup>Ibid., p. 158.

<sup>11</sup>Ibid., p. 97.

<sup>12</sup>*Memory Lane to Jammu*, Khalid Hasan and Rehmatullah Rad, eds (Lahore: Sang-e-Meel Publications, 2004), p. 161.

<sup>13</sup>Ibid.

on various villages of Jammu district—Amrey, Cheak, Atmapur and Kochpura—and after killing a few Muslims, looted their belongings and set their houses on fire.<sup>14</sup>

Eyewitnesses blame the Maharaja's administration for its complicity in the devious attacks on Muslims in the Hindu majority parts of Jammu region of the state. On 5 November 1947, thirty-six trucks were brought in by the administration to transport Muslims who wanted to go to Sialkot.<sup>15</sup> Instead of using the straight Jammu—Suchetgarh route to cross over to Pakistan, the drivers put the convoy on the Jammu—Kathua road which runs parallel to the borders. The civilians were attacked when the bus reached Samba.<sup>16</sup> The daughter of Chowdhary Ghulam Abbas, the Muslim Conference leader, who was part of the convoy, was abducted.<sup>17</sup> She was recovered by social activist Mridula Sarabai. M.K. Gandhi was among those who blamed the Maharaja for the situation in Jammu.<sup>18</sup> Muslims in the neighbouring hills were also targeted. Mohammad Kanti recalls that his family escaped to the forests from his native place in Latti village of Udhampur district where sixty-five civilians were killed in one attack.<sup>19</sup>

A section of the Hindu community came forward to protect the vulnerable Muslim population. S.S. Puri, a district forest officer posted in Reasi, sheltered several Muslim families in his own house.<sup>20</sup>

Sheikh Abdullah became the head of the administration in IAJK on 30 October 1947 amidst the riots. Scholar Balraj Puri

<sup>14</sup>Ibid., p. 165.

<sup>15</sup>Ibid., p. 174–5.

<sup>16</sup>Ibid.

<sup>17</sup>Ibid., p. 177.

<sup>18</sup>*Mahatma Gandhi: The Last Phase*, Vol. 2, Pyarelal Nayyar (Ahmedabad: Navjivan Publishing House, 1958), p. 342.

<sup>19</sup>Interview with Mohammad Kanti at Reasi, 31 December 2007.

<sup>20</sup>Interview with Abdul Rouf in May 2008.

believes that Sheikh Abdullah's Kashmiri origin was a handicap for him in Jammu and he could do little to prevent the massacres.<sup>21</sup> Abdullah's political influence remained limited to the Kashmir valley and he had little support in the Jammu region. In the Jammu region, the Muslim Conference was a popular organization among the Muslims. The National Conference played a critical role in protecting Kashmiri Pandits, a Hindu community in the Kashmir valley. In Jammu, there was no leader like Sheikh Abdullah who could use his political and social capital to arrest communal violence. Even the Jammu Muslim leaders largely remained ineffective. Chowdhary Ghulam Abbas, the popular Muslim Conference leader, was arrested and sent to Pakistan through the Sialkot border. Even after Abdullah assumed executive control in November 1947 over the Indian-administered Jammu and Kashmir, he made administrative errors by not fully exploiting the potential of local leaders who could have helped in controlling violence. Ghulam Qadir Bandey, the most popular leader of the Poonch region, was appointed labour commissioner by the Sheikh Abdullah-led interim government in the year 1947–48 and was confined to Srinagar. This indicated Sheikh Abdullah's lack of knowledge of the Jammu region, which handicapped his abilities to restore quick order. Sheikh Abdullah had personally intervened in the Kashmir valley to avoid any communal incident. He could have done the same in Jammu by exploiting the potentiality of leaders like Bandey.

## Violence

The Pashtun raid mostly targeted non-Muslims—Sikhs, Christians and Hindus—in the Muzaffarabad and Baramulla districts of the Kashmir division. In Muzaffarabad, 1,655 Hindu and Sikh

<sup>21</sup>Telephonic interview with Balraj Puri in March 2010.

women and children were abducted.<sup>22</sup> India and Pakistan signed an agreement to recover those who were missing. The Red Cross and activists like Mridula Sarabhai played a leading role in rescuing such women. A total of 11,251 Muslim women had been recovered in India till 27 June 1949 and 5,846 Hindu and Sikh women had been found in Pakistan.<sup>23</sup>

On 4 November 1947, the Pakistani regular army opened heavy fire on Mirpur, which was resisted by the Maharaja's troops with the support of the Hindus and Sikhs of the area.<sup>24</sup> The fight continued till 12 November 1947 when aircraft of the Indian Air Force effectively bombed and strafed the enemy position in the region.<sup>25</sup> Eighteen thousand people were killed and close to 3,500 wounded.<sup>26</sup> By 25 November, the Pashtun attack had been repulsed in Srinagar by the Indian army. The attackers turned their attention towards Mirpur where there was large-scale rioting. Many Hindu and Sikh women were abducted. Lajja, a girl now living in Jammu city, was rescued from Peshawar where her abductors had taken her.<sup>27</sup> Lajja had posted a letter to her aunt living in Bikaner, Rajasthan, as she did not know the whereabouts of her parents from whom she had been separated in Mirpur after the violence. The family approached India's first prime minister, Jawaharlal Nehru, and the Red Cross tracked her location with the help of the police in Peshawar. Swaran Gupta's tale is similar.<sup>28</sup> She covertly passed on a letter through a child

<sup>22</sup>*A Mission in Kashmir*, Annexure.

<sup>23</sup>*The Making of Pakistan*, p. 163.

<sup>24</sup>*Refugee Times*, November 2005.

<sup>25</sup>*Ibid.*

<sup>26</sup>*Ibid.*

<sup>27</sup>Interview with Subash Gupta, in Jammu in January 2007.

<sup>28</sup>*Ibid.*

to the local Red Cross unit and was eventually rescued from her abductors.

Unfortunately, many women were not so lucky and resigned themselves to their fate. British citizen, Tanveer Ahmed, discloses that his maternal grandmother told him she was taken by her present husband, Raja Gulbar Khan, from a camp where all Hindu and Sikh women had been detained by the rebels after their male relatives had either fled or been killed.<sup>29</sup>

There were similar heart-rending moments, never recorded in history and remaining open family secrets, which live on in the memories of generations of refugees. Subash Gupta shudders to remember the story of her maternal grandfather. As the family was fleeing Mirpur, her sixty-four-year-old grandfather Jagan Nath, ordered his eighteen-year-old son, Krishan Lal, to take his pistol and kill him immediately.<sup>30</sup> Father and son were struggling to escape from Mirpur, but they had just been spotted by Pashtun fighters from Pakistan's North-West Frontier Province. The Pashtuns, fierce tribal fighters, were pressing the assault. Too weak to continue, Jagan Nath, the father, urged his son to escape. Knowing that upon capture, as a non-Muslim, he would be tortured by the Pashtuns, Jagan Nath gave his son the unnatural order and, amid the bedlam with the Pashtuns closing fast, Krishan Lal lifted his pistol and fired a shot. Jagan Nath ducked his son's bullet in a flash of survival instinct. Krishan Lal was forced to leave his father to his fate as Pashtun fighters overran the area. He fled to Jammu city, which was in India's control, and ultimately settled in India's capital, New Delhi. Subash Gupta, granddaughter of Jagan Nath, recalls: 'My uncle (Krishan Lal) posted many letters

<sup>29</sup>Interview with Tanveer Ahmed in Jammu in March 2008

<sup>30</sup>The story was narrated to the author by Subash Gupta, granddaughter of Jagan Nath, in November 2009.



to his Muslim friends in Mirpur to find out what had happened to his father. None of them had any information. In the Hindu religion, relatives go to Gaya, the holy and historic town in India's eastern province of Bihar, to perform the last rites of the dead whose bodies could not be cremated. Eventually, we concluded he was dead and made the trip to Gaya.'

## Displacement in 1947

Displacement accompanied the bloodshed on both sides of Jammu and Kashmir. In 1947, 31,619 Hindu and Sikh families reached present-day IAJK from various parts of PAJK, of which 26,319 families 'opted to settle' within the state with 3,600 families in urban areas (primarily Jammu, Udhampur and Nowshera), and 21,116 in rural areas. The remaining 1,603 families 'did not come forward for settlement of their cases' at the time. These 26,319 families received a total of 680,850 kanals of land, comprising 243,000 kanals of government land and 437,850 kanals of private land.<sup>31</sup>

Today, 25 November is observed as Mirpur Day in the memory of Hindus who died in Mirpur, PAJK. On that day, the state administration lost its control over Mirpur. Every year, on 25 November, a procession is taken out which ends at the Mirpur Shaheedi Smarak near Bakshi Nagar, where the bulk of the PAJK community lives in Jammu city.

The Muslims of Jammu settled down in various parts of Pakistan, mostly in Sialkot district, 11 km from the border between the Indian part of the state and Pakistan. Before 22 October, the day when Pashtuns attacked the Maharaja's forces in Muzaffarabad, the Pakistani authorities reported that at least one lakh Muslim refugees from Jammu were being cared for in the neighbourhood

<sup>31</sup>Data from the Custodian Evacuee Land Property department.

of Sialkot.<sup>32</sup> The scale of Muslim migration from Jammu can be ascertained from the changes in the data. In Jammu district alone, 37 per cent of the total population was Muslim in 1941.<sup>33</sup> By 1961, it had come down to barely 10 per cent.<sup>34</sup> The decrease in the number of Muslims in Jammu district alone was over one lakh. On 5 and 6 November, many trucks and lorries carrying Muslims migrants from Jammu city on their way to the Punjab province of Pakistan were attacked and massacred. In Pakistan and PAJK, 6 November is observed as a remembrance day by Muslim refugees in the memory of those who died in Jammu.

The displaced Muslim population took refuge in Sialkot and other parts of the Punjab province in Pakistan. British scholar, Ian Talbott, finds the refugee settlements from India and Indian-administered Jammu and Kashmir had a direct impact on shaping the political discourse of Punjab.<sup>35</sup> There are shared experiences of refugees from Jammu settled in Punjab and those families that migrated from East Punjab. Not surprisingly, the issue of Jammu and Kashmir is more popular in the Punjab province of Pakistan than the other provinces of the country.

A large number of Punjab residents, including many prominent politicians and members of the civil society, have a Jammu connection. Chaudhary Amir Hussain, former speaker of Pakistan's National Legislative Assembly (2002–08) was born in Jammu. Dr Mehboob-ul-Haq, world-renowned Pakistani economist, who introduced the concept of Human Development Indicators to rank countries on the scale of socio-economic progress, was born in Jammu. Malika Pukhraj, a famous Pakistani singer, was a proud

<sup>32</sup>*Incomplete Partition*, Alastair Lamb (Roxford, 1997), p. 128.

<sup>33</sup>1941 census.

<sup>34</sup>1961 census.

<sup>35</sup>*Pakistan: A Modern History*, Ian Talbott (UK: Hurst Publications, 2005).

Jammu resident and Air Marshal Asghar Khan, who commanded the Pakistani Air Force from 1957 to 1965, was born in Jammu.

The number of persons, including the succeeding generations of the 1947 migrants who have a linkage with IAJK, is estimated to be around fifteen lakh.<sup>36</sup> The refugees from Jammu, with their cultural affinity to the Punjab province, have more or less integrated themselves with this region. However, the shared memory of the communal holocaust passes on from one generation to another. And the continuing intractability of the Jammu and Kashmir issue acts as a catalyst in keeping the wounds of the past fresh.

The turbulent phase of history is recalled every year on either side. One waits for the day when the second-generation and third-generation mourners on each side remember victims of the carnage on both sides of the state irrespective of religious background.

<sup>36</sup>*Kashmiri Refugees: Facts, Issues and the Future Ahead*, Khalid Rahman (Ershad Mahmud, Institute of Policy Studies, Islamabad). See <http://ips-pk.org/content/view/450/259/>.

# 3

## HOW AZAD IS AZAD KASHMIR?

### Pakistan and PAJK

ON 11 DECEMBER 2006, on being asked if the Pakistan president's new four-point proposal on Jammu and Kashmir meant that Pakistan was reneging on waiting for the UN to decide the future of the state and whether the government would be ready to give up its part of Kashmir and admit that 'Azad Kashmir' was not a part of Pakistan, the Pakistani foreign office spokesperson said:

Pakistan's legal position on the Jammu and Kashmir dispute is based on the UN resolutions. Kashmir is a disputed territory. According to the UN Security Council's resolutions, Pakistan and India are parties to this dispute and Kashmiris have to essentially decide their future. It is about the aspirations of Kashmiri people. Pakistan does not claim Kashmir as its integral part. Kashmir is disputed. We however, hope that when Kashmiris are able to exercise their right to make a choice, they would opt for Pakistan. The President did not talk about giving up Pakistan's position on Kashmir. Azad Kashmir has its separate identity with its own President and

Prime Minister. It is not a province of Pakistan. If it were so, there would have been a Governor and Chief Minister instead of President and Prime Minister.<sup>1</sup>

He further asserted that ‘*Kashmir banega Pakistan* (Kashmir will become Pakistan)’ in a slogan that was raised by the Kashmiri populace.<sup>2</sup>

Even when Pakistan ceded a part of Jammu and Kashmir to China, under the Sino-Pakistan Frontier Agreement 1963, it was subject to the final solution to the Jammu and Kashmir issue. According to Article Six of the agreement, ‘The two parties have agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiations with the Government of the People’s Republic of China on the boundary as described in the Article. The present agreement provided that in the event of the sovereign authority being Pakistan, the provisions of the present agreement and of the aforesaid protocol shall be maintained in the formal boundary treaty to be signed between the People’s Republic of China and Pakistan.’<sup>3</sup>

## What does Kashmir mean to Pakistan?

The Azad Jammu Kashmir government website article, ‘Kashmir and Jinnah’ states: ‘The Quaid-e-Azam’s interest in Kashmir is evident from the fact that he explained the significance of the name of Pakistan to Mountbatten on 17 May 1947 as follows: “The derivation of the word Pakistan—P for Punjab; A for Afghan; K

<sup>1</sup>[http://www.mofa.gov.pk/Spokesperson/Feb\\_06/Spokes\\_06\\_02\\_06.htm](http://www.mofa.gov.pk/Spokesperson/Feb_06/Spokes_06_02_06.htm)

<sup>2</sup>[http://www.mofa.gov.pk/Spokesperson/Feb\\_06/Spokes\\_06\\_02\\_06.htm](http://www.mofa.gov.pk/Spokesperson/Feb_06/Spokes_06_02_06.htm)

<sup>3</sup>The agreement was signed between Pakistan President Ayub Khan and Chinese Premier Chou En-Lai.

for Kashmir; I for nothing because that letter was not in the Urdu alphabet; S for Sindh and Tan for the last syllable for Baluchistan.” This explanation of the Quaid-e-Azam is contained in the official publication in the United Kingdom between 1980 and 1993 of the four final volumes of a selection of British documents relating to the Transfer of Power in India.<sup>4</sup> Besides the significance of ‘K’ in Pakistan, ideological reasoning is mostly based on the Muslim majority in Jammu and Kashmir, which supports the two-nation theory.

The Kashmir issue has remained equally important for Pakistan. Every leader of the state crafted his or her foreign policy to make headway on the Kashmir issue. The fact that Zulfikar Ali Bhutto, in his address to the UN Security Council on 22 September 1965, stated that Pakistan would keep on waging war in Kashmir for a thousand years is indicative of the importance of the issue for Pakistan’s political elite.<sup>5</sup> Bhutto even employed the ‘K’ card in the crucial political deadlock which was facing Pakistan after the 1970 elections under General Yahya Khan. While the Mujibar Rehman-led Awami League got 160 seats in the Pakistan National Assembly and commanded a majority, Zulfikar Ali Bhutto protested against having a Bengali Muslim in power, as it would weaken Pakistan’s case for Kashmir.<sup>6</sup> The political and emotional appeal of the Jammu and Kashmir issue was greater in West Pakistan compared to East Pakistan mainly because of the region’s geographical contiguity with West Pakistan and the large numbers of refugees living there. For Bengali Muslims, who were increasingly feeling marginalized under a centralized bureaucracy and military, the priorities were obviously quite different. Leaders

<sup>4</sup>[http://www.ajk.gov.pk/index.php?option=com\\_content&view=article&id=66&Itemid=22](http://www.ajk.gov.pk/index.php?option=com_content&view=article&id=66&Itemid=22)

<sup>5</sup>[http://www.bhutto.org/1957-1965\\_speech21.php](http://www.bhutto.org/1957-1965_speech21.php)

<sup>6</sup>*Pakistan: A Modern History*, Ian Talbott (UK: Hurst Publications, 2005), p. 204.

like Bhutto feared that the Kashmir issue would become marginal if the East Pakistan leadership came to govern the country.

### **Emotional attachment with Jammu and Kashmir even after Bangladesh**

The creation of Bangladesh in 1971 was instrumental in falsifying the theory that Pakistan was the homeland of South Asian Muslims. Many Pakistani scholars are of the opinion that the bifurcation of Pakistan in 1971 resulted in the creation of a linguistically and culturally cohesive Pakistan. According to archaeologist A.H. Dani, Punjabi and Sindhi are part of the Indus system as also are Pashtu and Baluch.<sup>7</sup>

Author Aitzaz Ahsan postulates that present-day Pakistan stood as a cultural unit for centuries and was quite distinct from India. In his thesis of cultural homogeneity, Ahsan includes Jammu and Kashmir as part of the Indus civilization.<sup>8</sup> The theory of the ethno-cultural homogeneity of present-day Pakistan needs to be qualified: Punjabis in Pakistan are ethno-culturally closer to Punjabis in India than to Pushto-speaking Pakistanis in the Frontier province who are, in turn, closer to the Pashtuns in Afghanistan than to Punjabis or Sindhis. Similarly, the Kashmiri language, which is of Dardic origin, has little in common with, ethnically and culturally, any part of Pakistan. Similarly, Jammu is as close to Indian Punjab as to Pakistani Punjab, and Leh, in Ladakh, with its Tibetan-Mongol stock, is culturally quite distinct from Pakistan. Even the Kargil district of Ladakh, ethnically closer to the Northern Areas, is quite distinct from Pakistan

When President Pervez Musharraf had identified five

<sup>7</sup>*Islamic Revival in British India: Deoband, 1860–1900*, Barbara D. Metcalf (New Delhi: Oxford University Press, 2004), p. 231.

<sup>8</sup>*The Indus Saga and the Making of Pakistan*, Aitzaz Ahsan (Karachi: Oxford University Press, 1997).

geographic regions of the state and suggested self-rule for each of the regions as part of his four-point formula to solve the Jammu and Kashmir tangle,<sup>9</sup> the suggestion was made to look at the region through a cultural prism, rather than on the basis of the Muslim majority.<sup>10</sup> Musharraf amended seven regions to five regions, which were broadly based on the lines of existing distinct cultural and territorial entities within the state of Jammu and Kashmir. The amendment came after the criticism of the seven-region formula, which was considered a rehash of Pakistan's Chenab formula discussed during the Bhutto–Swaran Singh talks in 1962–63.<sup>11</sup> The Chenab formula sought to divide the state between India and Pakistan along the Chenab river as according to it, the river is a natural divide between Hindu majority and Muslim majority areas of the state. The Chenab formula was part of several proposals which came up for discussion between the two countries facilitated by the Kennedy administration.<sup>12</sup>

<sup>9</sup>*In the Line of Fire: A Memoir*, Pervez Musharraf (Simon & Schuster, 2006), p. 303.

<sup>10</sup>The seven regions identified in October 2004 were:

On the Pakistani side

- a. Pakistan-administered Jammu and Kashmir, with a predominant Sunni population
- b. Shi'ite- and Ismaili-dominated Gilgit-Baltistan (otherwise known as Northern Areas in Pakistan)

On the Indian side

- a. Shi'ite-dominated Kargil
- b. Sunni-dominated Kashmir valley
- c. Sunni-dominated Rajouri, Poonch and Doda districts
- d. Hindu-dominated Jammu
- e. Buddhist-dominated Ladakh.

<sup>11</sup>'A Communal Scheme', Luv Puri, *Frontline*, November 2004, <http://www.hinduonnet.com/fline/fl2123/stories/20041119003502800.htm>.

<sup>12</sup>*The Limits of Influence: America's Role in Kashmir*, Howard B. Schaffer (Washington DC: Brookings Institution Press, 2009), p. 84.



The Pakistani president clearly recognized the cultural diversity in the state of Jammu and Kashmir. He identified three regions on the Indian side—Jammu (including Hindu and Muslim areas), the Kashmir valley and Ladakh (including Buddhist and Shia Muslims areas). On the Pakistani side, he identified the Northern Areas and Pakistan-administered Jammu and Kashmir.

## **Pakistan's relationship with PAJK**

PAJK has two administrative divisions—Muzaffarabad and Mirpur. The Muzaffarabad division has five districts: Muzaffarabad, Poonch, Bagh, Sudhnuti and Neelum. Adjoining the Kupwara district on the Indian side of Jammu and Kashmir, Neelum is the most recent district to be created. Before 1947, except Muzaffarabad and Neelum, all the districts of PAJK were part of the Jammu province. The Mirpur division has three low-altitude districts: Mirpur, Bhimber and Kolti. PAJK is spread over an area of 8262.37 sq. km and shares its eastern boundary with five districts on the Indian side of Jammu and Kashmir. According to the 1998 census, the total population of PAJK is 29.15 lakh.<sup>13</sup> Urdu is the official language of PAJK.

## **Initial years of Azad Jammu and Kashmir**

PAJK is referred to as Azad Jammu and Kashmir in both Pakistan's as well as PAJK's constitution since the Pakistani government's official stand is that the future of the state is yet to be decided. The very name 'Azad Jammu and Kashmir' denotes that it is an independent entity and therefore has its own flag and constitution. The Karachi agreement signed in March 1949 provides the first constitutional relationship between PAJK and Pakistan.

Initially Rawalakot, the centre of the revolt against the

<sup>13</sup>Data from the PAJK tourism department.

Maharaja, became the capital of the region. The war council was set up under the presidentship of Sardar Ibrahim Khan and a ceasefire line was agreed upon on 1 January 1949 by the two sides. PAJK was a predominantly non-Kashmiri-speaking area and the Muslim Conference enjoyed political monopoly. However, there was a power tussle between its two prominent leaders—Ghulam Abbas and Ibrahim Khan.

Ghulam Abbas was born in Jammu city, while Ibrahim Khan, a Britain-educated young lawyer, hailed from a landlord family of the hilly Poonch area of the state. The two led parallel groups within the party, each with its core following. Though he was incarcerated at the time by the Maharaja on the charge of sedition, Jammu city-based Ghulam Abbas did not participate in the movement against the Maharaja—his following was restricted to migrants who came from Jammu and settled down mostly in the Punjab province of Pakistan. Ibrahim Khan had played a pioneering role in the revolt, and consequently, had a large following among PAJK Muslims.

On 21 March 1949, the working committee of the Muslim Conference adopted a resolution giving complete control of the party to Ghulam Abbas. The Pakistani government approved the decision in December 1950 and the newly formed Ministry of Kashmir Affairs invested all executive and legislative powers in the head of the Muslim Conference. Abbas now had the power to appoint the president and other members of the council of ministers, who would be collectively responsible to him. He exercised his powers by dismissing Ibrahim Khan's government in May 1950, which led to a mass uprising of Sudhans in central PAJK. The Pakistani army intervened to restore order. The assassination of Pakistan's first prime minister, Liaquat Ali, in 1952 led to a period of instability. The civil and military bureaucracy ruled on the political horizon and, eventually, the military seized power in October 1958. The absence of a democratic system in the PAJK

saw frequent changes in leadership and by 1959, seven people had successively taken on the mantle of president.

In 1959, Pakistani President Ayub Khan appointed K. Khurshid, better known as the private secretary to Muhammad Ali Jinnah, president of PAJK. The idea of basic democracy mooted by Ayub Khan was also implemented in PAJK. In 1960, an electoral college of 1,200 'basic democrats' in PAJK and another 1,200 who represented refugees from IAJK to Pakistan, was formed to elect the president of PAJK. Chowdhary Ghulam Abbas and Sardar Ibrahim were disqualified from participating in the elections by a tribunal on charges of corruption. Pro-independence K. Khurshid was unceremoniously dismissed by the Pakistani government. Subsequently, Sardar Ibrahim, K. Khurshid and Sardar Abdul Qayoom (Ghulam Abbas's political successor) launched a political struggle in 1967 for the democratization of PAJK, which was partially achieved during the reign of Pakistani prime minister, Zulfikar Ali Bhutto.

## **Constitutional changes in PAJK**

The Muslim Conference was recognized as the permanent representative of PAJK, with powers to strike agreements with the sovereign country of Pakistan. The 1949 Karachi agreement institutionalized the role of the Muslim Conference in the PAJK polity. The agreement constrained the concept of a multi-party system of government in PAJK right from the start and the Muslim Conference monopolized the power structure in the region.<sup>14</sup> In the political system that existed from 1947 to 1960, the person at the helm of the Conference was nominated the president of PAJK. The change came in 1960 under General Ayub Khan when the idea of basic democracy in Pakistan was extended to PAJK.

<sup>14</sup>There was a separate section in the 1949 Karachi agreement which listed subjects under the domain of the Muslim Conference.

In 1959, President Ayub Khan had introduced the concept of basic democracy under the Basic Democracies Order, 1959, in an attempt to initiate a grass-root level democratic system in Pakistan, with a five-tier arrangement: (i) union councils (rural areas), town and union committees (urban areas); (ii) thana councils (East Pakistan), tehsil councils (West Pakistan); (iii) district councils; (iv) divisional councils; and a (v) provincial development advisory council. In 1960, the presidential election by the votes of basic democrats was introduced in Azad Jammu and Kashmir. Another body known as the Azad Jammu and Kashmir Council was also elected by the basic democrats. This council consisted of twelve members elected by the people of PAJK, while twelve were elected by the refugees from the IAJK settled in Pakistan. In 1964, this system was replaced by the Azad Jammu and Kashmir Government Act which amended the provision; now eight state councillors were to be elected by the basic democrats of PAJK. In 1965, a provision was made wherein two members would be nominated by the president from amongst the refugees. The chairman of the council was to be nominated by the chief advisor under the 1964 Act from amongst the members. The chairman had to act as the president for Azad Jammu and Kashmir. In 1968, the Azad Jammu and Kashmir Government Act 1968 was passed and eight councillors were elected while four members were nominated by the chief advisor-joint secretary of the Pakistan government from the refugees. Till 1960, there was hardly any mechanism in the region to democratically elect leaders and the entire process was carried out by the Pakistani state.

## **Changes of the 1970s**

The major constitutional change came in 1970 when the system of adult franchise was adopted and a democratic set-up was introduced in PAJK, through the Azad Jammu and Kashmir Act, 1970. For the first time, the members of the legislative assembly as well as the

president were elected on the basis of adult franchise. The assembly consisted of twenty-four elected members and one co-opted female member. The presidential system of government continued for about four years till, in 1974, the parliamentary system was introduced in PAJK, under the 1974 Azad Jammu and Kashmir interim constitution. Omitting 'interim' would have diluted the unsettled character of the dispute and implied that Pakistan had accepted the Line of Control as the international border. The constitution was drafted to demonstrate to the world at large that PAJK was a separate nation and to reinforce the disputed status of Jammu and Kashmir. It portrayed PAJK as a nation within a nation by retaining the nomenclature of the head of the government as prime minister or president instead of governor. Following the pattern of the parliamentary form of government, the president of PAJK is the constitutional head of the state whereas the prime minister, supported by a council of ministers, is the chief executive. PAJK has its own Supreme Court, high court and a legislative assembly comprising forty-nine members, of whom forty-one are directly elected and eight are nominated by the government—one each from technocrats, scholars and overseas PAJK nationals, and five women.<sup>15</sup> Under the current constitutional dispensation, twelve of the forty-eight seats in the legislative assembly are reserved for refugees from IAJK.<sup>16</sup>

## Political implication

The type of constitutional arrangement that PAJK enjoyed since 1947 had political implications. The decisions of the ruling elite in Pakistan were an important factor in deciding who would govern PAJK. This can be understood from the fact that it was only after

<sup>15</sup>Azad Jammu and Kashmir Interim Constitution, 1974.

<sup>16</sup>Ibid.

the 1974 constitution that the legislature and president of PAJK were elected directly by the people for the first time through adult suffrage. Till then the Pakistani government had decided the PAJK polity. Ibrahim Khan was, for instance, dislodged from power to make way for Chowdhary Ghulam Abbas in May 1950. Amidst differences between Abbas and Ibrahim Khan, the Pakistani state supported the former due to Abbas's close long-standing association with the top leadership of the ruling Muslim League. Abbas also had a large following in the Punjab province of Pakistan, politically the most important province of the country. During the rule of Pakistan's first military leader, Ayub Khan (1958–68), President K. Khurshid was forced to resign by a mid-level police official and later jailed in Palandari and Dalai Camp when he started espousing pro-independence views in public.

During Zulfikar Ali Bhutto's government (1972–77), another president of PAJK, Sardar Qayoom, was suddenly arrested by a mid-level official of the federal security forces in Muzaffarabad and subsequently dismissed after he allied himself with the opposition parties who opposed Bhutto. During General Zia-ul-Haq's reign (1977–88), Brigadier Hayat Khan was appointed administrator of PAJK, a post he held for seven years. When a civilian government was re-established in Pakistan in 1988, Benazir Bhutto's swearing in as prime minister was shortly followed by the installation of an elected government of Bhutto's Pakistan People's Party in PAJK. When Bhutto was sacked by the president in 1990, PAJK Prime Minister Mumtaz Rathore was 'escorted' to Islamabad in a helicopter and forced to sign a letter of resignation.<sup>17</sup>

In January 2009, Prime Minister Sardar Atique Ahmed Khan, the son of Sardar Abdul Qayoom Khan, lost a no-confidence vote against his government in the legislative assembly. This led to the appointment of Sardar Muhammad Yakoob Khan as the

<sup>17</sup><http://hrw.org/reports/2006/pakistan0906/4.htm>

PAJK prime minister. Atique Ahmed Khan's removal from power was the result of a coup within the ruling Muslim Conference. The sudden change came a few months after the Pakistan People's Party assumed power in Islamabad. 'Democracy has been slaughtered, and I am a casualty of the federal government,' Khan said, terming his ouster 'naked aggression in the country's most sensitive region.' His father, Sardar Abdul Qayoom Khan, one of the most prominent pro-Pakistan voices in the region for decades, had begun to support Pervez Musharraf's policy of reconciliation with India on Jammu and Kashmir. Interestingly, more than a year later, Atique Khan came back as the prime minister of the region. Farooq Haider, the deposed prime minister of PAJK, accused the Pakistan People's Party-led federal government of uniting with his political rivals in the state, which resulted in his resignation. From 2006, the year the elections were held in PAJK, to August 2010, three prime ministers lost their majority in the Assembly.

There are visible contradictions between the Pakistani and PAJK constitutions. For instance, Article 257 of the Pakistan constitution holds that the 'people of Jammu and Kashmir will define their relationship with Pakistan after obtaining freedom'. On the contrary, part 2 of Section 7 of the 1974 PAJK constitution says that 'no person or political party in Azad Jammu and Kashmir shall be permitted to propagate against or take part in activities prejudicial or detrimental to the ideology of the state's accession to Pakistan'. Under Section 5 (2) (vii) of the PAJK Legislative Assembly Election Ordinance, 1970, 'a person will be disqualified for propagating any opinion or action in any manner prejudicial to the ideology of Pakistan, the ideology of state's accession to Pakistan or the sovereignty and integrity of Pakistan'. Thus without signing an affidavit of allegiance to Jammu and Kashmir's accession to Pakistan, nobody is allowed to take part in the PAJK legislative assembly elections. In several elections, the Amanullah Khan-led Jammu and Kashmir Liberation Front and the All Parties Nationalist Alliance (APNA) espousing an independent state of Jammu and

Kashmir was not allowed to participate because they refused to sign the affidavit.

The Pakistani government has the power to dismiss any PAJK government. Article 53 of the PAJK constitution gives the federal government the power to dismiss an elected government in PAJK. This power has been exercised twice since 1974. The provision to dismiss any elected provincial authority by the federal government is part of the emergency provisions of the Pakistani constitution.<sup>18</sup> Therefore, the federal government enjoys the same emergency powers over PAJK like any other province of Pakistan. The PAJK legislative assembly lacks the authority to legislate on some subjects, such as the issue of granting nationality or state subjects (essential document) or even crucial aspects relating to the economy of the region (see Annexure 3.1).

Clause (3) of Article 31 of the PAJK constitution states that neither the council nor the assembly shall have the power to make any law concerning:

- (a) the responsibilities of the government of Pakistan under the UNCIP resolution
- (b) the defence and security of Azad Jammu and Kashmir
- (c) the external affairs of Azad Jammu and Kashmir including trade and foreign aid.

The oath of office for the appointment of important posts like those of the prime minister, president or speaker in PAJK contravenes the claim that PAJK is an independent country. For instance, the oath of office for the president of PAJK reads: 'As President of Azad Jammu and Kashmir, I will be loyal to the country and the cause of accession of the state of Jammu and Kashmir to Pakistan . . .'<sup>19</sup>

PAJK definitely lacks the powers vested in an independent

<sup>18</sup>The constitution of Pakistan Part X: Emergency Provisions. See <http://www.pakistani.org/pakistan/constitution/part10.html>.

<sup>19</sup>Oath of office, Azad Jammu and Kashmir constitution.



country but in addition, it is at a disadvantage compared to other provinces of Pakistan. For instance, the Council of Common Interest, a constitutional body empowered to resolve inter-provincial conflicts in Pakistan, cannot settle disputes between PAJK and any province of Pakistan. Therefore in any dispute, the balance invariably tilts towards Pakistan.

### **Azad Jammu and Kashmir Council**

PAJK is dependent on Islamabad for its own inter-district connectivity. It takes close to eight hours to travel the direct route between Mirpur and Muzaffarabad, whereas passing through Islamabad cuts the travelling time by half. Many blame Pakistan for not constructing roads within PAJK, thus making the tract dependent on it. But a cursory look towards the PAJK geography would prove that even if a good road network existed within the hilly belt, Islamabad would retain its importance as it is a natural connecting point between important cities of the region.

PAJK's dependence on Islamabad is also for the purpose of governance. Post-1974, a new institutional bond between the Pakistan government and PAJK was created in the form of the Azad Jammu and Kashmir Council. The council, with its office in one of the posh sectors of Islamabad, became the nodal agency which has acquired the de-facto power of resource allocation to PAJK, both from federal as well as provincial sources. The council is a constitutional body established under Section 21 of the Azad Jammu and Kashmir Interim Constitution Act, 1974. It has seven members from the Pakistani government, including the prime minister, who is also the chairman of the council, the federal minister for Kashmir affairs and five members of the Pakistani national assembly nominated by the prime minister. Other members of the council include the prime minister of PAJK, who is vice-chairman, and six members from PAJK elected by PAJK

legislators. Any decision can only be approved by the council if there is a majority. The council's election becomes important as it provides an opportunity to PAJK members to come closer to the Pakistani establishment. For the members of the Jammu and Kashmir Council from PAJK, the institution is more of a platform to rise up the career ladder. For instance in January 2006 the election to the Kashmir council became a launching pad for the political career of Farooq Sikandar, the son of the then prime minister of PAJK, Sardar Sikandar Khan.

### **Subjects under the jurisdiction of the Azad Jammu and Kashmir Council**

The powers of the Azad Jammu and Kashmir Council are absolute. Article 35 of the PAJK constitution states: A Bill passed by the council shall not require the assent of the president, PAJK and shall upon its authentication by the chairman of the council become law and be called an Act of the council.

This means that the council is empowered to legislate on some subjects without the direct involvement of the PAJK legislative assembly. Article 34 of the constitution states that the validity of any proceedings in the council, the assembly or a joint-sitting shall not be questioned in any court. The status of the council is at par with the legislative body.

Besides key subjects like citizenship, defence and foreign affairs, which are the immediate responsibility of the Pakistani government, fifty-two subjects pertaining to PAJK are under the preview of the Azad Jammu and Kashmir Council (see Annexure 1).

The subjects under the jurisdiction of the council indicate the domination of the Islamabad-based council over PAJK's affairs. Even the laws regarding the issue of granting nationality or state subjects (essential document) are governed by the council. All the important sources of revenue mobilization come under the federal

list. The overriding powers of the Azad Jammu and Kashmir Council deprive the PAJK's executive of the powers to make independent decisions in terms of development and industrial plans. As the council exercises excessive financial control over various affairs of the territory, the budget formulation by PAJK is an exercise lacking any scope of initiative on the part of the elected PAJK legislature. Before the formation of the Azad Jammu and Kashmir Council, the Ministry of Kashmir Affairs of Pakistan was responsible for PAJK's administrative affairs. The creation of the council merely institutionalized the role of the Pakistani establishment in the governance of PAJK.

The institutional domination of the Pakistani federal government over PAJK has often led to inter-turf battles and crises-like situations. In May 2010, the prime minister of PAJK, Farooq Haider, opposed the appointment of the police chief, of the rank of inspector general, by the federal government without any consultation with him.<sup>20</sup> The prime minister also opposed the recall of the chief secretary without any consultation.<sup>21</sup> The institutional control of the federal government has often jeopardized the PAJK polity. In April 2010, two chief justices of the PAJK Supreme Court started performing their duties with each being backed by the prime minister and the president respectively. The trouble started when the prime minister dismissed Chief Justice Riaz Akhtar Chaudhry on the charge that he had acted in contravention of the PAJK constitution. He appointed a new chief justice while the president was away in Europe. The president, on his return, reinstated the dismissed chief justice, thus triggering off a constitutional crisis in the region. The prime minister's action was compared to the political misadventure by the then Pakistani President Musharraf when he dismissed the serving Pakistani Supreme Court judiciary in 2007 and replaced it with one more amenable to him. However, one of the reasons for

<sup>20</sup>[http://www.thenews.com.pk/daily\\_detail.asp?id=238907](http://www.thenews.com.pk/daily_detail.asp?id=238907)

<sup>21</sup>Ibid.

the crisis in the PAJK, the prestigious Pakistani newspaper *Dawn* argued in its editorial, was that the seniority principle was violated in the appointments of the judges to 'Azad Kashmir's' apex court and more regrettably, Pakistan's former prime minister Shaukat Aziz, as head of the Azad Kashmir Council, and the intelligence agencies had a role in making appointments which led to the crisis.<sup>22</sup> The matter was resolved after the active mediation of the Pakistani prime minister, Gilani, who is the chairman of the Islamabad-based Azad Jammu and Kashmir Council, a body which has the final say on judicial appointments. Both chief justices belonging to rival camps were asked to resign and a new chief justice was appointed.

## Migrants and PAJK politics

Of the forty-nine seats in the PAJK legislative assembly, forty-one are directly elected by the populace of PAJK, of which twelve are reserved for the people who migrated from the Jammu and Kashmir provinces in 1947. The number of refugees and their families living in different parts of Pakistan is said to exceed fifteen lakh.<sup>23</sup>

The allocation of seats for refugees living in Pakistan and people living in PAJK is disproportionate to their respective populations. For twelve seats of migrants form 29.26 per cent of the total number of directly elected seats whereas the number of migrant voters from these twelve refugee seats is 24.26 per cent of the total number of voters for forty-one directly elected seats out of the PAJK legislative assembly.<sup>24</sup> On an average 63,432 voters elect one candidate for one seat out of twenty-nine seats within PAJK whereas in the category of twelve refugee seats, 48,440 voters elect

<sup>22</sup>[www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/editorial/a-plea](http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/editorial/a-plea)

<sup>23</sup>'Kashmiri Refugees: Facts, Issues and the Future Ahead', Khalid Rahman, Ershad Mahmud, *Policy Perspectives*, Vol. 3, No.1, <http://ips-pk.org/content/view/450/259/>.

<sup>24</sup>Data from PAJK Election Commission.

one candidate. Nine of these constituencies are located in different parts of the Punjab while the remaining constituencies are scattered in the North-West Frontier Province, Baluchistan and Sindh (see Annexure 3.1).

The number of people who migrated from the Jammu province in 1947–48 is far greater than those of the valley. Yet, equal seats—six each—have been allocated for both sets of refugees. The data of the PAJK 2006 assembly elections reveals that there were 546,031 registered voters for the six seats for Jammu whereas there were only 35,256 voters for the six seats reserved for the valley refugees.<sup>25</sup> Though the number of seats is the same, the number of voters from the Kashmir valley is only .06 per cent of the total migrant vote bank. Even within the six seats for the Jammu division, the strength of the constituencies is uneven: LA5 and LA6 in Rawalpindi have 5,000 and 150,000 voters respectively. The political leadership of the region has often criticized the delimitation criterion.<sup>26</sup>

## **Why migrants preferred to settle down in the Punjab province**

In 1947, approximately 80 per cent of the migrants from the state settled down in the Punjab province of Pakistan instead of PAJK. Several factors contributed to this phenomenon—geographical, cultural and social. Most of the migration took place from the Jammu plains, geographically closer to the Sialkot district and culturally similar to the Punjab province. Compared to PAJK, Punjab offered more economic opportunities for the migrant

<sup>25</sup>Ibid.

<sup>26</sup>'Sultan Wants End to PAJK Reserved Seats', *Daily Times*, 19 December 2007, [http://www.dailytimes.com.pk/default.asp?page=2007%5C12%5C19%5Cstory\\_19-12-2007\\_pg7\\_38](http://www.dailytimes.com.pk/default.asp?page=2007%5C12%5C19%5Cstory_19-12-2007_pg7_38).

<sup>27</sup>Interview with Jammu refugees settled in the Punjab province of Pakistan.

community settled there.<sup>27</sup> Economist Mehboob-ul-Haq, the creator of the widely acclaimed Human Development Index (HDI), which is now universally accepted as a better alternative to Gross Domestic Product as an indicator for measuring a nation's overall prosperity, was one such Jammu immigrant. Pakistan's famed female singer, Malika Pukhraj, who migrated to Lahore during the 1947 riots, was born in Hamirpur Sidhdhar village, nine miles from Akhnoor in Jammu.<sup>28</sup>

### Controversy over refugee seats

In December 2007, former PAJK prime minister Sultan Mehmood Chaudhry demanded that the twelve seats of the PAJK legislative assembly reserved for Kashmiris settled in other areas of Pakistan be abolished, alleging that the Pakistani government manipulates these seats to hold 'our political system hostage. The ruling parties in Pakistan always manipulate elections for these seats and help install governments of their own choice in PAJK. This political blackmail should come to an end now.'<sup>29</sup>

Past experience demonstrates that candidates who are close to the ruling dispensation at Islamabad are able to win these seats. In 1975, Zulfikar Bhutto's Pakistan People's Party brought down the Muslim Conference government on the strength of these refugee seats.

In 1990, the Muslim Conference won all the twelve refugee seats and Nawaz Sharif, the then prime minister, boasted that his government had presented these seats to Sardar Qayoom as a gift.<sup>30</sup>

<sup>28</sup>*Song Sung True: A Memoir*, Malika Pukhraj (New Delhi: Kali for Women, 2003).

<sup>29</sup>[http://www.dailytimes.com.pk/default.asp?page=2007%5C12%5C19%5Cstory\\_19-12-2007\\_pg7\\_38](http://www.dailytimes.com.pk/default.asp?page=2007%5C12%5C19%5Cstory_19-12-2007_pg7_38)

<sup>30</sup><http://www.jammu-kashmir.com/archives/archives2006/kashmir20060614a.html>

Similarly in 1996, when Benazir Bhutto assumed power in Pakistan, these seats were won by the PAJK chapter of the Pakistan People's Party. The last electoral roll for these seats was done in 1980. There were cases where people fraudulently contested elections. In 1996, a politician was elected on a Pakistan People's Party ticket though it was found that he had illegally registered himself in the electoral list when he was not a state subject. Butt even became minister in the PAJK government.

Some of the PAJK leaders defend the importance of these seats and consider them an example of Pakistani benevolence towards the people of Jammu and Kashmir. 'The refugees from the Indian-administered Jammu and Kashmir settled in Pakistan can vote for Pakistan national assembly and Azad Jammu and Kashmir assembly. So there cannot be a double standard that on one side we enjoy the benefits from Pakistan while on the other we refuse to accept our linkage with that country,' said Atique Ahmed Khan, former prime minister of PAJK, taking a stand closer to the establishment line.<sup>31</sup>

## **Annexure**

### **Karachi Agreement official document**

The Agreement was signed by the following:

1. Honourable Mushtaque Ahmed Gurmani, minister without portfolio, Government of Pakistan.
2. Sardar Mohammed Ibrahim Khan, the president of Azad Kashmir.
3. Chowdhary Ghulam Abbas, head of All Jammu and Kashmir Muslim Conference.

## **Text**

<sup>31</sup>BBC Urdu interview on 22 September 2006.

- A. Matters within the purview of the Government of Pakistan.
1. Defence (as modified under . . .).
  2. Foreign policy of Azad Kashmir.
  3. Negotiations with the United Nations Commission for India and Pakistan.
  4. Publicity in foreign countries and in Pakistan.
  5. Co-ordination and arrangement of relief and rehabilitation of refugees.
  6. Co-ordination of publicity in connection with plebiscite.
  7. All activities within Pakistan regarding Kashmir such as procurement of food, civil supplies, running of refugee camps and medical aid.
  8. All affairs of Gilgit-Ladakh under the control of Political Agent.
- B. Matters within the purview of Pakistan Azad Kashmir Government.
1. Policy with regard to administration of AK territory.
  2. General supervision of administration in AK territory.
  3. Publicity with regard to the activities of the Azad Kashmir Government and administration.
  4. Advice to the honourable minister without portfolio with regard to negotiations with United Nations Commission for India and Pakistan.
  5. Development of economic resources of AK territory.
- C. Matters within the purview of the Muslim Conference.
1. Publicity with regard to plebiscite in the AK territory.
  2. Field work and publicity in the Indian-occupied area of the State.
  3. Organization of political activities in the AK territory and the Indian-occupied area of the State.
  4. Preliminary arrangements in connection with the plebiscite.
  5. Organization for contesting the plebiscite.



6. Political work and publicity among the Kashmiri refugees in Pakistan.
7. Advise the honorable minister without portfolio with regard to the negotiations with the United Nations Commission for India and Pakistan (Karachi agreement).<sup>32</sup>

Following are some of the significant powers which the council enjoys, which illustrates the magnitude of its influence over PAJK.

- A. Subjects to the responsibilities of the Government of Pakistan under the UNCIP Resolution, nationality, citizenship and migration from or into Azad Jammu and Kashmir, and admission into, and emigration and expulsion from Azad Jammu and Kashmir, including in relation thereto the regulation of the movements in Azad Jammu and Kashmir of persons not domiciled in Azad Jammu and Kashmir.
- B. Mineral resources necessary for the generation of nuclear energy.
- C. Banking, that is to say, the coordination with the Government of Pakistan of the conduct of banking business.
- D. The law of insurance and the regulation of the conduct of insurance business.
- E. Stock exchange and future markets with object and business not confined to Azad Jammu and Kashmir.
- F. Corporation, that is to say, the incorporation, regulation and winding up of trading corporations including banking insurance and financial corporations, but not including corporations owned or controlled by Azad Jammu and Kashmir and carrying on business only within Azad Jammu and Kashmir or, cooperative societies, and of corporations, whether trading or not, with object not confined to Azad Jammu and Kashmir, but not including universities.

<sup>32</sup>Azad Jammu and Kashmir constitution.

- G. Newspapers, books and printing presses.
- H. State property.
- I. Curriculum, syllabus, planning, policy, centres of excellence and standards of education.
- J. Sanctioning of cinematograph films for exhibition.
- K. Tourism.
- L. Duties of customs, including export duties
- M. Taxes on income other than agricultural income
- N. Taxes on corporations
- O. Taxes on the capital value of the assets, not including taxes on capital gains on immovable property.
- P. Taxes and duties on the production capacity of any plant, machinery, undertaking, establishment or installation in lieu of the taxes and duties specified in entries 42 and 43 or in lieu of either or both of them.
- Q. Terminal taxes on goods or passengers carried by railway or air; taxes on their fares and freights.<sup>33</sup>

City-wise allocation of the twelve refugee seats are as follows:

- Karachi (Sind province of Pakistan)—Two
- Rawalpindi (Punjab province of Pakistan)—Two
- Sialkot (Punjab province of Pakistan)—Two
- Jhelum (Punjab province of Pakistan)—Two
- Sohawa (Punjab province of Pakistan)—One
- Peshawar (North-West Frontier Province of Pakistan)—One

<sup>33</sup>Ibid.

<sup>34</sup>[http://www.ajk.gov.pk/site/index.php?option=com\\_content&task=view&id=2618&Itemid=142](http://www.ajk.gov.pk/site/index.php?option=com_content&task=view&id=2618&Itemid=142)

## 4

### **MIRPUR: AN ISLAND OF PROSPERITY AND GRIEVANCE**

‘I’M OF KASHMIRI ORIGIN, not a Pakistani-born,’ Liaquat Bhatti responded in an agitated voice to a person when he was referred to as a person of Pakistani origin in July 2009 at Coney Island in New York City.<sup>1</sup> Forty-nine-year-old Bhatti came to the United States of America in 1998 on a Pakistani passport from Mirpur. A few years later he got American citizenship. The story is the same for the half a million people who migrated from Mirpur, though most of them settled in Britain, not America.

Bhatti’s assertion of his identity as a Kashmiri arose from the fact that in his youth he belonged to the pro-independence outfit, the National Student Front, and then the Jammu and Kashmir Liberation Front. Both organizations stood for complete independence of the state of Jammu and Kashmir from India and Pakistan. Unlike most of the Mirpuri diaspora that has no problem identifying itself as Pakistani, some Mirpuris like Bhatti, who try to appropriate Kashmiri identity but don’t speak the language, become a point of ridicule. Their right to call themselves Kashmiri

<sup>1</sup>The author’s eyewitness account.

is often challenged by people living within the state and this further complicates the definition of the Mirpuri diaspora.

The grievances against forced displacement of Mirpuris due to the Mangla dam, the affluence of the people living in the Mirpur area of PAJK because of remittances and Kashmir insurgency are the primary factors that caused the politicization of Mirpuris. The early exposure to democratic structures of the West and material wealth facilitated the process, and due to their huge numbers, influenced the electoral process of many British parliamentary constituencies.

The diaspora is a cohesive group as compared to other sections of Pakistani or South Asian ethnic diasporas. One of the possible explanations is the homogeneity in the caste origins of the diasporic population, which provides scope for continuation of social bonding. Intra-caste and family marriages are quite common among the Mirpuri diaspora, thus further cementing the bonds.

This makes the political mobilization of the Mirpuri diaspora easier. The collective political and social power can be determined by the fact that they influence the electoral results of many British parliamentary constituencies and its influence on British foreign policy when it comes to South Asia (discussed later).

The Mirpuri diaspora settled mostly in Britain (popularly known as Pakistani Kashmiris) is in the forefront of the demand for independence of the state of Jammu and Kashmir. The initial political mobilization of the community occurred after the construction of the Mangla dam in the 1960s, which caused massive displacement. Mirpur's socio-economic indicators have undergone significant changes in the last sixty years, principally driven by remittances of migrants. This also caused among Mirpur residents an increased urge for empowerment, justice and identity. The Pakistani government often dismissed the resentment of Mirpur residents as India's conspiracy, an argument similar to

India's rationalization of the early phase of the Kashmir revolt in 1989 that was described as merely Pakistan-inspired.

Some pro-independence Mirpuri leaders demonstrate their presence by filing their nominations during the PAJK legislative assembly elections without signing the 'accession to Pakistan' clause, a prerequisite to contest elections in PAJK. Those nomination papers are invariably rejected, turning it into a symbolic exercise.

The first militant outfit of the state, the Jammu and Kashmir National Liberation Front was born in Mirpur. The diaspora funded the insurgency in the Kashmir valley in the early 1990s.<sup>2</sup> The funding decreased after the pro-Pakistan Hizbul Mujahidin and extremist groups like the Lashkar entered the fray. JKLF abandoned the path of violence and became a political organization.

A study of the evolution of Mirpur is crucial to an understanding of the Jammu and Kashmir tangle, diasporic studies and even extremism within the diaspora.

## Mirpur's history

Mirpur was the third-most populated district after Srinagar and Jammu.<sup>3</sup> It was founded nearly 600 years ago by Hazrat Ali Mira Shah Ghazi (also called Mian Mohammed Mir) and Gosain Budh Puri (also called Guru Govardhanwala Puri) who named the district after themselves, symbolizing the good relations between the Muslim and Hindu communities. At the eastern end of the town is Hazrat Ghazi's tomb and at the western end Gosain Puri's temple. It is widely held that if the population crossed the limits

<sup>2</sup>Personal interview with many members of the Mirpuri diaspora. The interviewees desired anonymity.

<sup>3</sup>According to the 1941 census, Mirpur district's population was 38,6655 against the total population of 40,21,616 in the state of Jammu and Kashmir. The density of Mirpur district was 238 persons per square mile against forty-seven persons per square mile for the whole state of Jammu and Kashmir in 1941.

of the gates of the town where the shrines were situated, Mirpur would be ruined.

The present-day Mirpur division comprises three tehsils—Mirpur, Bhimber and Kotli, and a niabat tehsil (a smaller unit) of Nowshera. Pre-1947, Muslims were a majority in this region, most of whom were Jats and Rajputs, who had served in the British army.<sup>4</sup> Most of the migrants who came from Mirpur to the Indian side in 1947 were Mahajans.<sup>5</sup> Others included a substantial number of Sikhs (who came from the neighbouring villages of Dadiyal and Ali Beig) and smaller numbers of other castes like Brahmins and Khattris as also Dhobis, Chheebas and Scheduled Castes.

### **Mirpur's Sufi traditions**

Sufism was instrumental in the peaceful spread of Islam in South Asia. The Qadiriyya-Qalandariyya cult of Sufi traditions is quite popular in Mirpur. Khari Sharif, located at the outskirts of Mirpur city, symbolizes the inclusive Sufi spirit which is a common link between people belonging to different castes and traditions. Sufi traditions became more famous with the popularity of the Bralevi school, which originated in the Gangetic plains. The school is a unique platform for the inter-community interaction of Muslims with non-Muslim communities of South Asia. The majority of the PAJK population adheres to the Bralevi school of thought, which is manifested by the large number of devotees at the *mazaars* of Sufi saints in the area, particularly the immensely popular Khari

<sup>4</sup>In Mirpur there were 3.10 lakh Muslims, 63,576 Hindus, 12,111 Sikhs and 88 Christians.

<sup>5</sup>According to the 1931 census 3,365 persons belonged to the Mahajan caste whereas 13,215 were Brahmins. But within Mirpur district, Mahajans were mostly concentrated in Mirpur tehsil and were influenced by the Arya Samaj movement.

Sharif. In the 1940s, the centres of the Bralevi movement migrated north from India and began establishing themselves for the first time in Punjab.<sup>6</sup> Mirpur was also affected by the migration; Bralevi control the majority of the mosques there. The movement intellectually counters the arguments of the Ahl-e-Hadis or the Deobandi-patronized movement, the Tablighi Jama'at (the Faith Movement) which considers the visits to dargahs like Khari Sharif heretic. In their paper, Sean Mcloughlin and Muzamil Khan point out that Z.H. Mirza (67), a former lecturer at Mirpur College and a member of the Ahl-e-Hadis, published a book attacking Hindu-like 'idolatry' at shrines such as Khari Sharif. He was charged with blasphemy for his public criticism, and is currently serving a sentence in Mirpur jail.<sup>7</sup> The efforts of the Ahl-e-Hadis to engage the best legal aid on his behalf have failed because, like the masses, important political figures in Mirpur, including lawyers, still value and respect the power of the saints at Khari Sharif.<sup>8</sup>

## Khari Sharif

Local residents say the Khari Sharif is located near the battlefield where Alexander fought the historic battle against Porus in 326 BC. The appeal of the shrine cuts across religious barriers. This is the place where two saints—Pira Shah Ghazi and Mian

<sup>6</sup>The author suggests *Pakistan: A Modern History* by Ian Talbot (New York: Columbia University Press, 2005), for understanding the role of Bralevi in the formation of Pakistan. Bralevi played an important role in making Jinnah's demand for Pakistan a popular demand of the Muslim community in Punjab and Sindh. Deobandis, a conservative school of Islam, backed the Congress.

<sup>7</sup>'Ambiguous Traditions and Modern Transformations of Islam: The Waxing and Waning of an "Intoxicated" Sufi Cult in Mirpur', Sean Mcloughlin, Muzamil Khan, *Contemporary South Asia*, Vol. 1, No. 1 (Abingdon, Oxfordshire: Carfax, 1992), pp. 289–308.

<sup>8</sup>Ibid.

Muhammad Bakhsh—who popularized the Sufi traditions in their respective times are buried. Mian Muhammad Bakhsh is famous for being the author of the classic epic, *Saif al-Muluk: Safar al-'Ishq* (The Sword of the Kings: The Journey of Love). Narrated metaphorically in the form of human relationships, the epic is a tribute to the permanence of God. Badi'a al-Jamal, a beautiful woman becomes a metaphor for God who lives on even after the death of her husband, Saif al-Muluk, an Egyptian prince. The epic did not openly challenge any of the prevailing social hierarchies of the time.<sup>9</sup> Also, unlike many other popular Sufi saints like Bhule Shah and Baba Farid who propagated their message during the Mughal rule and made anti-orthodoxy the main focus of their work, *Saif al-Muluk* is more of a romance with God.

Khari Sharif attracts large crowds both from PAJK and Punjab every Thursday evening. The shrine came under the control of the Ministry of Auqaf (religious endowments) in the early 1960s as a result of the nationalization policies of President Ayub Khan.<sup>10</sup> Fortuitously for the state, this coincided with the period of a mass exodus from Mirpur to Britain and, consequently, the dargah's income mushroomed to a current annual income of crores of rupees.<sup>11</sup> Indeed, it is said that the annual revenue from Khari Sharif exceeds all the tax collected in PAJK. In the past, the Maharaja of Kashmir would come to pay his respects at the shrine.<sup>12</sup> Today, plaques commemorate the official visits made by the prime ministers of PAJK.<sup>13</sup>

Sufi congregations are funded by Mirpur-born British residents. Many *ghaddi nasheens* (caretakers of the shrine) visit Britain where women queue up to receive a *taveez* (talisman).

<sup>9</sup>Ibid.

<sup>10</sup>Ibid.

<sup>11</sup>Ibid.

<sup>12</sup>Ibid.

<sup>13</sup>Ibid.



Sufi rituals are considered superstitious by some but the spirit of universal brotherhood and religious tolerance of Sufi saints cannot be dismissed. Some members of the second generation of immigrants see the first generation as unIslamic because of their Sufi traditions.<sup>14</sup> There is a section of the first-generation PAJK diaspora who were influenced by various revivalist Islamist movements such as the Tablighi Jama'at, which influenced the other Muslim communities settled in Britain.

The locals claim that in terms of population density, the Kotli district has the largest number of mosques in Pakistan compared to other areas. The construction of mosques and madarasas is funded by the diaspora, and Mirpur-born British residents send their wards to do short-term courses in religious study. A maulvi at Kotli, who imparts training to many British nationals, informs that in most of the cases the training lasts up to one year and is mainly focused on reading the Quran.<sup>15</sup> For many British-born residents with roots in Mirpur, the only connection with Mirpur is religious training. Parents are eager for their wards to acquire the knowledge of Islam and the teachings of the Prophet.<sup>16</sup> The training gives them a sense of identity and also provides comforting space to some of the marginalized British–Muslim residents in their respective societies. The wards go to Mirpur at a tender age; therefore, they do not have much say in the decision. Some Mirpur residents point out that the knowledge that the younger generations acquired in Mirpur, particularly in the Deobandi madarasas, is strictly religious or scripturalist and there is little knowledge about the Sufi traditions or living traditions which moulded the mixed South Asian societal set-up.<sup>17</sup>

<sup>14</sup>Email interview with Ali Daalat, a prominent Mirpuri community leader settled in Britain.

<sup>15</sup>Interviews at Kotli in January 2006.

<sup>16</sup>Ibid.

<sup>17</sup>For a better understanding of the evolution of Deobandi seminaries

## Migration as a historical process

Migration from present-day PAJK started in the early twentieth century when locals travelled to Mumbai to work primarily as seamen. An expanding railway network in the early twentieth century limited the use of boats as a means of transportation, but jobs at sea were the only occupation available to the inhabitants as the terrain was not conducive for mass-scale agriculture.

As the ocean trade started shifting from sail to steam, Mirpuris who had already worked as seamen took up jobs in coal-fired steamers. Since the bulk of India's trading was with Britain, Mirpuris became one of the first South Asian communities to settle in that country. Mirpuris continued to enroll themselves as seamen till the Second World War when coal-fired ships were finally phased out of service. With the ensuing boom in industrialization, more Mirpuris migrated to Britain to work as cheap labour.

## Major exodus and the Mangla dam

The second wave of migration from Mirpur took place during the construction of the Mangla dam, a mega hydel power project in the 1960s. The construction of the dam on the Jhelum river led to mass migration from the belt as all agricultural activity came to a halt. In fact, large parts of Mirpur and neighbouring hamlets were submerged in the reservoir of the dam. The British government granted 400 work permits to the displaced population of Mirpur. As the stories of the economic success of the diaspora spread, the migration continued in the coming decades, not just from Mirpur, but from Kotli and even some areas of Rawalkot. The real estate value in Mirpur shot up to be the highest in PAJK, easily equalling the flourishing cities of Lahore and Islamabad in

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in Pakistan, please read 'The Past and Future of Deobandi Islam', Luv Puri, <http://www.ctc.usma.edu/sentinel/CTCSentinel-Vol2Iss11.pdf>.

Pakistan.<sup>18</sup> The huge investment in real estate are made by the diaspora and this is an on-going phenomenon. The economic empowerment of Mirpuris impacted the socio-political structure of PAJK, giving them the clout to challenge the traditional power elite. Socially, the influence of the Sudhans and Rajputs on PAJK politics was tested by the Jat-Gujjar combine in southern PAJK in the early 1990s.

### Political grievance

The construction of the Mangla dam began in the mid-1960s during the reign of Pakistani President Ayub Khan. The geographical location of Mirpur provided the natural setting for the dam which resulted in wide-scale displacement—81,000 people are stated to be impacted by the dam.<sup>19</sup> The rehabilitation of the displaced populace was far from normal. Many were given land which was infertile and cut off from sources of irrigation.<sup>20</sup> Some alleged that they got inadequate compensation.<sup>21</sup> Although the dam benefited Pakistan by fulfilling its increasing energy requirements and contributed to the region's industrial development, the haphazard rehabilitation process angered the residents of Mirpur. British scholar Roger Ballard, an authority on the Mirpuri diaspora, points out that while the Mangla dam has brought electricity to everyone in Pakistan proper, those

<sup>18</sup>The author was told that a plot of 5400 sq. ft is available at Rs 40 million, the same price as some of the high-valued areas in Islamabad, the capital of Pakistan.

<sup>19</sup>*Internal Displacement in South Asia: The Relevance of the UN's Guiding Principles*, Paula Banerjee, Sabyasachi Basu Ray Chaudhury and Samir Kumar Das, eds (New Delhi: Sage, 2005), p. 66.

<sup>20</sup>Interview with Mohammad Shabir Aziz, a Mirpur resident, in Brooklyn, New York City, December 2008.

<sup>21</sup>Field interviews, January 2006.

unfortunate enough to live immediately upstream of the dam have had to bear the brunt of its environmental costs.<sup>22</sup> Much of the most fertile agricultural land, as well as the district's two market towns, Mirpur and Chaomukh, were submerged beneath the waters of the lake, besides impacting the infrastructure, and particularly, transport and communications.<sup>23</sup> The construction of the dam caused the maximum upheaval in the Dadiyal area, also a part of Mirpur district, which lost its road link with the Mirpur town due to the construction of the dam. A boat carrying a marriage party sank while crossing the river and more than fifty people were drowned. This triggered off violent protests from the locals and in the rebellion the local police station was taken over as well as the office of the sub-divisional magistrate.<sup>24</sup> Pakistani soldiers had to be parachuted to crush the rebellion.<sup>25</sup> A major chunk of the exodus to Britain took place from Dadiyal and this explains the formation of many groups such as the Anti-Mangla Dam Committee in that country. Many Britain-based leaders have frequently protested whenever delegations from PAJK or the Pakistani government come to Britain to raise their voice against the dam and its unsatisfactory relief and rehabilitation.<sup>26</sup>

## Impact of remittances

Mirpuris living abroad sent millions of pounds as remittances, either through legal channels where the money was deposited in

<sup>22</sup>'The Kashmir Crisis: A View from Mirpur', Roger Ballard, *Economic and Political Weekly*, 1991, pp. 513–17.

<sup>23</sup>Ibid.

<sup>24</sup>Ibid.

<sup>25</sup>Ibid.

<sup>26</sup>'Protest Arrangements against PAJK President Finalized', *News Network International*, 3 October 2003. See [http://www.jammu-kashmir.com/archives/archives2003/kashmir\\_20031003b.html](http://www.jammu-kashmir.com/archives/archives2003/kashmir_20031003b.html).

the PAJK branches of nationalized banks of Pakistan or through 'Hawala' or 'Handi' transactions.<sup>27</sup>

The remittances led to a construction boom in the belt as mansions started replacing small houses. Ballard states that in the 1980s, over 50 per cent of Pakistan's foreign exchange earnings came from the Mirpuri diaspora. A number of new housing colonies developed in and around Mirpur. Malls and big shopping outlets in the region owe their existence to the high purchasing power of the local population, unlike in other small towns of Pakistan with a similar area and population profile.

However, the remittances failed to boost the productive sectors of the economy. Except for shopping malls, there is hardly any other investment of the diaspora in the region. The locals believe that Mirpur could have been the ideal location for small-scale industry given its proximity to the Mangla dam, and Lahore and Islamabad. Moreover, not only was the terrain unfit for large-scale agricultural activity, but the construction of the dam rendered most of the land infertile. The on-going project to increase the height of the dam resulted in the loss of the historic dargah and the temple, which further angered the local population.<sup>28</sup> It is claimed that the mega project would lead to an increase in the power-generation capacity of the dam by 14 per cent annually, besides meeting the current 20 per cent less water storage capacity in the reservoir.<sup>29</sup>

An attempt was made to institutionalize the role of the diaspora in PAJK as it was given a seat each in the PAJK legislative assembly and the Azad Jammu and Kashmir Council.<sup>30</sup> The campaign to

<sup>27</sup>Hawala transactions are the illegal way in which money from one country is transferred to another without any entry into the official papers. 'Hawala' and 'Hundi' are colloquial terms used to describe these transactions.

<sup>28</sup>Interview with Nasir Ansari at Brooklyn, New York, in December 2008.

<sup>29</sup>[http://www.thenews.com.pk/daily\\_detail.asp?id=216899](http://www.thenews.com.pk/daily_detail.asp?id=216899)

<sup>30</sup>A seat each is allocated for the PAJK diaspora in the forty-eight-member PAJK Assembly and the Azad Jammu and Kashmir Council.

include the diaspora in policy-making institutions was started by a rich PAJK-born British businessman, Raja Munshi Khan, in the 1980s. Mirpur-born United States citizen Nasir Ansari, secretary general of the Jammu and Kashmir Plebiscite Front, postulates that the diaspora is helpless when it comes to contributing to the process of generating human skills in the belt as the PAJK legislative assembly lacks the authority to make vital decisions.<sup>31</sup> Both the members in the respective institutions are usually members of the ruling party of PAJK and it is a reward for the services provided by the diaspora in the form of financial contribution to the party.<sup>32</sup> The representation given to the diaspora has failed to usher in socio-economic progress in the region as it lacks the power to bring about major changes. The powers are vested with representatives of the federal government.

Most of the students in Mirpur who wanted to acquire qualitative education in the fields of engineering, management or medical science moved to Lahore, Islamabad or even Karachi. Many went to Britain for higher studies.

## Britain and Mirpur

South Asian Muslims are one of the most influential and conspicuous among Muslim immigrants. The vast majority of Britain's 1.6 million Muslims are from South Asia (around one million, two-thirds of whom are from Pakistan, less than one-third from Bangladesh, and the remainder from India).<sup>33</sup> The bulk of Muslim immigration to Britain took place from South Asia. A Chester University research study of 300 mosques for BBC News and the

<sup>31</sup>Interview with Nasir Ansari at Brooklyn, New York, in January 2009.

<sup>32</sup>Ibid.

<sup>33</sup>'After 9/11: British South Asian Muslims, Islamophobia, Multiculturalism, and the State', Tahir Abbas, *The American Journal of Islamic Social Sciences*, Vol. 21, o.3.

BBC Asian Network showed that 66 per cent of imams in Britain speak Urdu as a first language. And among South Asian Muslims, Pakistani imams form the largest constituent, that is, 145. Mirpuris, who stand for the independence of the state of Jammu and Kashmir from India and Pakistan, claim that half of the population (3.4 lakh) living in Britain on Pakistani passports originated in Mirpur. The figures of the 2001 British census department indicate that 23,171 persons have officially affirmed that they are Kashmiris.<sup>34</sup> Even those who registered their origin as Kashmiri were counted as people of Pakistan origin as Kashmiri was not an option in the self-identification box of the 2001 British census.

The figure clouds the real strength of the Mirpur pocket of PAJK in Britain. The total number of Pakistani nationals according to the census is 6.8 lakh and a vast number of Mirpuris prefer registering themselves as of Pakistani origin in order to avoid legal hassles.<sup>35</sup> The PAJK residents travel abroad on Pakistani passports. If they legally describe themselves as Kashmiri, this makes it difficult for them to get dual citizenship (Pakistani-British), which is necessary for them to travel to PAJK and vice-versa, but can only be done by accessing Pakistan. If they solely accept Kashmiri citizenship, they will have to surrender the Pakistani passport.

Ali Adalat, a prominent Mirpur-born British resident, points out that the British census department continues to count them as Pakistanis and he claims that to ascertain the real strength of the PAJK residents one has to take 80 per cent of the total Pakistanis

<sup>34</sup>Historically, the state of Jammu and Kashmir was known as Kashmir. As there are not many people from the Indian side of Jammu and Kashmir, it can safely be presumed that the majority of people who claim they are Kashmiris are from PAJK.

<sup>35</sup>Passports issued to the PAJK residents are the same as those for Pakistani nationals. The only difference is that in the nationality column 'AJK' is bracketed along with Pakistan.

and add 23,171 to it.<sup>36</sup> The political involvement of PAJK-born British residents has increased in the last few years. The fact that they have a different ethnic identity and a long history of migration to Britain was a vital part of this political mobilization.

## **Political mobilization of the Mirpur diaspora**

The political mobilization of the Mirpuris in Britain got an impetus after a flare-up in the Kashmir valley in 1989, though the process started a few years back as the community started finding an economic foothold in the region. The second wave of migration occurred in the late 1960s and by 1989, the diaspora had established itself in Britain. It started taking active part in political and social activities in large numbers rather than just worrying about economic survival in the 1960s. This coincided with the breaking out of the 1989 insurgency in the Kashmir valley.

The affluence acted as a catalyst in constructing an independent identity as the community members started calling themselves Kashmiris and not just Pakistani nationals. The past grievances of the Mirpur residents such as anger against displacement due to the Mangla dam, inadequate compensation by the Pakistani federal government and lack of democratic structure in the region contributed to this process.

<sup>36</sup>Email interview with Ali Adalat, a senior community worker. This is his claim and there is no way to get the exact figure. Still, it is a universally acknowledged fact that the Mirpuri diaspora is the largest among the entire Muslim population. In this book, I have quoted senior British journalists, who have stated that Mirpuris comprise 70 per cent of the Muslim diaspora population. Therefore, Ali Adalat's claim (he is a respected community worker), has some weight and is not off the mark. Several news reports put the figure as high as 800,000. It is a universally accepted fact that the Mirpuri diaspora is one of the largest Muslim diasporas living in Britain.



The Kashmiri-speaking Muslims initially relied on the Mirpuri diaspora for material support, which gave an international voice to the movement for Kashmir's freedom. Large funds were collected in Britain, particularly in Birmingham, in the name of the Azadi movement. For a section of Mirpur residents who were aggrieved because of the loss of the lands due to the Mangla dam construction, the movement for independence was also an opportunity to get back at Pakistan.

Britain had remained the centre of activity for many pro-independence activists. In 1971, a group of Mirpuris formed the United Kashmir Liberation Front and another created the JKLF in Britain, which spread its influence in other parts of the world. The Jammu and Kashmir Liberation Front played a crucial role in initiating an armed revolt against the Indian state in the Kashmir valley. Three members of the PAJK diaspora—Raja Abdul Qayoom, Jehangir Mirza and Majeed Ansari—came together and formed the Kashmir Liberation Army. They kidnapped an Indian diplomat, Ravindra Mhatre, at Birmingham on 3 February 1984 to pressurize the Indian state into releasing Maqbool Butt. Butt was accused of hijacking and blowing up an Indian Airlines Fokker in 1971 and the murder of a police intelligence officer in 1970. The kidnapping took Butt by surprise—he was on trial when the Indian diplomat was kidnapped. Mhatre's body was found on a farm in Leicestershire, central England, two days after he went missing. He had been shot three times in the head, chest and neck. The brutal murder was puzzling as there had been no negotiations with the Indian government on the issue.

In Srinagar, Judge Neel Kanth Ganjoo pronounced a death sentence on 10 February 1984 against Maqbool Butt. Abdul Butt, who was imprisoned in the Indian jail for twelve years for the same charge as Maqbool Butt, says that the kidnapping proved counter-productive as it gave the Indian government the opportunity to

justify the cases against them.<sup>37</sup> He believes that the kidnapping of the Indian diplomat was an important factor in the outcome of Maqbool Butt's trial. Many believe that it was a setback for the political mobilization of the Mirpuri community as the incident caught the attention of the British security agencies. Raja Abdul Qayoom, one of the accused was incarcerated in a British prison for eighteen years and then released.<sup>38</sup>

Britain remained the international focal point for the pro-independence activists who strove to highlight their cause after violence broke out in the Kashmir valley in 1989. As stated earlier, this coincided with economic improvement of the Mirpuri diaspora. The Mirpuri diaspora tried to internationalize the issue and found favour with a few British politicians mainly because the diaspora had a sizeable presence in a number of parliamentary constituencies in Britain. They influenced twenty to thirty British constituencies besides electing hundreds of councillors every year.<sup>39</sup> This is evident from the statements of various British foreign secretaries who have urged the resolution of the Kashmir issue.<sup>40</sup> The then foreign minister David Miliband wrote an article in the *Guardian* in 2009: 'Resolution of the dispute over Kashmir would help deny extremists in the region one of their main calls to arms.'<sup>41</sup>

The Mirpuri diaspora's mass support for militancy declined

<sup>37</sup>Interview with Abdul Butt in Mirpur in January 2006.

<sup>38</sup>Raja Abdul Qayoom left the pro-independence platform and joined the pro-Pakistan Jamiat-e-Islami after his return to PAJK in 2007.

<sup>39</sup>'UK Elects 3 Kashmiri MPs', Muzaffarabad datelined story in *Greater Kashmir*, 9 May 2010.

<sup>40</sup>'Kashmir Is on Top Priority of British Govt: Jack Straw', *News Network International*, 10 September 2003.

<sup>41</sup>'War on Terror Was Wrong', David Miliband, *Guardian*, 15 January 2009, <http://www.guardian.co.uk/commentisfree/2009/jan/15/david-miliband-war-terror>.

after pro-Pakistan militant outfits like the Hizbul Mujahidin replaced the pro-independence JKLF. Some of the Mirpur-born British citizens, who had supported the pro-independence struggle, became its critics. Others became critics of Pakistan's strategy on Jammu and Kashmir and were in the forefront of protests in Britain, organizing seminars around the world and making the problems vis-à-vis the Pakistani government a part of the discourse on Jammu and Kashmir. Shabir Choudhary, a Mirpur-born British citizen, argues it was Pakistan and not India, which limited the Kashmiri people's right of self-determination to right of accession as it never accepted that the people of Jammu and Kashmir deserved to be an independent nation.<sup>42</sup>

### **Identity formation of the Mirpur diaspora**

Forging the identity of any community is an evolving process, but for the Mirpuri diaspora it is a complicated one due to the political complexity of their place of origin. Pakistan refused to grant a provincial status to PAJK as it would dilute its claim over Jammu and Kashmir. The local cultural identities suffered at the cost of over-emphasizing the Islamic identity of the region. Though a large part of the diaspora calls itself Kashmiri, the Kashmiri-speaking population of the valley challenges that right. A cross-section of the Mirpuri diaspora asserts that Kashmiri identity is a territorial one and every resident who resides in the undivided state of Jammu and Kashmir has the right to claim it. They further add that linguistically, the non-valley portion of the state can be termed as the non-Koshur speaking portion of the state though they all belong to Kashmir state.<sup>43</sup> This claim is challenged by

<sup>42</sup>'Challenges, Options and Role of Kashmiri Diaspora', Shabir Choudhary, speech in a seminar arranged by the United Kashmir People's National Party in London on 25 April 2010.

<sup>43</sup>Koshur is the local word for the Kashmiri language.

many among the non-Kashmiri-speaking communities of the state: people living in Jammu, Ladakh, the Northern Areas (now officially declared by the Pakistani government as Gilgit–Baltistan), and even the Gujjars, despise giving up their own cultural identity for a Kashmiri identity. There were efforts among a section of the pro-independence diaspora to carve out an identity on the basis of Pahari, a language spoken in the region. *Chitka*, a Pahari literary magazine, and Apna, a television channel in Pahari, at Bradford are primary examples of this trend. (‘Chitka’ means morning sunshine in Pahari). Some of the members of the community are employing new media to promote awareness of the Pahari culture and also inculcate a feeling of cultural pride among immigrant families. The promotion of Pahari lacks any state patronage.

## **Pan-Islamist identity**

Some sections of the community, particularly the next generation of the diaspora, were not untouched by the waves of extremism in the Islamic world at the global level. The slackening of the traditional sources of employment also bred frustration as the textile mills in Manchester and the foundries in Bradford were shut down.

The 2005 London Tube blasts shook British society, exposing its vulnerability to Islamic terrorism. A year later, a terrorist plot to blow up ten United States-bound flights from Heathrow with the help of liquid explosives was revealed on 10 August 2006. Some members of the Mirpuri community were found to be involved. British and Pakistani intelligence agencies jointly exposed the plot that led to the arrest of the alleged mastermind, twenty-seven-year-old Rashid Rauf, a supposed Al-Qaeda operative. His father, Abdul Rauf, had immigrated to Britain from Mirpur. Rashid grew up in Birmingham, a place known for its high concentration of Mirpuris. He escaped from the custody of the Islamabad police on 14 December 2007 while offering prayers at a mosque. His lawyer challenged the alleged prison

break, maintaining that the Pakistani government was not willing to hand Rashid over to Britain.<sup>44</sup>

Rashid Rauf's case describes the change in the political priorities of a section of community. In the early 1990s, the Mirpuri community was involved with the pro-independence struggle in Jammu and Kashmir, which was also an attempt to create a political identity for the community. Now a section of mostly the second and third generation living in Britain is eyeing broader and universal Islamic causes. Oliver Roy states that the over-representation of Pakistanis in the British jihadist movements is primarily because Pakistan defines itself outside the model of the territorialized nation-state and because of the impact of faith-based schools which act as an obstacle to integration.<sup>45</sup> This has resulted in the radicalization of Islam which, according to Roy, is more due to globalization and deculturalization than its diasporic nature.<sup>46</sup> For the radicalized youth, the issue of Jammu and Kashmir is a part of the Islamic solidarity. Rashid Rauf is an example of this trend. He was married to a relative of Bahawalpur resident, Maulana Masood Azhar, founder of the Jaish-e-Mohammad, a leading terrorist outfit active in IAJK.

The Mirpuri Muslim community is one of the largest among the Muslim immigrants in Britain. The integration of the diaspora within the British mainstream is a priority and a challenge, but in order to achieve that, a proper understanding of the socio-political conditions of Mirpur is mandatory. The rising Islamophobia has unleashed a vicious circle of hate in some pockets of British

<sup>44</sup>'The Mysterious Disappearance of an Alleged Terror Mastermind', *Guardian*, 28 January 2008, <http://www.guardian.co.uk/uk/2008/jan/28/pakistan.world1>.

<sup>45</sup>*The Politics of Chaos in the Middle East*, Oliver Roy (UK: Hurst Publications, 2008), p. 69.

<sup>46</sup>*Ibid.*, p. 52.

society.<sup>47</sup> Tackling the Islamic grievances of the Mirpuri diaspora would be dealing with the symptoms and not the causes, which is also linked with their search for identity.

## Secular identity

There are enough cultural markers in Mirpur society that can give them pride in their local identity.

Muhammad Baksh's popular epic *Saif al-Muluk: Safar al-'Ishq* is one such example. With its message of brotherhood, compassion and tolerance, it is the richest gift Mirpur has given to Punjab and the non-Kashmiri-speaking parts of IAJK. In 2001, two Hindu teachers were kidnapped by a group of Lashker-e-Taiba operatives. In an attempt to alleviate some of the tension, one of the teachers started singing the folklore of *Saif al-Muluk*. The story touched the terrorists and they released the teachers. The incident highlights the need to encourage the local South Asian traditions which preach religious tolerance.

The British government should take steps to understand the problems of the Mirpuri diaspora from a cultural and political perspective and try to integrate the community with the rest of the nation by highlighting its secular aspect. This will promote harmony and religious tolerance, making it easier for the diaspora to live in mixed societies built on liberal and democratic values.

<sup>47</sup><http://www.guardian.co.uk/uk/2010/may/28/english-defence-league-guardian-investigation>

## 5

### LAND OF HUMAN TRAGEDIES

JOGINDER SINGH, A SIKH priest from Poonch, will never forget 9 January 2006 when he crossed the Line of Control into PAJK to meet his Muslim brother.<sup>1</sup> Singh was among the forty-odd persons from IAJK to be given the permission to visit their relatives across the Line of Control that day.

A million people on both sides of the Line of Control come from broken families, separated from each other even after six decades after the partition of India. In sharp contrast to the divided families in Punjab or Bengal, there is no single time-period when the families were splintered as displacement remained a constant feature of their lives in Jammu and Kashmir. The migration from one part to another continued even after 1947; it shot up during the 1965 India–Pakistan war and with the initiation of militancy in Indian-administered Jammu and Kashmir in 1989.

The partition impacted PAJK and adjoining areas of the Jammu region of IAJK. The Kashmiri-speaking population of the state was spared as the entire valley remained under India's control. In ethnic terms, the Line of Control divides the non-Kashmiri-speaking communities living in the Rajouri and Poonch areas in

<sup>1</sup>The author's eyewitness account in PAJK.

the Jammu division of IAJK and peripheral areas of the valley—Uri in Baramulla and Karnah in Kupwara. All these areas are located along the Line of Control and share their history, geography, ethnicity and language with PAJK.

Even if the present administrative boundary of the state becomes the *de jure* international boundary, the two parts of the state will always need a mechanism to facilitate civilian traffic on either side. The time-span of several decades has failed to lessen the yearning on either side for the restoration of historic ties. Approximately one out of four persons in the undivided state has a relative living across the Line of Control.

Migration from IAJK to PAJK occurred even after 1947; the second-largest wave—from the Rajouri–Poonch areas (IAJK) to Mirpur division (PAJK)—was seen during the 1965 Indo-Pak war. Although an important phase in the state's history, it has not found a significant place in the discourse.

## **1965 Indo-Pak war**

In 1965, Pakistan launched Operation Gibraltar and sent armed guerillas into IAJK, hoping to incite a revolt against the Indian administration. The Operation was apparently planned to take advantage of the rising anger against the Indian state, which was demonstrated by mass rallies and protests in the backdrop of several factors.

The Hazratbal agitation in the Kashmir valley, which started after Prophet Mohammad's relic was stolen from the shrine, resulted in an anti-India mobilization in December 1963 and early 1964. Immediately after Nehru's death, a series of steps were taken to constitutionally integrate the state with the Indian Union under the new prime minister, Lal Bahadur Shastri. On 21 December 1964, Articles 356 and 357 of the Indian constitution were made applicable to the state with the consent of the pliable state assembly by virtue of which the federal government could



assume the government of the state and exercise its legislative powers. On 30 March 1965, the nomenclature of the heads of the state and the government previously known as prime minister and Sader-e-Riyasat was changed to chief minister and governor in conformity with the pattern followed in the Indian provinces. Also, the head of the state was now to be nominated by the federal government instead of being elected by the state legislature. The original nomenclature had symbolized the special status of the state under the Indian constitution and its unilateral revocation angered the people and flared-up tensions in the valley.

The ruling National Conference was converted into a Pradesh Congress Committee. In response to a call for a social boycott of Muslim Congressmen by Sheikh Abdullah, people declined to attend their marriages, religious functions and funerals. The Pakistani government also objected, covertly suggesting that it would take drastic steps to resist the unilateral move of the Indian government.<sup>2</sup> The alienation of the people of the Kashmir valley towards the Indian state was increasing. All channels of communication and any chance of a reconciliation ended with Prime Minister Jawaharlal Nehru's death and Sheikh Abdullah's arrest on 9 May 1965. Nehru, ethnically a Kashmiri, was the most important link between Sheikh Abdullah and India because he had played a crucial role in winning over Abdullah to his side in the 1940s.<sup>3</sup> Despite the differences after the dismissal of Abdullah and his arrest, Nehru continued to maintain contact with the Abdullah family. Sheikh Abdullah and his team went to Pakistan

<sup>2</sup>In 1964, Pakistan had officially lodged a protest in the United Nations against constitutional integration of the state of Jammu and Kashmir with the Indian Union. The Pakistan foreign minister, Zulfikar Ali Bhutto, wrote to the Security Council: 'It is clear that the Government of India is deliberately set on defying the Security Council and "integrating" the Indian-occupied part of Jammu and Kashmir.'

<sup>3</sup>*Nehru's Kashmir Policy*, Balraj Puri, paper written for Nehru Centre, Mumbai 2010.

with Nehru's consent with a formula for a India, Pakistan and Kashmir confederation in May 1964. He returned to Delhi after hearing about Nehru's death and cried publicly. He confided to one of his friends that 'Had I learnt that Panditji's death was so near, I need not have gone to Pakistan [referring to his visit to that country] as I had settled the issue with him.'<sup>4</sup>

In February 1965, Sheikh Abdullah went abroad with his wife, ostensibly for the purpose of the Haj, and on 28 March 1965, he met Chou En-lai, prime minister of China in Algeria. His passport was therefore cancelled and he was arrested at Delhi airport on 9 May 1965. This caused further protests in the Kashmir valley.

Balraj Puri believes that the people of the Kashmir valley were in their angriest mood mainly because of the speedy integration of the state of Jammu and Kashmir with the Indian Union, but they still were not pro-Pakistan.<sup>5</sup> India's defeat by China in 1962 also gave the Pakistani army reason to believe that India's fighting capability had diminished.

The valley's response to Pakistan's guerilla tactics was muted. Academic Shabir Chowdhary pointed out grave tactical errors in Pakistan's strategy on the ground. The training manual of the infiltrators was faulty as there was no effort to understand the social milieu or even the language spoken in the valley.<sup>6</sup> Many soldiers were caught when they demanded wheat instead of rice.<sup>7</sup> According to military affairs scholar, Brian Cloughley, in 1965 their ('Kashmiris') interests lay more in tourists, woodcrafts and papier mâché than in aspiring for political freedom.<sup>8</sup>

<sup>4</sup>Ibid.

<sup>5</sup>Interview with the author in January 2007.

<sup>6</sup>'Kashmir and the 1965 War', Shabir Choudhary, *Jammu and Kashmir Insight*, p. 3.

<sup>7</sup>Ibid. See [http://www.jammu-kashmir.com/shabir/shabir\\_1998\\_10\\_1.html](http://www.jammu-kashmir.com/shabir/shabir_1998_10_1.html).

<sup>8</sup>*A History of the Pakistan Army Wars and Insurrection*, Brian Cloughley (Oxford University Press, 2006), p. 62.

Operation Gibraltar was opposed by some sections of the Pakistan military, including General Musa Khan. In his book, *My Version*, the retired general says that the Kashmiris of the valley were not taken into confidence about the operation that had been launched to liberate them.<sup>9</sup>

### **Campaign's success in the Rajouri and Poonch areas of Jammu**

Operation Gibraltar, masterminded by Pakistani major general Akhtar Malik, began in May–June 1965 when instructors in ‘irregular warfare’ from the Special Services Group based in Attock and Cherat were moved to Pakistan-administered Jammu and Kashmir and attached to the Azad Kashmir battalions of 12 Division.<sup>10</sup> The Pakistani army followed up its strategy by attacking Chamb in Akhnoor on 1 September 1965, strategically cutting off the only road link of India with the hilly Rajouri–Poonch belt.<sup>11</sup> The region, ethnically similar to PAJK, responded differently to Pakistan’s covert campaign, which was mostly carried out by soldiers from PAJK. The ethnic affiliation of the attackers made it easy for them to get a response from the people of the Rajouri and Poonch areas.

The Pakistani campaign to amalgamate the region got support from several quarters in this belt. The infiltrators easily blended within the local population, successfully capturing vast tracts of land. The Indian army was taken by surprise as the infiltrators got active support from some local Muslims in the hilly terrain. Pakistani infiltrators managed to control several important towns.

<sup>9</sup>[http://www.jammu-kashmir.com/shabir/shabir\\_1998\\_10\\_1.html](http://www.jammu-kashmir.com/shabir/shabir_1998_10_1.html)

<sup>10</sup>*A History of the Pakistan Army Wars and Insurrection.*

<sup>11</sup>The Akhnoor bridge connects the hilly areas of the Rajouri–Poonch belt with the rest of the country.

The campaign made rapid advances till India retaliated by crossing the international border and extending the arc of the attack to the entire western front, including the famous offensive in Lahore. The Indian offensive forced Pakistan to divert troops along its Punjab frontier and Indian troops were able to re-capture its lost positions in the Rajouri–Poonch area. India justified its move by saying that Pakistan had taken the initiative by violating the Indo–Pak international border at Chamb.

The recapture also unleashed retaliatory actions against the Muslims in the Mendhar area of Poonch district, suspected to have sided with Pakistan's campaign. This led to the second-largest displacement since 1947–48. Little notice was taken by the Indian political leadership until some activists from the state toured the area and reported the developments to India's home minister G.N. Nanda, who himself was born in Poonch.<sup>12</sup> Some steps were taken, resulting in approximately 70,000 Muslims being able to return safely to the Poonch district in Indian-administered Jammu and Kashmir.<sup>13</sup>

However, the steps proved to be too late and inadequate to convince around 40,000 people, who migrated from IAJK to PAJK, to return, according to the statistics of the PAJK government's department of rehabilitation and relief.<sup>14</sup> The PAJK government resettled these refugees in Chamb (1,771 families) and Jhang (7,969 families).<sup>15</sup> The PAJK legislative assembly passed an Act, known as the Chamb Act, for this purpose.

<sup>12</sup>Telephonic interview with Balraj Puri, who carried out field visits to the area and met India's home minister G.N. Nanda, and the then chief minister of Jammu and Kashmir, G.M. Sadiq, to apprise them of the situation in the region.

<sup>13</sup>Ibid.

<sup>14</sup>[http://www.rawalakot.com/Ershad\\_Page/Regugges\\_Khalid\\_Rahman\\_Ershad.pdf](http://www.rawalakot.com/Ershad_Page/Regugges_Khalid_Rahman_Ershad.pdf)

<sup>15</sup>Ibid.

Intermittent migration from one part to another continued from 1965 to 1989. The migration on a wide scale from IAJK to PAJK resumed after the military tensions escalated between India and Pakistan along the Line of Control in 1989. Pakistan provided cover fire to the militants infiltrating IAJK, which instigated a response from the Indian side. Infiltration of militants trained in PAJK started in 1989 and this also led to an escalation of military tensions along the Line of Control as Pakistani soldiers provided cover fire to the intruding militants.

The increase in shelling and crossfire at the border between April and July, 1991, saw a sudden spurt in migration, particularly from Panjani in Poonch. Almost 400 men, women and children migrated to PAJK.<sup>16</sup> In 2002, the military tensions between India and Pakistan—both nuclear powers—caused alarm in Western capitals. India mobilized its troops along the border and the Line of Control after the 13 December 2001 terrorist attack on the Indian Parliament. The exercise was called Operation Parakaram to put pressure on Pakistan to dismantle the terrorist infrastructure on its soil. The Line of Control became the scene of a military drama as civilian targets were hit. In Poonch, of the 3,452 families 1,354 migrated from the forward areas in Mendhar.<sup>17</sup> Similar migration took place from the Pahari-speaking belt of Kupwara.

Those who migrated after 1990 live in dingy refugee camps in PAJK and receive a monthly allowance of approximately Rs 1000 from the PAJK authorities.<sup>18</sup> Some of the families migrated to escape harassment by Indian security forces that accused them

<sup>16</sup>*Militancy in Jammu and Kashmir: The Uncovered Face*, Luv Puri (Promilla & Co. and Bibliophile South Asia, 2008), p. 42.

<sup>17</sup>Indian mainstream political parties raised this issue in the 2002 assembly election campaign. *The Hindu*, 28 June 2002.

<sup>18</sup>Visits to refugee camps in Mirpur and Muzaffarabad in January 2006.

of harbouring militants.<sup>19</sup> The migrants include families of some militants. The family of Sher Khan is one of them. Sher Khan was one of the five militants whose release from an Indian prison was negotiated by operatives of the JKLF in lieu of freeing Dr Rubiya Sayeed, daughter of Mufti Mohammad Sayeed, then the Indian home minister in the federal government. Dr Sayeed was kidnapped on 8 December 1989 in Srinagar while she was returning home from the medical college. Four militants belonging to the JKLF got into a passenger bus Dr Sayeed was travelling in and she was forced to get into a waiting car. The incident shook the Indian establishment as senior Indian ministers, Inder Kumar Gujral and Arif Mohammad, came to Srinagar. The then chief minister of the Indian-administered Jammu and Kashmir, Farooq Abdullah, opposed any swap deal but the federal government decided to go ahead and release the five militants. Sher Khan, though not a front-ranking militant, was one of the militants who were released. His name was recommended by Yasin Malik, as he had been requested by Sher Khan's mother to secure her son's release.<sup>20</sup>

Sher Khan's aged father joined him by crossing the Line of Control after he was harassed by the Indian security forces.<sup>21</sup> Sher Khan died in 2009 in mysterious circumstances. He was abducted and killed by unknown people in the Mirpur division of PAJK.

The nature of displacement in various phases of the state's history created a complex and poignant human tragedy. Migration took place in an atmosphere of fear and anarchy, and in some cases not every member of the family was able to cross the Line of Control. In some cases, only those members of the family who feared persecution crossed the Line of Control while others stayed

<sup>19</sup>Interviews with migrants in PAJK in January 2006.

<sup>20</sup>Interview with a senior JKLF militant commander.

<sup>21</sup>Interview with Sher Khan in January 2006 in Mirpur.

back. The case of Barkat Bi living in the last forward village of Poonch district and her husband, Niaz Mohammad, epitomizes the tragedy. It took forty-two years for the two to be reunited after Niaz secured a permit that allowed him to cross the Line of Control.<sup>22</sup> Barkat Bi was separated from her husband during the 1965 India-Pakistan war as her husband crossed over to Pakistan-administered Jammu and Kashmir. The lady came to know about her husband when he wrote to her from PAJK. The two were reunited on 21 March 2007. Mohammad Isaq was three years old when his father Niaz Mohammad left for PAJK.

There are many Muslim families in PAJK who have either Hindu or Sikh blood relations in Jammu and Kashmir. In 1947, in the Barmoch area of Kotli district, three Hindu families stayed back in PAJK and converted to Islam. Sheikh Sikandar, who is the son of Jivan Baksh (a Hindu) says, 'My aunt [father's sister] Sitto lives in Nowshera area [in J&K].<sup>23</sup> The last time we heard from her was a decade back when she had sent a rakhi for my father.' The neo-converts in PAJK are called Sheikhs. Habib-ul-Rehman, deputy director in the Social Welfare Department of PAJK, is one of the officials in the administrative machinery of the PAJK government. His father was a Hindu and got converted to Islam during the 1947 riots. Rehman says, 'Initially it was difficult for my father to face the circumstances as his entire family had left but then he developed new contacts. Anyhow the longing still exists to meet our Hindu relatives.'<sup>24</sup>

Thousands of women were abducted during the 1947 riots, brutalized, even forced into wedlock. For these women their reunion with their families was a bitter experience. Some of them

<sup>22</sup>A permit is a document which allows people to cross the Line of Control and meet their relatives. This document was created as one of the 'confidence-building measures' agreed between India and Pakistan.

<sup>23</sup>Personal interview at Kotli in January 2006.

<sup>24</sup>Personal interview at Mirpur in January 2006.

had to leave their children behind in PAJK and were immediately remarried only to face social stigma. Some of the children searched for their mothers when they grew up. Two Muslim brothers living in Muzaffarabad are trying to locate their Sikh mother and sister living somewhere in India. Iftikar (in his sixties) and Ijaz (in his fifties) are searching for their Sikh mother, Aatam Kour, who was separated from her parents during the partition, and their sister, Joginder Kour. In 1955, Aatam Kour was found by the Red Cross and her parents and brought back to India. She left her husband, Ayub Khan, and two sons in PAJK. She was pregnant at the time, and in 1958 she sent a letter to Ayub Khan with a photo of their daughter and herself. The photo is the only link through which Iftikar and Ijaz hope to find their lost family. Iftikar Akhtar says, 'We have longed since our childhood to see our mother and sister. We would be grateful if anybody can pass on any information or clue which can unite our family.'<sup>25</sup>

While some families continue to search for their separated female relatives, the opening of the Poonch–Rawalkot road across the Line of Control has succeeded in uniting some families. All such reunions are not as easy due to social taboos and difficulties in getting permit from governments on either side to travel across the LoC. Social conservatism coupled with familial resistance often prevents a happy outcome. Leelo Devi, now Leelo Begum, married a Rajput Muslim landlord, Raja Gulbar Khan. She could not meet her Hindu family members in Mendhar in IAJK for more than sixty-one years.<sup>26</sup> The resilience and determination of Leelo Begum's grandson, Tanveer Ahmed, was instrumental in uniting her with her lost family. Tanveer, a British citizen, overcame familial resistance and bureaucratic hassles, and tracked

<sup>25</sup>Message communicated through a common acquaintance who visited Jammu and Kashmir from PAJK in 2007.

<sup>26</sup>The author's interview with Tanveer Ahmed, grandson of Leelo Devi, in Jammu in March 2008.



down the village and contact details of his grandmother's separated family in the Mendhar area of Jammu and Kashmir. He left his job in Britain and camped in PAJK to make the meeting possible. In August 2005 the first contact was established. Leelo Begum telephonically spoke to her brother, Lekh Raj Sharma, living in the Mendhar area of Poonch in Jammu and Kashmir. The first question which Leelo Begum put to her brother was about their parents—Hari Sharma and Laxmi Devi whom she did not know had expired more than twenty years ago. The second was about her other brothers and sister. One of her brothers, Master Sita Ram, recently died while her sister, Laxmi Devi, who became a widow in 1947, and Thakur Dass, are still living. Tanveer applied for the permit document, succeeded in getting the same in March 2008, and met the family of his grandmother. Finally, in the summer of 2009, he was able to facilitate a meeting between his grandmother and her long-separated family.<sup>27</sup>

In a moving article after the reunion, Tanveer wrote, 'Meeting her siblings almost instantaneously wiped out my naani's (grandmother) misery and marginalization of the past sixty-two years. Mourning face to face over their deceased parents and younger brother could almost be described as a luxury they had been deprived of for decades. The happiness and joy of reunion overwhelmed that sorrow like a balm. Naani seemed young again—after all, the three siblings could only visualize each other in the shape and form of when they were last together in their late childhood—early teens. Her voice got inflection, she no longer appeared to be the chronic heart patient that she was. In the time we spent with her family, even her diet and consequently her body frame changed as she finally began to enjoy food. From my childhood, I had always wondered why she ate so little—the reason now became so abundantly obvious.'<sup>28</sup>

<sup>27</sup><http://beta.thehindu.com/opinion/op-ed/article22199.ece>

<sup>28</sup>Ibid.

Inder Kumari's tale is similar.<sup>29</sup> She gave birth to a daughter after being abducted in PAJK. When Inder was repatriated to IAJK in December 1948, she had to leave her one-year-old daughter behind. In March 2007 the Pakistani government gave permission to PAJK-born Jammu resident, Yuv Raj Gupta, to visit his birthplace. The daughter contacted Gupta in PAJK and asked for help in the search for her mother. Gupta located Inder and tried to facilitate a reunion between mother and daughter. Gupta records he had to face a lot of societal ostracism as he was accused of reopening past wounds and causing embarrassment to the community.<sup>30</sup>

Besides the displacement which causes separation, inadvertent straying across the Line of Control is an additional factor. Shehnaz alias Sayeda, a resident of Sumani in Mirpur, was arrested on 6 October 1995 in Poonch near the Line of Control.<sup>31</sup> She tried to commit suicide by jumping into the Jhelum but was saved by villagers on the Indian side of the state. A case was registered against her under the Egress and Ingress Act as she had entered IAJK without travel documents. She was convicted on 15 November 1995 to one year's imprisonment and a fine of Rs 500. During her detention in Poonch a jail official raped her; she gave birth to a girl on 6 October 1997. In August 2002, the Jammu and Kashmir high court in IAJK ordered that Sayeda and her six-year-old daughter be released from the prison, since the minor had been detained without any authority of law and for no fault of hers. Unfortunately, the court's verdict did not bring Sayeda relief as the Pakistani authorities refused to accept the child because she was born across the Line of Control, and was neither a citizen of PAJK nor of Pakistan. Finally, the intervention of human rights groups helped her return to Mirpur with the child. She committed

<sup>29</sup>Interview with Yuv Raj Gupta in Jammu in December 2007.

<sup>30</sup>Ibid.

<sup>31</sup><http://www.hindu.com/2002/08/04/stories/2002080403110900.htm>

suicide a year after her return to Mirpur—locals say that she was in a state of depression.

There are heart-rending tales of innocent children on either side of the Line of Control. Sadiq Mohammad, a fifteen-year-old boy from PAJK, lost his way while returning from Abbaspur near the Line of Control. He had gone to play cricket and found himself in Jallas in the Poonch sector in 2003. He was imprisoned in Kot Bhalwal jail for two years.<sup>32</sup> The fate of seventeen-year-old Nazir Mohammad Khan was similar. His pitiable condition was confounded by the fact that he is deaf and dumb.<sup>33</sup> Nazir inadvertently crossed the Line of Control and entered Kupwara from PAJK. He was arrested under the Public Safety Act, a legal provision by which you can keep a person behind bars without a sentence.

There are stories of friends, who have been yearning to meet for decades. Seventy-seven-year-old Manzoor Ahmed, a resident of Mirpur city of PAJK, longs to meet his Sikh friend's family living in the Transport Nagar area of Jammu. In 1995, he had got the visa to meet his friend Sukhdev Singh.<sup>34</sup> But at the last moment he had to cancel the programme for other reasons. Manzoor showed me the gift, still preserved, which he wants to personally present to his friend's family members. He says, 'I cannot forget the fact that it was my Sikh friend who saved my life at the risk of his own when mobs almost lynched my family in 1947–48 at Jammu city. I am alive today because of him.'

Stories of human compassion abound too. In 2006, the local residents of Bhimber in PAJK bid farewell to a Hindu lady from Akhnoor who had inadvertently strayed across the Line of Control a year before.<sup>35</sup> She was sentenced to prison for a year, but the

<sup>32</sup>Interview with Sadiq Mohammad at Kot Bhalwal jail, Jammu, in May 2004.

<sup>33</sup>Interview with Nazir Mohammad at Kot Bhalwal jail in May 2004.

<sup>34</sup>Interview in Mirpur, January 2006.

<sup>35</sup>Interview with the locals in Bhimber, PAJK, in January 2006.

entire village pleaded with the judge, asking that she should not be incarcerated. The village head decided to take her in and she stayed with the family for a year.

## Opening the Line of Control

For the divided families of Jammu and Kashmir, India and Pakistan's decision to open points along the Line of Control for civilian traffic, though restricted, was long-awaited.<sup>36</sup> 9,370 persons from both sides of the Line of Control have been reunited with their families till 9 April 2010 since the LoC was opened for civilian traffic on 7 April 2005. The two main routes of cross-LoC transit are Muzaffarabad–Srinagar and Rawalkot–Poonch. 5,899 from PAJK came to Jammu and Kashmir while 3,471 from Jammu and Kashmir crossed to meet their relatives in PAJK. 3,378 travelled to Srinagar from Muzaffarabad and 2,241 in the opposite direction. 2,269 travelled from Rawalkot to Poonch and 2,266 from Poonch to Rawalkot.<sup>37</sup>

Ninety-nine-year-old Nawab Din, a resident of Mirpur area, travelled to Rajouri to meet his son after a gap of four decades in August 2006.<sup>38</sup> Nawab Din was permitted to stay in Rajouri for a maximum period. When the time came, he refused to return to PAJK and moved the court to stay his deportation. He said he had no family in PAJK and begged to be allowed to stay with his son. He was granted an interim stay by the court. Seventy-year-old Syed Alam Shah also filed a writ petition in the state high court,

<sup>36</sup>The Srinagar–Muzaffarabad bus service was started on 7 April 2005. It marked the beginning of civilian traffic between the two parts of the state for the first time since 1947.

<sup>37</sup>10,000 divided Kashmiris have reunited in five years. *The Nation*, Pakistan, 9 April 2010.

<sup>38</sup><http://www.hinduonnet.com/thehindu/mag/2008/01/06/stories/2008010650110400.htm>

stating that being a permanent resident of the state of Jammu and Kashmir, he was entitled to stay in IAJK.<sup>39</sup> He was granted an interim stay by the court.

Some legal experts point out that the PAJK residents' plea was legally and politically valid. The IAJK constitution clearly recognizes the residents of Pakistan-administered Jammu and Kashmir as Indian citizens. The softening of the Line of Control opened up channels of political communication. During November–December 2006, Syed Shaukat Ali of the ruling Muslim Conference in the PAJK legislative assembly was allowed to visit the Indian side of Jammu and Kashmir. In 2006, the pro-India National Conference president, Omar Abdullah, toured PAJK.

Thousands of applications are still pending on both sides of the Line of Control. Ninety-nine-year-old Begum Jan, a resident of Karnah in the Kupwara district was waiting for permission to meet her son, sixty-one-year-old Ghulam Rasool who lives in Muzaffarabad.<sup>40</sup> Centenarian Sant Singh Tegh died on 16 September 2007 in Jammu with an unfulfilled wish to visit his native village in the Muzaffarabad district.<sup>41</sup> His ashes were immersed, as per his arishes, in Muzaffarabad where senior leaders of PAJK attended the immersion ceremony.

## Healing wounds

The mass displacement in 1947 and subsequent rehabilitation of the refugees created heightened communal passions. However, the passage of time has had a calming effect to some extent. The recent visits of PAJK residents to the colonies of PAJK migrants settled in

<sup>39</sup><http://www.hinduonnet.com/2006/10/13/stories/2006101304341500.htm>

<sup>40</sup>Prodigal son here turns out to be an officer in PAJK, Zulfikar Majid. *Greater Kashmir*, 2 October 2007.

<sup>41</sup>Interview with Sant Singh Tegh in Jammu in July 2007.

Jammu are testimony to this fact. In 2005, a delegation led by PAJK jurist, Abdul Majeed Malick, visited Bakshi Nagar in Jammu, where a large number of refugees had been relocated.<sup>42</sup> Another delegation of five PAJK migrants living in Jammu visited the region in March 2006.<sup>43</sup> They described their trip as an unforgettable emotional experience and thanked the PAJK Muslims for their warm hospitality, affection and respect. Two of the members belonged to the RSS, and all of them were victims of riots in PAJK.

The two engagements on either side of the Line of Control demonstrated the importance of people-to-people contact in reversing the decades-old hostility.

## Compensation

Unlike the migrants from Pakistan to India in 1947, the migrants of PAJK were not compensated fully for the properties they left behind. They received Rs 25,000 and a uniform tract of land. In Punjab and Bengal, the partition migrants were given compensation for the properties, which they left in the part which became Pakistan. However, the migrants from PAJK were denied the exact compensation for the properties they left behind because that area, in accordance with the Indian constitution is part of the Indian territory. The IAJK high court directed the authorities concerned to grant benefits to refugees from PAJK similar to those being provided to other displaced persons in the rest of India, but unfortunately, the directive was not followed.<sup>44</sup>

<sup>42</sup>During his tenure as chief justice of the PAJK high court, Abdul Majeed Malick adjudged the Northern Area as a part of PAJK. However the Supreme Court of PAJK turned down this judgment.

<sup>43</sup>Yuv Raj Gupta, Yash Pal Gupta, Raj Kumar Kohli, Shiv Das Sahni and Kulbhushan Kumar were part of the delegation.

<sup>44</sup>'Give Refugee Benefits: HC', *The Hindu*, 12 March 2003, <http://www.hinduonnet.com/2003/03/12/stories/2003031201911300.htm>.

Some PAJK migrants argue that since the authorities are in possession of the official records of the properties of PAJK refugees, it shouldn't be difficult to dispense appropriate compensation on the basis of the present land value. Raj Kumar Kohli, aged seventy-seven, a PAJK Hindu migrant to Jammu (IAJK), found during his visit to PAJK that his agricultural land is still in his name in the revenue record.<sup>45</sup> He spotted his land measuring 1,500 acres, which is being tilled by a local PAJK resident.<sup>46</sup>

The evacuee property in PAJK is known as Bait-ul-Maal. The bulk of such property is located in the urban centres where a large-scale migration took place in 1947–48. In Mirpur, some of the lands became part of the Mangla dam project. In Kotli, the old houses of Hindu migrants are intact and are leased out to local Muslims by the evacuee department.<sup>47</sup> In IAJK, the same system exists for the properties left by the Muslims, who migrated to PAJK or Pakistan. The records can be used to tally the relief offered to the families against the actual loss of properties in IAJK.

<sup>44</sup>Interview by the author with Raj Kumar Kohli in June 2006 in Jammu.

<sup>45</sup>Interview with Raj Kumar Kohli in Jammu in June 2006.

<sup>46</sup>Visit to Kotli in January 2006.

## 6

### FROM INDEPENDENCE TO JIHAD

‘THE LASHKAR OPENED TWO new camps for handpicked cadre to train them for suicide missions at Akas in Muzaffarabad and another camp in an area known as “Point”. We were initially trained by our handlers,’ Ajmal Amir Kasab reportedly admitted while he was being interrogated by the police in Mumbai.<sup>1</sup> Kasab is one among a group of ten terrorists, who was caught alive while the group was on a shooting spree in Mumbai in November 2008.

Kasab’s information that he was trained at Muzaffarabad indicates the importance of PAJK for the Lashkar outfit. The region shot to fame after the outbreak of violence in the Indian-administered Jammu and Kashmir in 1989.<sup>2</sup> Pakistan has confirmed India’s allegation that the Mumbai attack was the handiwork of the Lashkar, an outfit that was founded in the mid-1990s to wage jihad against India and free ‘Indian-administered Jammu and Kashmir from Indian rule’.

<sup>1</sup>‘The Armies of the Night’, *Outlook*, 15 December 2008. See <http://www.outlookindia.com/article.aspx?239225>.

<sup>2</sup>Militants made their presence felt by exploding a powerful bomb in Srinagar and carrying out an abortive attempt on the life of the deputy inspector-general of police at his residence on 17 September 1989.



The Lashkar group germinated in Pakistan's Punjab province and its inspiration came from Ahl-e-Hadis, a South Asian school of Islam that started within the Muslim community in the nineteenth century. The Lashkar selectively employed the narrative of the reform movements to justify its aims.<sup>3</sup> After the ban imposed on the Lashkar in 2002 by Pakistan, the Jamaat-ul-Dawa was established. Hafiz Saeed became its leader and the Lashkar-e-Taiba (LeT) came under the command of Maulana Zaki-ur-Rehman Lakhvi. Due to ideological affinity and the past connection, it is difficult to neatly distinguish the two groups despite the claims of leadership of both factions that they are separate entities. Rana Sanaullah Khan, who is the law minister in Punjab, asserts that the two are simply different wings of the same group.<sup>4</sup>

Like other extremist groups in South Asia, it was the influence of Saudi clerics and the Wahabi school which shaped the Lashkar's political ideology. In fact, in the aftermath of the recent split within the Jamaat-ul-Dawa, Professor Zafar Iqbal, one of the founders of the Lashkar, went to Saudi Arabia to seek the support of Saudi clerics to resolve the dispute.<sup>5</sup> Independent initiatives cannot be ruled out by some of the members without the knowledge of the other group. The Lashkar's prime target remains India but of late, various leaders of its

<sup>3</sup>The aims and justification of the terrorist acts cannot be entirely correlated to the teachings of Ahl-e-Hadis as within the sect there are varying political and ideological interpretations. Jamaat-ul-Dawa and its jihadi wing, the Lashkar-e-Taiba, aims to capture political power and form a caliphate. In sharp contrast, another Ahl-e-Hadis faction, Jamaat Ghuraba Ahle Hadith, desires that only after majority of the population becomes Ahle Hadith, will there automatically be an Islamic government.

<sup>4</sup>'Jamaat-ul-Dawa Easily Evades Ban', *Associated Press*, 24 February 2010.

<sup>5</sup>'Jamaat-ul-Dawa Splits', *Daily Times*, Pakistan, 14 February 2010. Hafiz Saeed is accused of promoting his Gujjar Muslim clan and ignored the rest of the leadership. The organization that once had a regimented structure has become a loose group due to intra-group rivalries between various sections of the leadership.

patron, the Jamaat-ul-Dawa in Pakistan, have also vented their anger against the United States.<sup>6</sup> The Jamaat-ul-Dawa leadership recently lampooned the United States for supporting India.<sup>7</sup> American installations are also on the target list of the Lashkar's offensive. The Lashkar's plot to attack the US embassy in Bangladesh was recently foiled.<sup>8</sup> The catchment area of the Lashkar cadre is the Punjab province of Pakistan where the majority of the migrants during partition settled down in 1947.<sup>9</sup> LeT has some support in Pakistan's Punjab, its most populated province, which is best explained by its estimated membership numbers: 150,000 people.<sup>10</sup> Moreover, the LeT's objectives have not changed after the 2008 Mumbai attacks. Hafiz Saeed, the founder of LeT, recently declared, 'There is only one solution to all the problems—liberate Indian-held Kashmir. Otherwise the option of jihad is open for us.'<sup>11</sup>

Most of the cadre for the Lashkar came from the Punjab province but it also had recruiting bases in PAJK and, of course, the training camps. The transformation of PAJK into a home of jihadi outfits was a result of several processes that were at work after 1989, both within the region and Pakistan in general. The region was

<sup>6</sup>Speeches are widely available online.

<sup>7</sup>'Pakistan Stakes Kashmir Rallies', *Al Jazeera*, 5 February 2010, <http://english.aljazeera.net/news/asia/2010/02/20102595610972162.html>. A senior leader remarked that 'India and its leaders are depending on American devil. But America is itself sinking, breaking up, running.'

<sup>8</sup>'3 Suspected LeT Men Remanded', *Daily Star*, 7 November 2010.

<sup>9</sup>Personal interviews with the terrorist recruits—Punjab was one of the worst affected in the communal holocaust which accompanied the partition of British India, which led to the creation of free India and Pakistan.

<sup>10</sup>This number was given by a mid-level officer in the ISI, who provided it to the *New York Times*. See 'Militant Group Is Intact Long After Mumbai Siege,' Lydia Polgreen and Souad Mekhennet, *New York Times*, 30 September 2009.

<sup>11</sup>'26/11 Mastermind Hafiz Saeed Taunts Chidambaram', M. Zulqarnain, PTI, Lahore, 5 February 2010.

pivotal for militant operations as it bordered the Kashmir valley and the militancy-infested areas of Jammu. More importantly, it was one of the stakeholders in the Jammu and Kashmir issue.

PAJK was employed as a training base for militants, who came from the Indian side of Jammu and Kashmir in the late 1980s. Yasin Malik, the chairman of the JKLF(Y) and one of the pioneers of militancy in the state, publicly admitted the fact when he visited PAJK as a member of the delegation of the All Parties Hurriyat Conference.<sup>12</sup> Malik expressed his gratitude to the people of PAJK as he said, 'When we used to go to Azad Kashmir every household was our hideout.'

PAJK was a logistical and training base for militancy and many residents of the region fought in IAJK in the later years. Initially, the locals of PAJK joined the JKLF formed by Amanullah Khan, which believed in the independence of the state of Jammu and Kashmir; the territorial limits of the ideal free nation matched with the state's under the Maharaja's rule.<sup>13</sup>

## Pro-independence student politics in PAJK

The villages of PAJK are dotted with memorials and stone plaques built in remembrance of the youths killed in combat operations against the Indian forces. The involvement of these youths in Jammu and Kashmir militancy can be better understood from the various changes witnessed in the student politics of the region.

<sup>12</sup>On 3 June 2005, a nine-member delegation of the All Parties Hurriyat Conference arrived in Muzaffarabad. The delegates were Mirwaiz Umer Farooq, Maulvi Abbas Ansari, Abdul Ghani Butt, Muhammad Yasin Malik, Bilal Ghani Lone, Muhammad Abdullah Tari, Muhammad Yaqoob Wakil, Ghulam Muhammad Butt and Fazl-e-Haq Qureshi.

<sup>13</sup>The JKLF was an off-shoot of the student wing of the National Student Front, a cadre of educational institutions of PAJK who believed in the independent state of Jammu and Kashmir.

Compared to the Indian-administered Jammu and Kashmir, student politics in PAJK was very active and organized. Student bodies of varied political ideologies like pro-independence and pro-Pakistan ones, operated widely in this part of the state at the time of their mobilization. In 1987, General Zia-ul-Haq imposed a ban on student union elections in Pakistan and the ban was extended to PAJK. However, the youth organizations continued to function and their influence among the youth was determined on several factors, including the situation in Pakistan and covert or overt patronage from the Pakistani establishment.

The pro-independence student groups remain an important component of political mobilization in PAJK. The student outfits revived in PAJK in 1962 as the partition of the state caused temporary suspension of student politics. A group of pro-independence student activists toured different colleges of PAJK, motivated to participate in the resolution of the Jammu and Kashmir issue. A consensus was evolved, which led to the formation of the Jammu Kashmir National Students Federation (JKNSF). The first ever student's convention was held in Mirpur in 1964. Some of the pioneers of the student movement in PAJK later joined regional electoral politics in PAJK, and even went on to hold key administrative positions. One example is Mumtaz Hussain Rathore, who became prime minister of PAJK in 1990.

The JKNSF strove to solve the problems of the students, to work for the freedom of Jammu and Kashmir by mobilizing public support for an independent Jammu and Kashmir and for democracy in PAJK, and struggled to shift power from the federal government to the PAJK government.<sup>14</sup>

Activists of the JKNSF were also inspired by socialist ideas and began calling themselves a nationalist group, suggesting that the state

<sup>14</sup>Interview with Dr Mohsin Shakeel, an ex-student leader, at Mirpur in January 2006.

of Jammu and Kashmir as it existed under the Maharaja was a nation. The federation developed contacts with student organizations in Pakistan, which also opposed the status quo in PAJK. The other student group that played a key role in those days was the Azad Student Federation (ASF), a break-away faction of the JKNSF.

The pro-independence groups contested the argument that the Muslim-majority region of Jammu and Kashmir should naturally become part of the Islamic Republic of Pakistan. They launched several protests against the PAJK government. Their first big agitation was against the president of PAJK, Abdul Hameed Khan, in 1967; they opposed his visit to attend the convocation in Mirpur College.<sup>15</sup> Many of the students were arrested on charges of sedition and incarcerated for varying lengths of time; some like Sabir Ansari were imprisoned for more than a year. The defence of PAJK rules, which are usually exercised on enemy agents, were applied to them. The JKNSF was also active in the Anti-Mangla dam agitation in the 1960s.

Some of the pro-independence groups were also established in Pakistan as a large number of PAJK students were enrolled in different educational institutions in Pakistan. The Jammu and Kashmir Students Organization (JAKSO) was the first student body outside the region and it was formed in Lahore in 1962. The main purpose of these groups was to mobilize support within progressive and left-wing student groups within Pakistani society for independence. It was an attempt to change the dominant sentiment among Pakistani citizens, which was in favour of acceding to Pakistan. However, the students of PAJK supported and participated in various pro-democracy movements of Pakistan, even participating in the anti-Zia campaign in the 1980s.<sup>16</sup>

The pro-independence student leaders manned important positions in other pro-independence political groups like the

<sup>15</sup>Interview with Sabir Ansari at Mirpur in January 2006.

<sup>16</sup>Interview with Shajreel, a student leader in Punjab University, Pakistan.

JKLF. The present chairman of the JKLF, Sardar Sagheer Khan, was president of the JKNSF in the 1980s. The present president of the JKLF in PAJK, Sabir Ansari, is one of the founders of the JKNSF. In the early 1990s, veterans of the JKNSF who were not interested in joining any other political party, joined to form the Jammu Kashmir National Awami Party (JK NAP), a small political party with a socialist ideology.

## **Violence in Indian-administered Jammu and Kashmir**

There are some in PAJK who perceive the 1989 violence in IAJK as a continuation of the process which started in 1947 when locals rebelled against the Maharaja's administration. This section of the population believes that a part of the territory was 'liberated from the oppressive Maharaja administration, while the rest of the state remained under the control of India'.

The idea of independence is popular in PAJK and it was the main reason why the populace supported the JKLF insurgents as they infiltrated IAJK in 1989. For the proponents of independence, theoretically, India and Pakistan are both 'illegal occupants of the state of Jammu and Kashmir'. Pakistan is also vilified by this group of people for not allowing the establishment of democratic institutions within the region.

In the 1980s, most of the pro-independence youth leaders came under the command of Amanullah Khan, originally a resident of Gilgit. Khan lived in Srinagar as a student, and was wanted by the Indian security agencies for his involvement in the killing of Indian diplomat Ravindra Mhatre in Birmingham, for which Maqbool Butt was hanged by the Indian court. An Interpol warrant has been issued in his name. Amanullah Khan's party office is located at Rawalpindi. Khan also played an important role in the political mobilization in the region by organizing marches of unarmed men in February and October 1992 to cross the Line of Control. This step was taken to symbolically demonstrate that Jammu and

Kashmir was a unified entity and to nullify the importance of the Line of Control. The marches of unarmed men attracted global attention and emphasized the disputed nature of the territory. The Pakistani army used force to halt these marches and, in the process, killed several JKLF members and supporters. Khan claims that the Pakistani administration had assured him full support for the march but went back on its word.<sup>17</sup> In what Khan claims was Pakistan's first act of sabotage, troops opened fire on JKLF volunteers as they tried to cross the Line of Control on 11 February 1992. The Pakistani army may have supported training new recruits in the JKLF and clandestinely helped the operatives cross over into IAJK. But it never admitted this fact.

Allowing unarmed marchers to reach the Line of Control under the media glare would have been a violation of the agreement between India and Pakistan. This would have embarrassed the Pakistani army, so the decision to open fire on the JKLF was not surprising.

The Pakistani army soon started supporting Hizbul Mujahidin, which supported the state's accession to Pakistan. The main blow to the armed struggle of the pro-independence group came as a result of the rivalry between Amanullah Khan and Yasin Malik, which ultimately divided the JKLF cadre in the region. While Yasin Malik, a Kashmiri-speaking Muslim, got the bulk of the support in the valley, Amanullah Khan's influence was confined to PAJK.<sup>18</sup> According to Amanullah Khan's group, the second siege at Hazratbal in Srinagar in March 1996 was a trap laid by Yasin Malik and his operatives in coalition with the Indian army. Thirty-seven members of Amanullah Khan's faction, including their leader Shabbir Siddiqui, were killed in two separate incidents on

<sup>17</sup>The author's interview with Amanullah Khan at Rawalpindi, Pakistan, in January 2006.

<sup>18</sup>Amanullah was born in Gilgit and he is not ethnically a Kashmiri-speaking Muslim.

24 March and 29 March near Hazratbal in 1996. The two factions had been on warring terms after Amanullah Khan had replaced Yasin Malik in the commander's post with Shabbir Siddiqui in September 1995. Yasin Malik, after his release from prison in May 1994, gave up arms and opted for the Gandhian ideology of peaceful struggle. He formed his own outfit, which he claimed to be the 'real JKLF'. Several members on either side of the Line of Control left Amanullah Khan and joined Malik.

The difference between the two groups initially erupted during negotiations with the Indian government regarding the release of Rubiya Sayeed, daughter of the then Indian home minister, Mufti Mohammad Sayeed. Rubiya was abducted by the JKLF on 8 December 1989; just six days after the V.P. Singh–BJP coalition came to power. After a series of parleys between the government and the militant leadership, the Indian government gave in to the militants' demands—the Yasin Malik faction wanted Abdul Hamid Sheikh, Sher Khan, Noor Mohammad, Altaf Ahmed and Javed Ahmed released from prison, whereas the Amanullah group wanted to use the opportunity to gain political mileage such as demanding the reduction of troops.<sup>19</sup>

Besides the pro-independence student groups active in the region, the ruling Muslim Conference also established its student wing, the Jammu Kashmir Muslim Student Federation (JKMSF) and the Pakistan People's Party in Azad Jammu and Kashmir formed the People's Students Federation (PSF). The groups stood for the state's accession to Pakistan. In 1974, the Jamaat-e-Islami, which believes in the Islamic state, established itself in the region and soon after, its student wing, the Islami Jamaat-e-Tulaba (IJT) reached out to the colleges in PAJK. In 1986, President Zia banned the student bodies and this impacted the

<sup>19</sup>Interview with Haq Nawaz, district president of the JKLF (Amanullah group) at Kotli in January 2006.



student bodies in PAJK as well. The pro-independence leaders allege that the ban was imposed to weaken the JKNSF as it was gaining popularity among the students. Organizations like the Islami Jamaat-e-Tulaba could depend on the strong structural and financial base of their respective patron parties in Pakistan, but the pro-independence groups did not enjoy this advantage. As compared to the youth groups allied to the mainstream parties of Pakistan, pro-independence groups faced a shortage of financial resources. Pakistan's patronage of the Hizbul Mujahidin seems to be a part of the well-thought-out strategy that took shape during President Zia's reign, which will be detailed later. The Hizbul Mujahidin suited Pakistan's policy over the state of Jammu and Kashmir as it aimed to impose Islamic law whereas JKLF was a secular and nationalist grouping. The Pakistani state's claim over the state of Jammu and Kashmir is due to its Muslim majority character and the Islamic stand of the Hizbul Mujahidin suited its agenda.

The Pakistani unit of the Jamaat-e-Islami and Jamiat-Islami (PAJK) proved to be an instrument to advance the Pakistani state's strategy in Jammu and Kashmir. The impetus to organizations like Islami Jamaat-e-Tulaba came after the Pakistani government decided to rope in the Jamaat-e-Islami to organize the Hizbul Mujahidin and lead the armed movement across the Line of Control against Indian troops.

## **Jamaat and Hizbul Mujahidin**

The Jamaat-e-Islami was founded in 1941 by Maulana Syed Abdul A'ala Maududi in British India in 1941 and was split in three parts—the Indian, the Pakistani and an independent unit in IAJK—after the partition. A fourth unit was set up in PAJK in 1974. Some Pakistani authors like Arif Jamal hold the view that that it was done to slow down the spread of secular ideas in the

region. He writes that in 1980, General Zia-ul-Haq met Maulana Abdul Bari, leader of the PAJK chapter of the Jamaat-e-Islami, in Rawalpindi.<sup>20</sup> The author quotes Bari as stating that Zia decided to contribute to the US-sponsored war in Afghanistan in order to prepare the ground for a larger conflict in Jammu and Kashmir.<sup>21</sup> Zia reportedly told Bari that the biggest share of the international and American financial assistance would go to 'whoever trains the boys from Kashmir'.<sup>22</sup>

According to Jamal, a constitution was finalized on 10 June 1990 and the IAJK chapter of the Jamaat-e-Islami nominated one of its members as the leader of the Hizbul Mujahidin, virtually turning the organization into a subsidiary of the Jamaat-e-Islami.<sup>23</sup>

The role of the Jamaat was critical in the establishment of the Hizbul Mujahidin, one of the first important and formidable pro-Pakistan militant outfits in the state. It provided ideological resources as well as the cadre to the Hizbul Mujahidin. The Jamaat-e-Islami has also been publishing a magazine *Jihad e Kashmir*. Mohammad Yusuf Shah, alias Pir Syed Salahuddin, the Jamaat-e-Islami's district amir in Srinagar, was appointed the first patron of the Hizbul Mujahidin in June 1990. 'Amir' is an Arabic word meaning commander. Under the constitution of the Hizbul Mujahidin, which was heavily influenced by the Jamaat, a patron, amir and chief commander will comprise the organization's executive body. The patron had the authority to appoint the amir, and the amir had the power to pick a chief commander. The Jamaat appointed its nominee as the patron of the Hizbul Mujahidin.<sup>24</sup> By appointing Mohammad Yusuf Shah, district amir

<sup>20</sup>*Shadow War: The Untold Story of Jihad in Kashmir*, Arif Jamal (New York: Melville House Publishing, 2009), pp. 108–09.

<sup>21</sup>*Ibid.*, p. 110.

<sup>22</sup>*Ibid.*

<sup>23</sup>*Ibid.*, p. 143.

<sup>24</sup>*Ibid.*, p. 144.

of Jamaat-e-Islami in Srinagar, as patron of the Hizbul Mujahidin, an attempt was made to enhance the visibility of the organization in the Kashmir valley.

Many of the students in PAJK affiliated with the Islami Jamaat-e-Tulaba later on joined the ranks of the Hizbul Mujahidin. Before joining the Hizbul, Aamir Hafiz, a resident of Pothi Bala in Rawalakot, was a Jamaat-e-Tulaba activist.<sup>25</sup> His classmates recall that Aamir was a bright student and also the editor of his college magazine. He was killed in 1995 while crossing the Line of Control. Sardar Hafiz Khan, Aamir's father, became the head of the local unit of the Jamaat-e-Islami after Aamir's death. The local mosque was renamed after Aamir.<sup>26</sup>

The ascendancy of the Jamaat-e-Tulaba threatened the pre-1990s monopoly of pro-independence youth groups like the Nationalist Student Front. Fights between group members became a common feature on the campus where they tried to demonstrate their strength. In 1994, Pervaiz Ashraf Magrey, an activist of the JKNSF, lost his leg in an encounter with members of the Jamaat-e-Tulaba. The JKNSF was challenging Jamaat-e-Tulaba's practice of letting Hizbul operatives stay in the hostels of the Azad Jammu Kashmir University. Magrey complains that none of his attackers were arrested or tried, as militants of pro-Pakistan outfits enjoyed official patronage in both PAJK and Pakistan.<sup>27</sup>

The Hizbul claims that its struggle in Jammu and Kashmir is not a religious war. However, some of the evidence indicates a contrary aspect. For instance, a Kotli-based Hizbul militant confided that he had lived in Raghunath Mandir for two months under an assumed identity in 2001.<sup>28</sup> The temple was attacked twice in the year 2002

<sup>25</sup>Email interview with Zafar Iqbal, president of Press for Peace and a friend of Aamir Hafiz in August 2007.

<sup>26</sup>Ibid.

<sup>27</sup>Ibid.

<sup>28</sup>Raghunath temple is one of the most revered Hindu temples in Jammu

though the militant did not mention his involvement with the attack. His stay in the temple raises questions over the motives.

However, organizations like the Lashkar have been quite clear about ideology. Lashkar has carried out attacks on Gujjar Muslims and Hindus. They have also carried attacks on civilian areas in India, including religious places.

## **Impact of developments in the Frontier and Afghanistan**

PAJK- and the Jammu and Kashmir-centric militant organizations were affected by some of the events that took place in the adjoining North-West Frontier Province of Pakistan and Afghanistan. The Soviet invasion displaced lakhs of Pashtuns living in Afghanistan to the Frontier province. The region was an important staging post for the Mujahidin and the CIA to launch operations in Afghanistan in the 1980s. The ascendancy of the Taliban in Afghanistan also encouraged similar political forces across the Durand Line, which separates it from Pakistan.

The North-Western Frontier Province became a refuge for the Taliban after the US assault. Even though Pakistan had once had institutional links with the Taliban, it supported the US war. In 1998, Osama bin Laden formed the International Islamic Front for Jihad; the conglomerate included Jammu and Kashmir-centric militant organizations such as the Lashkar-e-Taiba and the Jaish-e-Mohammad. Hizbul Mujahidin commander Syed Salahuddin, and his comrades, went to Afghanistan to meet the Hizbul-e-Islami chief, Gulbadin Kekmatyar, which indicates that attempts were made by the Hizbul leadership to forge ties with other extremist international groups.<sup>29</sup>

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and Kashmir. Built by the Dogra monarchs, it is situated in the heart of Jammu city.

<sup>29</sup>*Shadow War: The Untold Story of Jihad in Kashmir*, p. 154.

The North-West Frontier Province was also an important training base for militant outfits like the Lashkar and Jaish.<sup>30</sup> The Frontier acts as an inspiration for jihadis. The graveyard of Sayyid Ahmed, who argued that it was incumbent on Muslims to fight for the spread of Islam, is located in Balakot in the Frontier province, an area close to PAJK. Sayyid Ahmed had begun a reformist campaign to establish an Islamic state in India in the 1820s and described it as 'jihad'. In 1826, Sayyid Ahmed defeated the Sikhs and his followers gave him the title 'Amirul-muminim', a title assumed by the Caliphs.<sup>31</sup> Ahmed was able to capture Peshwar in 1830 though he was killed the following year along with six hundred of his followers.<sup>32</sup> Following Ahmed's example, the Lashkar appropriated the term, describing the battle in Jammu and Kashmir as part of the struggle to establish an Islamic state. Even the Hizbul had connections with the developments in the Frontier and Afghanistan.

In *Shadow War* Jamal reveals how the Hizbul Mujahidin exploited the institutional resources of the Afghan mujahidin. Apparently, six Hizbul operatives, who were trained in communications at a university outside Peshawar in the Frontier Province, came in contact with the Afghan mujahidin leader, Abdur Rabb Rasool Saayaf, who in turn met Ali Mohammad Dar, the deputy amir of the Hizbul Mujahidin. Jamal suggests, hundreds of thousands of dollars, funnelled to the mujahidin from the US, were transferred to the Hizbul. Subsequently, many Hizbul cadres were trained in camps in Afghanistan—including at the camp Abu Jindal, which Osama bin Laden used for his May 1998 press conference promising to launch attacks against the United States.<sup>33</sup>

<sup>30</sup>Interviews with militant commanders in various places.

<sup>31</sup>*Islamic Revival in British India, 1860–1900*, Barbara Metcalf (New Jersey: Princeton University Press, 1982), p. 62.

<sup>32</sup>Ibid.

<sup>33</sup>*Shadow War: The Untold Story of Jihad in Kashmir*, p. 153.

The impact of the relationship of the Jammu and Kashmir-centric militant outfits with the extremist groups in the Frontier is visible in PAJK. In 25 December 2003, a twenty-three-year-old Jaish operative, Mohammad Jamil, unsuccessfully attempted to assassinate the Pakistani president, nearly a year after the Jaish-e-Mohammad was banned. Jamil was a resident of Rawalakot, the same region which is a recruitment base for the Pakistani army. Jamil rammed an explosives-laden car into the president's motorcade and killed fourteen persons in the high security zone of the Rawalpindi cantonment.

In his autobiography, *In the Line of Fire*, Pervez Musharraf writes:

His name was Mohammad Jamil and he came from a village in Rawalakot in Azad Kashmir . . . By far the most important evidence came from Jamil's diaries, which contained code names, real names, addresses, and many phone numbers. It took some effort, but our people broke the code within hours, and we got a lot of information, including a great deal of material on terrorist activities. Jamil's relatives said that he was working with an extremist religious organization and would sometimes disappear for months. He had received training from a terrorist organization in the Kotli area of Azad Kashmir and had gone to Afghanistan to participate in the Jihad outside the American led invasion in 2001. There he was arrested and imprisoned for nearly two years, until his father paid money to obtain his release. When he came back to Pakistan he was very bitter about the outcome of the war there. He was not the only one to take an oath to avenge the United States attack on Afghanistan by assassinating me.

The North-West Frontier Province and the Federally Administered Tribal Areas (FATA) in Pakistan are a source of

weapons and ammunition for PAJK. A minuscule section of the population has benefited from the illegal gun trade and some of the local politicians are allegedly part of the enterprise, particularly in Rawalakot. Illegal guns are used to settle local land disputes.<sup>34</sup>

Muzaffarabad district of PAJK shares a border with the North-Western Frontier Province. The population is primarily Hindu-speaking non-Pashtun. Some Indian writers like India's former High Commissioner to Pakistan, G. Parthasarathy believe that Pakistan deliberately caused demographic changes in PAJK.<sup>35</sup>

An almost similar debate rages in IAJK as many leaders like the chairman of the Tehreek-e-Hurriyat, Syed Ali Geelani, allege that India is trying to alter the Muslim-majority character of the state.<sup>36</sup> In Jammu too, there are stories propagated by the Hindu right that Muslims are migrating from Bihar and Uttar Pradesh into the state, thereby changing the demographic profile of the area.

The empirical evidence proves otherwise. The 2001 census in IAJK showed that the growth rate of the population of the Muslim-majority Kashmir valley, especially the Kupwara district with 38.5 per cent, was greater than the Hindu-majority Jammu district with 28.39 per cent.<sup>37</sup> The facts do not support the allegations levelled by some sections that the Indian government is trying to engineer demographic changes in the Indian-administered Jammu and Kashmir by settling in more Hindus in Hindu-majority Jammu.

<sup>33</sup>Ibid.

<sup>34</sup>Interview with Zafar Iqbal, founder of Press for Peace, in August 2007. Iqbal is from Rawalakot. He has done several research projects on the impact of jihadi groups on PAJK society.

<sup>35</sup>'Pakistan and China: The Manmohan Singh Approach', G. Parthasarathy, *Business Line*, 18 June 2004. See <http://www.thehindubusinessline.com/2004/06/18/stories/2004061800031000.htm>.

<sup>36</sup>'India Adopting Israeli Policy in Kashmir', Syed Ali Geelani, ANI, 19 October 2009.

<sup>37</sup>[http://www.censusindia.gov.in/Tables\\_Published/Basic\\_Data\\_Sheet.aspx](http://www.censusindia.gov.in/Tables_Published/Basic_Data_Sheet.aspx)

The state-subject certificate has been denied to a large section of people even though they have lived in IAJK for the last six decades. More than 5,000 families, most of them Dalit Hindus, migrated from Sialkot in Pakistan to the Jammu plains when communal riots rocked Punjab in 1947.<sup>38</sup> Although they were given Indian citizenship, they were denied the state-subject certificate so they cannot buy property, get employment or even vote in the assembly elections. The state-subject certificate is a vital document for anyone in PAJK to buy land, get a job or participate in the electoral process.

It is important to note that the reasons for migration from outside the region to the state are primarily economic. Even though IAJK lacks the impetus that PAJK enjoys from a large remittance-flow, it has the lowest proportion of population living below the poverty line compared to the rest of India.<sup>39</sup> Like IAJK, which attracts a large number of migrants from poverty-stricken states like Bihar and Uttar Pradesh every year, a large number of Pashtuns come to the relatively prosperous PAJK, fulfilling the demand for labour in the region.

Studies indicate that the social conditions in PAJK are better than the rest of Pakistan. Research done for the United Nations reveals that estimates of household consumption expenditure in PAJK are higher than the rest of the country.<sup>40</sup> Evidence indicates that in districts dependent on remittances, incomes and asset-ownership are higher. The reverse is also true: the two poorest districts of the seven in PAJK have fewer household migrant members.<sup>41</sup> Clearly, remittances not only increased income, but

<sup>38</sup>Jammu and Kashmir Revenue Ministry, IAJK.

<sup>39</sup>The state has the lowest population below the poverty line which is 3.48 per cent of the total population as against the national average, the Central Statistical Organization Survey, India.

<sup>40</sup>[http://www.un.org.pk/library/poverty/pov\\_biblio.htm](http://www.un.org.pk/library/poverty/pov_biblio.htm)

<sup>41</sup>Ibid.



also improved the physical and social capital of households and of the district.<sup>42</sup>

## The Punjab connection

Strong familial and cultural ties bind the people living in PAJK with the Punjab province of Pakistan. The ethnic and caste profile of the two regions is similar. The political elite of the neighbouring areas shapes the politics of some parts of southern PAJK. The Jat community in the Gujarat area of the province played a crucial role during the election to the 2006 assembly constituencies of PAJK, particularly in Bhimber district. The president of the People's Muslim League and former PAJK prime minister, Sultan Mehmood, blamed the Jat leadership for the alleged rigging in some electoral booths of Bhimber.

In the 2006 PAJK legislative assembly elections, Muttahida Majlis-e-Amal (MMA), an alliance of the Jamaat-e-Islami (JI), Jamiat Ulema-e-Islam (F), Jamiat Ulema-e-Islam (S) and Jamiat Ulema-e-Pakistan (N) religious parties, was unable to secure a single seat. The MMA ruled the North-West Frontier Province and Baluchistan till 2007–08. It rejects any change to the Jammu and Kashmir policy of Pakistan. The political ideology of the MMA was rejected by the electorate of PAJK. It was perceived to be a party of Pashtuns, and the ethnic and class differences prevented the coalescing of the politics of the two neighbouring regions. Even in the Frontier province, the MMA was defeated in the 2008 provincial elections and the Awami National Party, an ethno-nationalist party that believes in secular and federal politics, came to power.

However, Punjab's politics, because of similar caste and ethnic base, has potentialities of impacting the PAJK political scene. The

<sup>42</sup>Ibid.

southern belt of PAJK, which has a large Jat population, is influenced by the neighbouring area of Punjab like Sialkot, Jhelum and Gujarat. Similarly, the central and northern belt is impacted by the Rawalpindi district of Punjab. At present, the Muslim Conference is considered as an ally by the Muslim league due to Jinnah's 1944 decision that the Muslim League will consider the Muslim Conference as its representative in Jammu and Kashmir. Whenever the Muslim League decides not to abide by Jinnah's decision, the PAJK will become an extension of Punjab's caste politics.

The occupational profile of PAJK residents is similar to adjoining pockets of the Punjab province. The Rawalpindi area of Pakistan has a high presence in the Pakistani army, which is similar to central PAJK. A large section of the people living in Bhimber pursue agriculture, a pattern similar to the neighbouring Sialkot stretch. Mirpur's economy is dependent on large remittances from Britain as it is 50 per cent of the foreign exchange contributions of the entire diaspora which left the shore on Pakistani passport.

Also, a lot of residents in the Punjab province have roots in Jammu and Kashmir; in 1947, many migrants from Jammu and India made Punjab their home. This explains the strong emotional support for the 'Jammu and Kashmir cause' in some cities of the Punjab province such as Gujarawala, Sialkot and Lahore. The region provides the largest number of recruits to the Lashkar, which draws most of its recruits from Punjab province of Pakistan.

## **Ideological resources**

The Lashkar claims to get inspiration from the Ahl-e-Hadis school of Islam and the Jaish-e-Mohammad from the Deobandi school of thought. Although, the majority of Punjab's population adheres to the Bralevi school of thought, the Ahl-e-Hadis and Deobandi schools do have pockets of influence in the region.

The Ahl-e-Hadis believe that the sayings and actions of the

Prophet should be the practical guideline for Muslims. The Lashkar was founded by Hafiz Saeed, who left Shimla and settled in the Punjab province after the partition. Hafiz is the title conferred on a person who can recite the Quran from memory. The Lashkar recruits heavily from the central part of the province, and areas bordering Indian Punjab where other victims of the communal violence of 1947–48 and their succeeding generations live. The areas are a strong financial and political support base for the Lashkar's cause.<sup>43</sup> The complete elimination of all these *tanzeems* will require a grassroots intervention, which takes into account the political history of the state, and its political impact on the Punjab province of Pakistan.

The Jaish-e-Mohammad was founded by Maulana Masood Azhar, a Deobandi scholar from the Bhawalpur area of southern Punjab.<sup>44</sup> Many political organizations such as the Jamiat Ulema-e-Islam (Pakistan) also base their ideology on Deobandi thought. A Deobandi scholar acquires the title of 'Maulana' after an eight-year course in a seminary. Deoband is a school of thought in Islam founded in Deoband in Uttar Pradesh in the nineteenth century by three scholars—Muhammad Qasim, Rashid Ahmad and Imdadullah after the 1857 mutiny that caused considerable harm to the South Asian Muslim pride. The purpose was to prepare Islamic scholars for various roles as muftis who would interpret religious law for the general public, and maulanas who would be reformers. Darul Uloom, at Deoband, is Asia's largest Muslim seminary. Founded in 1866 it had 3,500 students in 2009.<sup>45</sup> The seminary

<sup>43</sup>Interview with Sarmad, joint director, Barghad, a non-profit organization in Gujranwala, Pakistan, at New Delhi in December 2007.

<sup>44</sup>Research paper 'Evolution and Impact of "Deobandi" Islam in the Punjab', Tahir Kamran, *The Historian*, the biannual research journal of GCU, Lahore, 2009.

<sup>45</sup>Interview with Maulana Adel Siddiqui, a functionary of the Darul Uloom at Deoband in July 2009.

depends on popular funding from the Muslim community and as a matter of policy doesn't take money from the state.<sup>46</sup>

Till the late 1980s, 25 per cent of the students at the seminary came from outside India. The number decreased considerably as the Indian government adopted a stringent policy about giving educational visas to students. Though there is no written policy that explains the restrictive visa policy, the presence of Muslim students from Pakistan and Afghanistan at Deoband is feared. Many scholars at Deoband maintain that a liberal visa policy will contribute to infusing the students with the Deobandi pedagogy in its true spirit that is neither incendiary nor extremist.<sup>47</sup> Interestingly, the Deobandi scholars from various parts of India gathered at Deoband in February 2009 and issued a fatwa against terrorism. Like in India, Deobandi are more organized in Pakistan when it comes to pooling resources for establishing Islamic seminaries based on the Deobandi curriculum, particularly in southern Punjab and the Frontier province. Around 65 per cent of Islamic seminaries in Pakistan are based on the Deobandi curriculum.<sup>48</sup>

Even though the Lashkar and the Jaish base their ideology on different schools of thought within Islam, the aims and justification of their acts of terrorism cannot be correlated to the teachings of either Deoband or Ahl-e-Hadis. The foundation and aims of terrorist groups should be seen from a particular political and social context that may be at variance with the larger ideology of the two schools of thought. Both the Deoband and the Ahl-e-Hadis schools are a product of the reform movement that started within the Muslim community in the nineteenth century and the terrorist organization selectively employed the narrative of the reform movements to justify their aims.

<sup>46</sup>Ibid.

<sup>47</sup>Interview with Maulana Abdul Latif, Professor, Darul Uloom Waqf, at Deoband in July 2009.

<sup>48</sup>'Evolution and Impact of "Deobandi" Islam in the Punjab'.

## American attacks

Several independent accounts have attested that extremist militant outfits are funded by the Pakistani establishment. Many terrorist organizations, whose training centres were established in PAJK, had headquarters in the Punjab province. A report published in the *Herald*, a Pakistani newsmagazine, gave vital details about the scale of funding to organizations such as the Tehrik-e-Mujahidin, Al-Omar Mujahidin, Jamiat-e-Mujahidin, Al-Fatah, Al-Jihad, Al-Barq, Tehrik-e-Jihad, the Islamic Front and Harkat Jihad Islami. These organizations were receiving between Rs 4 lakh and 7 lakh per month whereas larger organizations such as the Hizbul Mujahidin, Lashkar-e-Taiba and Jaish-e-Mohammad received five times as much.<sup>49</sup> The report claims that the financial support was ‘in addition to the funds that were paid for the logistics, communications equipment, weapons, explosives, food and trekking kits for the thousands of militants, guides and porters who infiltrated into Indian-administered Jammu and Kashmir every year.’

The attack on the World Trade Centre in New York and the Pentagon on 11 September 2001 resulted in important changes in Pakistan’s position on terrorism. In addition to supporting the US forces along the Durand Line, Pakistan made public pronouncements to crack down on militant groups targeting Jammu and Kashmir. The attack on the Indian Parliament on 13 December 2001 by Jaish-e-Mohammad operatives contributed to this process and resulted in the mobilization of troops along the India–Pakistan border.

On 12 January 2002, President Pervez Musharraf banned the Lashkar-e-Taiba and Jaish-e-Mohammad, along with three

<sup>49</sup>‘The Waiting Game’, *Herald*, a Karachi-based newsmagazine published by the Dawn group, August 2006.

other sectarian and religious extremist outfits, the Sipah-e-Sahaba (extremist Sunni organization), the Tehreek-i-Jafria Pakistan (militant Shia outfit) and Tehreek-i-Nifaz-e-Shariat Mohammedi, a militant outfit that took hundreds of volunteers to Afghanistan to fight the US troops.

The offices of the extremist terror groups like the Lashkar and Jaish were also closed in PAJK. In early 2004, under a rehabilitation programme for aged militants, Hizbul Mujahidin chief Syed Salahuddin promised a 40,000-rupee aid package and a stipend of 9,000 rupees per month for militants over thirty years of age who would marry and settle down in Pakistan.<sup>50</sup> The training camps which operated with impunity went underground for some time though the earthquake on 8 October 2005 gave them public legitimacy. Registering 7.6 on the Richter scale, the quake devastated northern PAJK where the officially confirmed death toll was 73,276 while over 100,000 people got injured.<sup>51</sup> The then prime minister of PAJK, Sikandar Hayat Khan, said he was 'ruling over a graveyard'.

The Pakistani army evacuated thousands of injured and carried out massive relief operations, but they had their limitations. Non-profit organizations like the Edhi foundation and Pakistan's civil society contributed enormously to the relief efforts.

In the absence of empowered political, social and economic institutions in PAJK, the Lashkar, reconstituted as the Jamaat-ul-Dawa to manipulate their way around the ban placed on them by the US, ran relief camps which included men who fought on the other side of the Line of Control with Indian security forces.<sup>52</sup> The

<sup>50</sup>Ibid.

<sup>51</sup>Azad Jammu and Kashmir government figures.

<sup>52</sup> The author's interview with Lashkar men at the Jamaat-ul-Dawa relief camp at Muzaffarabad (PAJK) in January 2006. LeT first developed in Pakistan's Punjab province and its inspiration came from Ahl-e-Hadis, a

Al-Rashid had men from Jaish-e-Mohammad.<sup>53</sup> These organizations had large funds at their disposal and ran better camps compared to government. Pakistani president, Pervez Musharraf, clearly stated that the relief camps of the militant outfits played an essential humanitarian role and would be monitored but not shut down.<sup>54</sup>

## Violence in PAJK and Punjab

The global consensus against terrorist organizations was an important factor in Pakistan's decision to take a hard stand on terrorism. As a result, the assets of terrorist outfits in PAJK were seized by the administration. There is also a vocal section within the political community of PAJK, which earlier supported the militant movement in Jammu and Kashmir but now believes that

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South Asian school of Islam that started within the Muslim community in the nineteenth century. The Lashkar selectively employed the narrative of the reform movements to justify their aims. After the ban imposed on the Lashkar in 2002 by Pakistan, Jamaat-ul-Dawa was established. Hafiz Saeed became its leader and the LeT came under the command of Maulana Zakir-Rehman Lakhvi. Due to ideological affinity and the past connection, it is difficult to neatly distinguish the two groups despite the claims of leadership of both factions that they are separate entities. Rana Sanaullah Khan, who is the law minister in Punjab, asserts that the two are simply different wings of the same group.

<sup>53</sup>Ibid.

<sup>54</sup>The Earthquake Reconstruction and Rehabilitation Authority (ERRA) and its affiliate in PAJK was constituted after the earthquake. Many law-makers alleged that the authority had been making false claims about the rehabilitation of survivors. In a press conference on 12 December 2006, PAJK legislator Mohammad Hanif Awan said, 'Official electronic media are constantly propagating that survivors in Muzaffarabad have been provided with accommodation along with other facilities in education and health care sectors. But practically the situation on the ground is still bad. The claims are nothing but a pack of lies.'

the organizations propagating jihad damaged Jammu and Kashmir. Former PAJK president, Sardar Abdul Qayoom Khan, observed that 'the worst damage to the Jammu and Kashmir cause has been caused by the Jihadis. Jihad has no future. It is over.'<sup>55</sup>

The Pakistani state's cooperation with the US and lack of public support to the jihad in Jammu and Kashmir caused violent events in PAJK and the Punjab province. Some Pakistani observers like Hassan Abbas believe the Jammu and Kashmir-centric jihadi groups for the attacks forged connections with Tehrik-i-Taliban Pakistan, Afghan Taliban and other militant groups based in the Federally Administered Tribal Areas and the North-West Frontier Province to carry out these attacks.<sup>56</sup> On 30 March 2009, a group of militants attacked the police training centre outside Lahore and killed eight police cadets. Earlier that month, terrorists attacked the visiting Sri Lankan cricket team, killing at least eight people. Suicide bombers stormed a Sufi shrine in Lahore in July 2010 and killed about fifty people and injured 200. The strings of attacks in the Punjab province were seen as an attempt to embarrass Pakistan internationally.

There is no single factor that describes the recent attacks in Pakistan and Pakistan-administered Jammu and Kashmir with respect to the infamous jihadi organizations that had bases in Pakistan and Pakistan-administered Jammu and Kashmir. There are multiple factors that are at work in Punjab province of Pakistan and PAJK. There is a possibility that some of the cadre of the Jammu and Kashmir-centric militant outfits allied with the Taliban in attacking Pakistani military installations. Some of the Kashmir-centric outfits were estranged from the establishment for restraining them, particularly during the Musharraf era.

<sup>55</sup>'Jihadis Have Done Worst Damage to Kashmir Cause', Sardar Qayoom, *Indian Express*, 15 May 2005.

<sup>56</sup><http://www.ctc.usma.edu/sentinel/CTCSentinel-Vol2Iss4.pdf>



A few months after the attack on the police academy at Lahore, on 26 June 2008, a suicide bomber blew himself up near an army truck in Muzaffarabad. Two soldiers were killed and three injured in the attack. The Tehrik-i-Taliban Pakistan claimed responsibility for the incident. According to the group's official spokesman and central Shura member, Maulvi Omar, the Tehrik-i-Taliban enjoys close links with the Lashkar and the Jaish as the latter fought with the Taliban.<sup>57</sup> Sunni extremist groups were suspected to have carried out attacks on a Muharram procession in Muzaffarabad on 28 December 2010. Another suicide attack on 6 January 2010 killed four Pakistani soldiers in the Rawalakot area of PAJK, which sends a large number of recruits to the Pakistani army.

### Existence despite ban

Ajmal Kasab, the terrorist captured in the Mumbai attack in November 2008, reportedly informed the Indian authorities during interrogation that his co-conspirators and he were initially trained in Muzaffarabad. Zaki-ur-Rehman Lakhvi, the chief commander of the Lashkar-e-Taiba, was arrested from Shawai Nalluh on the outskirts of Muzaffarabad town for his alleged involvement in the Mumbai attacks. Reincarnations such as the Jamaat-ul-Dawa continued to function openly till it was banned on 11 December 2008 by the United Nations for its alleged involvement in the Mumbai attacks.

Even then, the Jamaat-ul-Dawa and Lashkar continue to operate in the Punjab province and PAJK though with a less visible presence now. Empirical evidence demonstrates that the various crackdowns did not lead to complete annihilation of the terrorist infrastructure.<sup>58</sup> Some in India believe that Pakistan's action against

<sup>57</sup>[http://www.nefafoundation.org/miscellaneous/FeaturedDocs/nefa\\_ttp0709part1.pdf](http://www.nefafoundation.org/miscellaneous/FeaturedDocs/nefa_ttp0709part1.pdf)

<sup>58</sup>'FormerJihadiSaysLTRunningNewCamps', Reuters, 24 November 2009.

the Jamaat-ul-Dawa is an exercise to assuage global pressure. The same quarter believes that a section of the Pakistani establishment sees the Lashkar affiliates as a long-term asset in Pakistan's military strategy against India. The Lashkar also has an acceptance within several quarters of the country's civil society. This is reflected by the Pakistani state's analysis that the Lashkar has a total strength of 160,000 members, more than one-fifth of the Pakistani army.<sup>59</sup>

By the first quarter of 2010, the organization had openly re-surfaced in Muzaffarabad and the Punjab province of Pakistan. The organization held rallies on the occasion of Kashmir Solidarity Day in the month of February, an annual feature. Lashkar founder, Hafiz Saeed, also addressed several public meetings and also gave interviews to media organizations after a hiatus of more than a year. It is clear that organizations like the Lashkar and Jamaat-ul-Dawa are not seen as an existential threat to the Pakistani nation by some sections within the establishment and also the civil society. Allowing extremist outfits to carry on some of its operational activities openly can be seen as an attempt by the Pakistani state to mollify estranged Kashmir-centric outfits, who were allegedly involved in attacks within Pakistan.

The reasons for public support to the Jammu and Kashmir-centric jihadi organizations include the emotional response for the Jammu and Kashmir issue in PAJK and Pakistan, particularly in Punjab, and the Lashkar's public rhetoric to 'liberate Jammu and Kashmir from Hindu India'. Pakistan-administered Jammu and Kashmir and the Punjab province of Pakistan is a residential base for several families displaced from IAJK in various time intervals. The real or perceived injustices of the past become part of the community and neighbourhood psyche, and this may provide social acceptance to the activities of terrorist outfits such

<sup>59</sup>'Militant Network Is Intact Long After Mumbai Siege', *The New York Times*, 29 September 2009.

as the Lashkar in a few pockets of the society, who claim that they are fighting on behalf of the people of Jammu and Kashmir against the historical injustices perpetuated by the Indian state. The memories of displacement and conflict are a continuing feature for the affected population of Jammu and Kashmir living in PAJK and the Punjab province of Pakistan, and they have been internalized by some segments of civil society in the two regions. In addition to that, the jihad in Kashmir is presented as a necessity by organizations like the Jamaat-ul-Dawa to save Punjab's agriculture. Hafiz Saeed recently organized a rally of farmers in Punjab province and alleged that 'India is in the process of constructing several dams on Chenab, Jhelum and Indus rivers in a bid to completely stop flow of water towards Pakistan'.<sup>60</sup> Participants in the rally stated that Pakistan must keep open the option of using force if India continues with water terrorism.<sup>61</sup> However, of late, the Pakistani state demonstrated maturity when it stated that it would be wrong to blame India for Pakistan's water scarcity for agriculture as the irrigation inefficiency to fully tap the resources of the rivers is as high as 40 per cent.

The transformation of PAJK from being a base of the pro-independence militant movement of Jammu and Kashmir to becoming a platform for extremist religious movement was due to a combination of factors which were rooted in the political history of the state of Jammu and Kashmir, the priorities of the Pakistani state and also the impact of the emergence of radical groups within Pakistan that had direct connections with the Afghan jihad.

<sup>60</sup>'Movement against Indian Water Aggression', *The News*, Pakistan, March 8, 2010.

<sup>61</sup>Ibid.

## **CONCLUSION**

THE BOOK AIMED TO go beyond the official narrative and present an objective account of the situation on the ground in Jammu and Kashmir, and PAJK in particular, and reconcile the contesting views of India and Pakistan. Most of the scholarship on Jammu and Kashmir, its political or even contemporary history, has followed the standard official position of both countries, which has affected the objectivity of such work.

A realistic understanding of the contemporary developments in PAJK involves analysing complex factors such as the violent birth of the area, its institutional structure, the social base of the belt, its political urges and aspirations, its diaspora and other related issues. For this we must deal with the obvious and comprehend the independent processes and support structures within the society. For instance, it is widely understood that the Jammu and Kashmir conflict is the prime cause of extremism in PAJK and Pakistan. This book aimed to understand the societal and political reasons behind this trend. It also offers some opinions that may challenge the commonly accepted facets of the political history of the region. Cultural diversity within the Muslim communities of Jammu and Kashmir was one of the important factors for the bifurcation of the

state in 1947–48. Pakistan was supported by the Muslim leadership in present-day PAJK; the Muslim leadership in the Kashmir valley that was led by Sheikh Abdullah did not make that choice.

A sizeable quantity of partition-related literature can be found on either side of the border though most of it is based in Punjab. The communal violence that wrecked Jammu and Kashmir in 1947 is hardly mentioned. There is little historical record of the internal political circumstances that led to the violence in Jammu and PAJK. The pre-1947 history of Jammu and PAJK affected the events in 1947 as the lack of secular political institutions directly contributed to the violence in those parts.

The bulk of the literature on Jammu and Kashmir focuses on the Kashmir valley, which remained free of communal violence in 1947, and ignores Jammu and PAJK. *Across the LoC* tries to focus on the political processes that were at work in the state, as well as the situation in the Punjab province, which determined the course of events in both regions.

The study of the political institutions in PAJK and its relationship with Pakistan form an important component of this book. Granting federal autonomy to each respective unit of the state on either side of the Line of Control is being considered as one of the possible solutions to the Jammu and Kashmir tangle. Even pro-Pakistan political parties like the Muslim Conference and the Pakistan People's Party (Azad Jammu and Kashmir) frequently make feeble noises over the need to change the status quo, as do pro-India political parties like the National Conference.

One of the important challenges before the political executive in IAJK is to satisfy the diverse groups within the state which have become a liability instead of being assets in the absence of the institutional and societal space required for their constructive political engagement. There is an immense regional and ethnic tension between Jammu and the Kashmir valley. One way to

resolve this is to create institutions to accommodate diversities, and to grant powers to each section of the population. The range of diversity in PAJK is comparatively less. Still, there is a need for internal political reform in the region much like in IAJK. Political power in the region remained concentrated in central PAJK, where the leadership played a crucial role in 1947. The political elite from this belt is known for its luxurious lifestyle and decadence. It is sarcastically referred to as the Pajero culture after the fleet of Pajeros the elite own and their mansions, not only in PAJK but also in various parts of Pakistan such as Rawalpindi or rich enclaves in Islamabad. The ruling elite spend a considerable time in Islamabad, which is also considered the second capital of PAJK. Some of the senior leaders of the Muslim Conference have been accused of amassing wealth from the funds which were allotted to the PAJK government by the Pakistani government for the Kashmir struggle. The Sudhans, Rajas, Dhond and Abbasi caste groups living in the Haveli and Bagh districts of central PAJK led the revolt against the Maharaja and they were the principal beneficiaries of the political rewards and patronage from the Pakistani state. Joining the army was the chief occupation of these caste groups, which explains their participation in the uprising.<sup>1</sup> The British army recruited large numbers of men from the region, sending many of them to the far-off shores of Europe during the two world wars.<sup>2</sup>

The army as a career continued to be attractive even after 1947, only this time the Pakistani army was the one recruiting them. The former president of PAJK, Sardar Mohammad Anwar Khan, retired as a major general in the Pakistani army. He

<sup>1</sup>There is lot of local literature on the different caste groups in the Poonch region. One such source is *Tehreek-e-Poonch* written in Urdu.

<sup>2</sup>Different sources put the number of soldiers from present-day PAJK areas, particularly Rawalakot and Poonch, at approximately 60,000.

points out that the Bagh and Haveli districts have the highest representation in the Pakistani army.<sup>3</sup> Some of the top generals of the Pakistan army were from this region and held significant civilian positions in PAJK. Sardar Mohammad Anwar Khan was the president of PAJK and another Sudhan, Brigadier Hayat Khan, was appointed administrator of the region. He held this post for seven years in General Zia-ul-Haq's administration. Lieutenant General Mohammad Aziz Khan, a Sudhan, was an assistant to 'General Pervez Musharraf' during the Kargil war.

The critical role played by the Sudhans and other caste groups in the revolt gave a prominent role to the leadership which emerged from central PAJK. Leaders like Ibrahim Khan, Sardar Abdul Qayoom Khan, Sardar Atique Ahmed Khan and Sardar Muhammad Yaqoob Khan belong to this region.

Interestingly, the only significant and prominent rebellion against any decision of the Pakistani government also came from central PAJK. The removal of Ibrahim Khan in May 1950 resulted in what is famously known as the Sudhans uprising. However, the incident was an exception in the otherwise loyal relationship of the prominent and elite caste groups with Pakistan.

## A new elite

The Sudhans and other caste groups dominated the political and social life of the region. Remittances and the increased political profile of Mirpur residents settled in Britain created other elite social structures. In 1996, Barrister Sultan Mehmood Chaudhry, a Mirpur Jat, was elected prime minister of PAJK. This was the first time a Jat became the prime minister or executive head of PAJK.

<sup>3</sup>Interview with Sardar Mohammad Anwar Khan at Rawalpindi, Pakistan, in January 2006.

Around the same time, the Mirpur diaspora settled in Britain became increasingly politicized after the violence on the Indian side of Jammu and Kashmir attracted global attention. Barrister Sultan Mehmood Chaudhry's rise to power gave the Mirpuri settlers in the UK an opportunity to improve their status in Britain. Many among them started distinguishing themselves from the rest of the Pakistan community by calling themselves 'Kashmiri'. A campaign was started to back Kashmiri as a separate ethnic community; it was supported by forty-one MPs of the British Parliament.<sup>4</sup> The increasing politicization of the community was reflected in the local council elections of the area they inhabited in Britain. Birmingham, which has one of the highest concentrations of immigrants from Mirpur, saw the Justice for Kashmir party win five seats in the May 2000 city council elections.<sup>5</sup>

The economic and social dynamics in the past few years have empowered other areas such as Mirpur, which has benefited out of the economic clout of its diaspora. Large-scale political reforms are needed at various levels such as defining the relationship between PAJK and the Pakistani government to adequately empower the elected representatives rather than continue the present system of client-patron relations which has developed between some elite groups of PAJK and the Pakistani state.

PAJK is not a monolithic entity: there are visible structures of support in favour of Pakistan. Central PAJK is one of the recruiting bases of the Pakistani army—therefore, the area has a vocal constituency that is committed to accession to Pakistan. Interestingly, the same belt also has a strong presence in the pro-independence outfits like the JKLF. The southern part of the region is a strong centre of pro-independence politics. Issues

<sup>4</sup>*Kashmiri Exceptionalism: The Kashmir Valley*, Alexandar Evans (New Delhi: Manohar, 2008), p. 734

<sup>5</sup>Ibid.



like the poor rehabilitation of the population that was displaced as a result of the construction of the Mangla dam is a potent source of political mobilization for some of the groups that oppose Pakistan's policies on Jammu and Kashmir. The issue has even found resonance with the diaspora from the state that settled in Britain.

The study on the diaspora is one of the important elements of this book. In the West, they are considered part of the Pakistani diaspora. The massive remittances sent by the immigrants settled in Britain have boosted the local economy. The societal and political changes within the diaspora affected the region and most importantly, the social and physical worlds they resided in. Oliver Roy in his book *The Politics of Chaos in the Middle East* states that the over-representation of Pakistanis in British jihadist movements is primarily because Pakistan defines itself outside the model of the territorialized nation-state.<sup>6</sup> Many Pakistani scholars will dispute this reasoning as they will point out that Pakistan was formed after two representative parties, namely the Congress and the Muslim League, failed to reach an agreement on the issue of political, social and economic safeguards for minorities, and its founder, Jinnah, was a secular man. However, not many will disagree that after Jinnah, the elite emphasized its Islamic identity and went out of its way to show its proximity to the Middle East while underestimating Pakistan's South Asian roots.

The French academic Oliver Roy does not take into account the fact that the bulk of the Muslim population living in Britain is from PAJK. Madeleine Bunting, in the *Guardian*, states that the PAJK population in Britain accounts for a large part of the British Muslim population.<sup>7</sup>

<sup>6</sup>*The Politics of Chaos in the Middle East*, Oliver Roy (New York: Columbia University Press, 2008), p. 69.

<sup>7</sup>'Orphans of Islam', Madeleine Bunting, *Guardian*, 18 July 2005.

Since the 1970s, a part of the diaspora shared the idea of independence for the state of Jammu and Kashmir with other sections of the IAJK. While pro-independence sentiment is largely concentrated in the Kashmir valley of IAJK, it found supporters in the Mirpur area of PAJK. The idea had its roots in each region's respective societal and political factors. The support for independence is also due to the dissatisfaction of the diaspora with the institutional structure of the region. Pakistan claims PAJK is an independent country though its institutional domination is quite apparent.

For some second-generation immigrants in the UK, the conflict in Jammu and Kashmir has lost its specificity and is part of the injustices perpetrated on the Muslim community. Thus they tend to sympathize with trans-national jihadi movements that cannot be constrained to a particular region. The post-9/11 British policies that supported the US in its war against Iraq generated anger among the Muslim population, including the PAJK diaspora.

The immigrant community from PAJK is deprived of a cohesive and recognizable ethnic identity, and therefore finds refuge in a much broader Islamic identity. The first-generation immigrants tried to appropriate a Kashmiri identity only to be challenged by members of the Kashmiri-speaking Muslim community who claimed the immigrants spoke the local language and dialects of PAJK that bore no resemblance to Kashmiri. The British census too listed the PAJK community as of Pakistani origin since there was no provision for people of Kashmiri origin.

This book comes at a time when Pakistan is fighting a battle of sustenance. Twice in its history, the idea of jihad became popular among a section of Pakistan's civil society; one was to fight the Soviets in the 1980s and the second time to fight the Indian troops in Jammu and Kashmir. Some of the Lashkar terrorists trained in PAJK revealed that they joined the outfit moved by the plight of Muslims living in IAJK as they were told by their handlers that

Muslims were not allowed religious freedom in IAJK.<sup>8</sup> Mohammad Abdullah, a fifteen-year-old Punjabi-speaking youth, was trained in PAJK; he killed twenty-seven slum-dwellers in Jammu in July 2002.

The jihadi groups from the Pashtun belt are targeting Pakistani civilians as well as the symbols of the Pakistani state. PAJK may not meet the same fate because of the ethnic differences from the Pashtun belt. The Pashtun outfits will not evoke the same response from the local population of PAJK, who are culturally quite distinct from the Pashtuns and the political history of the two regions is quite different. Still, there is some indication that some of the former cadre of the Kashmir-centric militant outfits and Pashtun outfits like the Taliban may coalesce with each other. They have been responsible for several attacks in the Punjab province of Pakistan. The jihadis see any moderation in Pakistan's policies towards Jammu and Kashmir as antithetical to their approach.

PAJK was an important base for operation for several militant outfits. The ethnic differences between Kashmiri-speaking Muslims and the local Muslim community played an important role in deciding the leadership of these groups. Inevitably, the non-Kashmiri-speaking Muslim leadership was pushed to the margins in the valley-centric revolt. The battle within the Hizbul Mujahidin is a case in point. PAJK-born Sardar Sarwar Hayat Khan's group fought against the cadre of Kashmiri-speaking Muslim, Syed Salahuddin, for the mantle of leadership. This highlights the fact that the social and ethnic complexities or even ego clashes within various terrorist outfits played an important role in determining the course of events.

PAJK can be described as a land of human tragedy. This book focuses on the multi-dimensional humanitarian crisis afflicting the

<sup>8</sup>Interview of the author with the Lashkar militants in Jammu in August 2002.

divided families in the state since 1947. Lakhs of people continue to be separated from their families on either side of the Line of Control. India and Pakistan, in facilitating the interaction of divided families, have tried to bridge the divide. Still, the number of people who get permission to cross the Line of Control is very small. The softening of the LoC has created a significant peace constituency on both sides; its importance cannot be underestimated. The process of engagement between both parts of the state of Jammu and Kashmir requires the involvement of people at the grassroots level on either side of the LoC. The engagement will have a direct bearing on the threat of religious extremism.

The 2005 earthquake in PAJK and some parts of IAJK emphasized the urgent need for creating long-term institutional ties between the two regions. Many earthquake-hit areas of PAJK could have been better approached from the Poonch district of IAJK, but the lack of trust and security considerations prevented coordination between the two sides and relief was delayed.

A constituency is also emerging that desires normalization of the relations between India and Pakistan. In 2006, Sardar Atique Khan became one of the first pro-Pakistan PAJK leaders to invite the then chief minister of IAJK, Ghulam Nabi Azad. This was certainly a significant change as the pro-Pakistan leadership in PAJK had questioned the legitimacy of the political executive in IAJK for the last six decades. The attitude of receptivity was reciprocal as the IAJK political executive also allowed a few pro-Pakistani politicians from PAJK to visit the Indian side. The opening of the channels of communication between the people living on both sides of the Line of Control will go a long way in countering the propaganda of organizations like the Lashkar. The opening of the Line of Control led to meetings between PAJK Muslims and their Hindu and Muslim co-ethnic counterparts in the Indian-administered Jammu and Kashmir that has gone a long way in removing the biases of either side against each other.

Recent events indicate that the decades-old communal hatred can be shunned by encouraging points of engagement between the Hindu and Muslim communities in both regions.

The post-2003 peace process between India and Pakistan brought the two countries closer to a settlement on the Jammu and Kashmir issue, but the talks got derailed due to the events in Pakistan. The men responsible for the Mumbai attacks further pushed the brakes on the peace process that was gaining momentum. Enough progress has already been made to restart the process, but to lay a foundation of stable relations between India and Pakistan, and for promoting peace in South Asia, an understanding of each element of the Jammu and Kashmir tangle, especially the factors affecting PAJK, is essential. The joint statement issued by the prime ministers of India and Pakistan, after their meeting on the sidelines of the Conference of South Asian Association of Regional Cooperation (SAARC) at Thimpu in Bhutan on 28 April 2010, in which the two countries agreed to resume bilateral dialogue, had raised fresh hopes. But there are still many imponderables, including India's fears of fresh terrorist attacks from Pakistan while Pakistan's priority to discuss the Kashmir issue. The internal situation in Pakistan and rise of terrorism there can also cause uncertainty in its relations with India.

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