From administration to occupation: the reproduction and subversion of public spaces in Kashmir

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To cite this article: Khalid Wasim Hassan (2018) From administration to occupation: the reproduction and subversion of public spaces in Kashmir, Third World Thematics: A TWQ Journal, 3:2, 212-227, DOI: 10.1080/23802014.2018.1478239

To link to this article: https://doi.org/10.1080/23802014.2018.1478239

Published online: 08 Jun 2018.

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From administration to occupation: the re-production and subversion of public spaces in Kashmir

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ABSTRACT
Public spaces in ‘Indian Administered’ Kashmir (IAK) have been transformed in the last three decades. The post-1987 period witnessed the Azaadi movement when political and militant groups challenged the legitimacy of Indian rule in Kashmir. Seeing this movement as null and void, the Indian State further asserted a state of exception by enforcing its legitimacy through heavy militarisation. The restrictions on public gatherings through curfews and laws, which gave impunity to Indian armed forces, transformed public spaces into gendered ones. The public sphere in the form of coffee shops and public parks started disappearing. As a response to this, people in Indian Administered Kashmir (IAK) have utilised and subverted the public space resulting in new forms of everyday resistance and existence under occupation. Thus, the gendering of spaces under ‘administration’ has been met by gendered forms of resistance under ‘occupation’ which have re-produced and subverted the use of public spaces. This article will explore the relationship between public space, resistance, and the hegemonic Indian State in Kashmir by using the works of Giorgio Agamben and Henri Lefebvre.

Introduction

As I began the original draft of this article, the latest headline in the Indian Newspaper flashed: ‘Curfew continues, the normal life hit by 43rd day in Kashmir Valley.’ Subsequent headlines read: ‘Internet services suspended ahead of Eid,’ J&K Government bans Kashmir Reader, calls it threat to public Tranquility, and J-K Government bans Social networking sites for a month. Soon after these headlines had appeared, a report in Al-Jazeera states ‘Female Kashmiri Students lead Anti-India Protests.’ The clamping down on virtual space by the Indian State in Kashmir is a new phenomenon, but there have been continuous attempts to control physical public spaces for the last three decades in particular. Being contested between the two narratives of nationalism (Indian and Pakistani) and the question of self-determination raised by different political groups at various stages, there have been constitutional changes brought in by the Indian State in Kashmir to make its occupation permanent. In this article I will be looking at the military occupation of the Indian State in Kashmir valley and the laws that provide impunity to its coercive tactics. Further, this article will examine the impact of
this occupation on the public spaces which are disappearing or turning into gendered ones. It will also explore how the gendering of space under this military occupation has met with a gendered form of resistance, where Kashmiri Muslim women have subverted and used these spaces as spaces of everyday resistance.

**State and space: conceptual framework**

State sovereignty and its legitimacy have been key concerns for modern nation-states. To assert this sovereignty over a geographical space or spaces, states have used the mechanism of legality to rule the populations within their boundaries. In case of a threat to the sovereignty by a rebellious population, states have resorted to the coercive methods which are justified within the framework of law. Though there have been many works on the questions of sovereignty and territoriality, here the works of Giorgio Agamben will be discussed to understand coercive and extra-legal methods adopted by the State to control the territory. In this article this notion of *state of exception* by Agamben is complemented by Henri Lefebvre's conception of the production of space to understand continuous negotiations of the population to re-produce the spaces of resistance.

Giorgio Agamben’s work on the analysis of the *state of exception* gives a deeper understanding about the mechanisms employed by modern states to control their rebellious populations. According to him, in these states, exception becomes the rule where there is an appropriation of the legislative or judiciary poise by the executive. It results in the suspension of the constitution and encroachment of military’s wartime authority into the public sphere. *State of exception* is not a state of necessity rather it is a *state in which law is suspended without ceasing to be in force*. Agamben has characterised this exceptional locus where law remains but takes the shape of violence. Sovereign and *Homo sacer* are both inside and outside the law but in different ways. Being privileged by law to suspend the law in case of emergency, Sovereign is both inside and outside the law. In reverse order, *Homo sacer* is subjected to the violence of law, thus included, but is not being protected by it, hence excluded. It is the Sovereign power who decides on the exception and has the role of the production of bio political body that can be killed with impunity. He claims that the world has gone through a global civil war since the 1960s, which has led to the generalisation of the *state of exception*. The notion of *state of exception* has faced criticism from scholars like Camaroff and Camaroff and Jacob Riggi who exhibit examples from around the world to show that suspension of law at national level has not happened, rather new laws and new constitutions have proliferated or the law itself has been corrupted and twisted.

It is true that there has been a proliferation of law with the deepening of democracy, not only in the West but also in post-colonial states like India. But if not at the national level, the *state of exception* is being made operative vis-à-vis those areas within the State where its sovereignty faces the challenge. The relation between powerful State (occupier) and powerless people (occupied) is that of Sovereign and *Homo sacer* in the Agambenian sense, in which the latter is disrobed of legal status in a controlled space.

In the *state of exception*, space serves as a political instrument for gaining legitimacy. States use space to ensure it ensures its control. But at the same time resisting populations reproduce the spaces where they can resist the control of State. Lefebvre, while looking at the production of spaces, points out that space has to be understood from three perspectives: conceived space, perceived space and lived space. According to him, conceived space is the
planned space of authorities of all kinds where power relations are permanent while the perceived space is the space of social practices. It is the lived spaces, which Lefebvre calls a spaces of resistance, where invention and imagination flourish. This triple perspective is meant to convey that space has a complex character and enters social relations at all levels. While differentiating between use of space by the State (state of exception) and the members of society, he makes a distinction between abstract space and social space. According to Lefebvre abstract space is the hierarchal space that is pertinent to those who want to control, such as political rulers: while social space, in contrast, arises from the everyday lived experience that is externalised and materialised through action by all members of society, even the rulers. Persons working from the abstract model continually try to reign in and control the social space of everyday life, with its constant changes, whereas social space always transcends conceived boundaries and regulated forms. The modern nation-states, which have turned into state of exception to control their rebellious populations, not only indulge in legal mechanisms but also try to control the physical space. The population who lives under this kind of state of exception keeps on negotiating to carve out spaces of resistance. It is interesting to see that how the Indian State is administering its occupation in Kashmir through both ways, nevertheless it faces resistance.

**Kashmir 1947 to 1988: administration of an occupation**

Though the armed conflict in Kashmir surfaced in the post-1988 period when many political and militant groups challenged the Indian State, the genesis of this movement goes back to the days of the partition of British India. Kashmir became a bone of contention between two newly independent states, Pakistan and India, which were born on 14–15 August 1947 respectively. There was a contestation between secular nationalism of India and Islamic nationalism of Pakistan. In 1947, the ruler of this princely state was unwilling to join either of the two dominions. There was an armed rebellion against the Maharaja in the Poonch region of Kashmir. Apparently looking for revenge against the massacre of Muslims in Jammu and hoping to liberate Kashmir from Dogra rule, the tribesmen from North West Frontier of Pakistan (NWFP) entered the valley on 21–22 October 1947. It was after the signing of the Instrument of Accession by the ruler that the Indian State sent its military forces to Kashmir. After confining the tribesmen from NWFP to Muzafarabad, there was a full-fledged war between India and Pakistan that continued till January 1948. The urging by Indian leadership to include Kashmir into the Indian Union dates before the tribal invasion which was manifested by the insistence of the Radcliffe committee on including the district Gurdaspur, which serves as a land link from India to Kashmir, into India.

There was an intervention by the United Nations Security Council (UNSC) which in August 1948 adopted a resolution unanimously calling a ceasefire and directing the States of India and Pakistan to resolve this conflict through plebiscite. This war ended in a military stalemate, dividing the Kashmir into two parts – IAK and Pakistan Administered Kashmir. Behera argues, India felt that it could not trust the United Nations, which was bound to play a determining role in setting the terms of the plebiscite. For decades Pakistan and later pro-self-determination groups in Kashmir blamed the Indian state, particularly the first Prime Minister of India, Jawaharlal Nehru, for not fulfilling his promise of plebiscite while the Indian State held Pakistan responsible for not vacating the territory under its occupation first, as required by the UN resolutions. Instead of following the UN resolutions, Indian leadership
reverberated to integrate Kashmir into the Indian Union. As rightly put by Goldie Osuri, the historical events that unfolded immediately after 1947 do not indicate that popular sovereignty of Kashmir was facilitated rather than it was a transfer of Kashmir from despotic sovereignty of princely state to the undemocratic sovereignty of postcolonial nation-states. Some scholars like Dibyesh Anand and Mohammad Juniad have described the relationship between India and Kashmir as imperial and colonial occupations. I agree with their argument but here in this article I am trying to explore as how this occupation was administered through a mix of benign and coercive methods – promise of special status and democracy on one hand and suppression of the dissenting voices on the other. The events in post 1950 Kashmir reveal that the special status was not respected nor were free and fair elections conducted, what followed in reality was manipulation where the national interest to control Kashmir was given priority over any principle of democracy. In 1950 the Constituent Assembly was formed in IAK to frame a separate constitution. The first election in 1951 resulted in the National Conference (NC) coming to power with its leader Sheikh Abdullah as the Prime Minister (PM). From 1955 up to July 1975 the political history of Kashmir was heavily dominated by what can be called the politics of plebiscite. Sheikh Abdullah who was instrumental in bringing Kashmir into the Indian Union was trying to seek what has come to be known as the third option – that of independence. It led to not only his dismissal as the PM of IAK but he was arrested too as it was feared that he could potentially mobilise popular sentiment against his dismissal if left free. Sheikh Abdullah was replaced by Bakshi Gulam Mohammad as the PM of IAK. Various constitutional changes were brought in in the 1960s which even imposed the institutions of Chief-Minister (CM) and Governor on IAK. There was resistance against this integrationist policy of India which was manifested in the form of mass protests in 1960s during the episode of the theft of the Holy Relic from the Hazratbal. In the late 1960s and early 1970s there were two more wars between India and Pakistan, which ended up with treaties between the two states. Twenty years after his release from jail, Sheikh Abdullah came back to politics and in 1975 signed an agreement, Kashmir Accord, with Indira Gandhi – the then PM of India. As per this accord, the special status of IAK as enshrined in Article 370 was retained while it was also termed a constituent unit of the Union of India. Groups like Jamat-e-Islami Jammu Kashmir kept on criticising Sheikh Abdullah for calling off the movement of self-determination by signing the Kashmir Accord, what they termed as a ‘sell-out.’ In the early 1980s the students from various colleges of Kashmir valley, in the form of a loose association, became active by conducting seminars and rallies and publishing posters and pamphlets addressing the disputed nature of Kashmir. Later in 1985 this loose association became the Islamic Student’s League (ISL) with the sole aim of raising the issue of self-determination.

The decade of 1977–1987 is a decade of alliances, where on the one hand the Government of India under the Congress regime was trying to seek an electoral alliance with the NC in IAK, while the pro-Azaaadi groups were coming to a common platform. After the death of Sheikh Abdullah in 1982, his son Farooq Abdullah took over as CM of IAK. Farooq’s relation with the Indian Government at the centre was tainted by his alliance with the emerging opposition against the Congress in the form of regional parties. It was in 1984 that Farooq Abdullah was sacked by Governor Jagmohan and his brother-in-law, G.M Shah, was sworn in as the new CM. G.M. Shah, whose tenure resulted in numerous curfews, could continue only two years in office and was dismissed on March 7, 1986 in the wake of severe communal riots in Anantnag. IAK was put under the Governor’s rule for a short period of time until an
understanding between NC and Indian PM Rajiv Gandhi was reached to form an alliance. The NC-Congress alliance was professed for the coming 1987 elections but this announcement was not accepted by the people in the valley, and the support for Farooq that he had gained after his removal as CM was lost.

The pro-\textit{Azaadi} groups in IAK came together to form a common resistance – \textit{Muslim United Front} (MUF) and decided to fight the election against the NC – INC alliance. The emphasis by the \textit{MUF} on Kashmiri national identity being distinct from Indian identity became popular among large numbers of Kashmiri youth. The \textit{MUF} underlined its eventual goal of working against political encroachment from the Indian government in Kashmir. The election was won by the NC-INC alliance and \textit{MUF} was able to get only 4 seats. This election was allegedly rigged in favour of the NC-Congress alliance. Most of the leaders of \textit{MUF} were arrested immediately after the election results for alleged \textit{anti-national activities}. The public space, where the members of \textit{MUF} could meet or protest against the election results was choked. Many members, thus, shifted from the political into the militant arena and subverted the public space in the form of armed resistance.

\textbf{Azaadi: questioning the Indian State}

With democratic non-violent means of protest being closed, the post 1988 period in IAK saw the emergence of the \textit{Azaadi} movement in the form of armed struggle. It was the \textit{Jammu and Kashmir Liberation Front} (JKLF) which was the first political group to inaugurate the armed struggle. The origin of the \textit{JKLF} goes back to the \textit{Kashmir National Liberation Front} that was formed in mid 1960s in Azad Kashmir as an offshoot of \textit{Jammu Kashmir Plebiscite Front}. Later it was called the \textit{Kashmir Liberation Front}. The founding members of this organisation were Maqbool Bhat and Amanullah Khan. The initial phase of the contemporary \textit{Azaadi} movement (1988–91), led by the \textit{JKLF}, was characterised by large mass protests in the form of marches as well as armed resistance. The \textit{JKLF} was successful in sensitising the issue of self-determination and turning it into a mass movement through its secular slogan of \textit{Azaadi}. It propagated the idea of complete independence from both sides of the \textit{Line of Control} (LoC). This phase, identified as the uprising phase, was marked by massive ‘civil disobedience’ demonstrations calling for \textit{Azaadi} from India followed by squads of stone-throwing youths confronting heavily armed Indian military. There were regular attacks by the militant groups on Government buildings, bridges, buses, police informers and intelligence officers (which included both Kashmiri Muslims and Pandits). In the backdrop of mass rallies chanting anti-Indian slogans and killings of some of their community members, an increasing sense of fear was generated among the minority Kashmiri Pandits and it led to their migration to many cities in India.

The period from late 1990 to 1993 was witness to the peak of armed struggle in Kashmir, a time of immense turmoil and suffering but also of enthusiasm and optimism about the mass movement. Other than \textit{JKLF}, many other militant groups emerged including the women’s militant group \textit{Dukhtaraan-i-Milat} (trans. Daughter of nations) and the pro-Pakistanist \textit{Hizbul-Mujahideen}, which still continues with an armed struggle. It is interesting to note that new vocabulary came into common discourse in Kashmir valley in early 1990s which still continues – members of militant groups are referred to as \textit{Mujahid} or \textit{freedom fighter} and security personnel as an \textit{occupation force}. Though there were ideological differences among various
militant groups, the overall mass support that they enjoyed posed a serious threat to the Indian State.

**Gendered occupation: restraining Azaadi in Kashmir**

The Azaadi movement became difficult for the Indian State to handle, as there was widespread support for the armed resistance following the decades of administrative occupation, as I have discussed so far. In order to maintain its sovereign power, the Indian State turned into a state of exception where, as according to Agamben, sovereign power organises itself through the creation of a political order based on the debarment of bare human life. The Indian State has obliterated the normative aspect of law contradicted by a governmental violence – while ignoring the human rights and international law externally – nevertheless claims to be applying the law. This phase of occupation was different from the 1947 to 1988 period, now it was manifested in the form of militarisation which resulted in violence and shrinking of space. Heavy militarisation, restrictions in the form of curfews, fake encounters, tortures, rapes and enforced disappearances were some of the measures which the Indian State adopted and all this was done not by the suspension of law but by the enforcement of new legality which gave impunity to this institutionalised violence.

In the early years of the 1990s there was suspension of law under emergency provision of Indian Constitution and presidential rule was implemented in Kashmir. Sensing the situation in Kashmir going out of control, the Government of India appointed Jagmohan as Governor to IAK. He wanted to employ the State’s coercive apparatus to force the local population into submission. Deployment of around six lakh soldiers happened in a place with total population of thirteen lakhs, thus making it one of the most militarised zone in the world. Apart from this, there were certain legal provisions brought in that gave military forces the upper hand over civil authority. Two such legislative provisions that provided impunity to the military forces in IAK are the Armed Forces Special Power’s Act (AFSPA) and the Disturbed Areas Act (DAA). Both came into force in IAK since September 1990. AFSPA has a colonial past which was disseminated by the British on August 15, 1942 to suppress the Quit India movement. The title of this Act itself demonstrates that special powers were bestowed on military forces to deal with an emergency. It became an Act of Parliament of independent India in September 11, 1958 when it was passed to provide the legal structure for the armed forces to engage in counter-insurgency operations against Naga groups fighting for their self-determination. It was in September 1990, that the governor in IAK put the Disturbed Areas Act into effect and the state was declared ‘disturbed.’ Thus, the Indian State enacted the Armed Forces (Jammu and Kashmir) Special Powers Act on September 11, 1990 and enforced it first only in six districts (Anantnag, Baramulla, Badgam, Kupwara, Pulwama, and Srinagar) as well as in border areas in Jammu. After being declared as a disturbed area, the Indian military are given free liberty to make preventive arrests, search houses without any legal warrant, and shoot any potential threat (civilian). Even a non-commissioned officer in the armed forces has the power to shoot, kill and arrest on mere suspicion. Both DAA and AFSPA have provided complete immunity to the soldiers from the military forces to violations (torture, killing, rape or damage to property). Therefore, post-1990s, the military forces in IAK were immunised from public or private prosecution, thereby preventing victims from accessing justice. This impunity was also enjoyed by the government sponsored militia – Ikhwan-ul-Muslimeen – which created havoc in the rural areas. This Act also
encouraged military forces to extend their counter-offensive into domestic spaces where women became the direct target of their violence.

There has been a direct relationship between the military occupation in Kashmir and the gendered nature of public spaces. The coercive apparatus of the State was not confined only to the streets, rather it interfered in the private realm and spaces. The notion that in a private space, people in general and women in particular are safe was no longer true. As the militarisation increased, the presence of women in the public sphere too was constrained. The Indian military forces also used their coercive-apparatus by enforcing a curfew in order to control the public space in Srinagar and other major towns. By enforcing stringent timings of when people were allowed to come out, the Indian military force denied the right of Kashmiri men as well as women to use local public spaces. An old shopkeeper from the downtown area of Srinagar mentioned that it was very difficult to break the curfew as military vehicles were always patrolling the streets and bunkers acted as functional military posts. Many times curfews came along with shoot at sight orders. Though men would venture out shopping for the basic essential things during the small breaks in curfews, it was the women who had to remain indoor for weeks and months together.

The physical occupation of space itself was a vital strategy adopted by the military forces. Military bunkers were placed on the important entry points across the towns and villages. Located at strategic locations after every 100 metres of distance these bunkers acted as check-posts for constant observation. At some important chowks (transl. road junctures) the bunkers were turned into cemented permanent structures. People travelling in vehicles had to come down to produce their identity cards and undergo frisking while crossing these bunkers. The Indian military also used these bunkers as temporary interrogation centres during the combing operations. The spaces nearby these bunkers turned many spaces into gendered spaces as women avoided passing through the lanes and streets as they felt they were being snooped on by the military forces. The threat of possible sexual harassment of girls near bunkers, check-posts or at the public spaces captured by military has led to the absence of women, thus executing the gendering of public spaces. Apart from these bunkers, the Indian forces were stationed at hotels, school and college buildings and some permanent structures were made nearby Government offices like post offices, local courts, and municipal cooperations. This also led to limitations on the movement of women as there were restraints put even by their own family members. As pointed out by Seema Kazi, it has led to the reassertion of male authority and control over women as men started worrying about physical and sexual attacks on women. The cases of molestation, rape, and torture that happened at many places across the valley created collective fear among the people. As pointed out by a respondent in Srinagar, who used to be a college student in early 1990s:

As the reports of rapes by military, particularly of Kunan-Poshpora came into news, my parents were afraid to send me to college alone. I was dropped to college and picked-up from there by my father. On my way to the college, sometimes we were stopped by military stationed at bunker for checking and I could see my father getting worried for me. though I was more worried for his well-being.

The militarisation backed by the impunity has created a sense of fear among women. Under this military occupation women have become the victims of direct and indirect violence. They have faced torture and rape on the one hand and by killing or disappearing their husbands they have become widows and half-widows. While comparing the militarised zone
of Kashmir to other borderland conflicts, Mohanty points out that women in Kashmir have turned into a bio-militarised body, which he defines as

A bio-militarised body is one that must survive under conditions of perpetual control and surveillance, is subject to the constant material and symbolic violence enacted by the state, and lives in constant fear of being arrested or incarcerated. A bio-militarised body lives under a constant state of dispossession and with a lack of basic civil rights evident in the dissolution of citizenship in occupied or securitised zones.57

This was echoed in the formulating of analyses of gendered effects of militarisation by Rita Manchanda, Seema Kazi and Nyla Ali Khan in the context of Kashmir valley. These works also explain how rape against women has been used as a weapon of war to bring the rebel population into submission, which in turn has led to the curtailment of the some of the basic rights by their own community.58 In South Asia the armies of post-colonial nations used rape as a weapon of war to bring rebel population into submission.59 In rural Kashmir, particularly in villages close to Line of Control (LoC) like the ones in Kupwara District, there used to be a gate which was controlled by the military which would also imply any movement of the villagers in and out of the village was monitored by the military. It is in these controlled spaces that mass rapes were committed – mass rapes in the Kunan Poshpora villages of Kupwara being the classical case. Physical assault against woman in order to retrieve information by the military is a very common practice.

(Re)production of spaces: gendered resistance

The coercive state apparatus through militarisation and backed by impunity turned Kashmir valley into a fortress. No distinction was made between the private and public space. It was an enforced disappearance60 of the public sphere, as the spaces for cultural activities in the form of dances, poetry recitation, singing and Band-e-Pather (theatre) started disappearing as there were either restrictions on people’s movement or these spaces were occupied by the Indian military. It was in this context that constant struggle between the Indian State and the dissenting Kashmiri population led to a constant process of social production. There was a (re)production and subversion of physical spaces into lived spaces of gendered forms of resistance like protesting on streets and religious places (mosques and shrines), sit-in protests in public parks and participating in the funerals of militants.

The gendered form of resistance was not a new phenomenon. There are historical anecdotes from the recent past to illustrate that women in Kashmir have carved out their lived space of resistance. The works of P.N. Bazaz and Nyla Ali Khan look at the political events of the 1930s when women emerged into the public sphere and demonstrated dissent against the Dogra rule.61 Women were certainly involved in the main political parties of J&K; the Muslim Conference (MC) and the National Conference. The works also bring out the role that women played during the Quit Kashmir Movement against the Maharaja as well as their role as a part of women’s self-defence groups against tribal invasion. There are accounts of Kashmiri Muslim women’s participation in protests movement in 1960s during the episode of the theft of Holy Relic where they not only used to sing ballads during protest marches but also used to prepare food for the protestors coming from distant villages. In the 1970s and 80s they were equally seen in the public rallies or election campaigns of political groups like the NC.
The literature that focussed on the questions of gender and conflict vis-à-vis Kashmiri Muslim women post 1990s has largely focussed on the two narratives vis-a-vis Kashmiri Muslim women – they were either seen from human rights perspective as survivors of direct or indirect violence or from conventional patriarchal ideology as grieving mothers, martyr’s sisters, etc.62 This kind of argument denies the Kashmiri Muslim women agency of their own. One cannot deny the patriarchy in Kashmir, like many South Asian societies, has restrained women from specific roles but here one has to see it in the context of military occupation where militarisation and violence by the Indian State saw the reinforcement of regressive stereotypes. Butalia points out that Kashmir, where the State and non-State actors are involved in violence, is passing through a moment when the presence of women as victims or agents cannot be ignored. The narratives of Kashmiri women across religion, regions and political spectrum, reveals that it has been these women who have used the various spaces to overcome the political divide.63 The post-1990 era saw women subverting the public space where apart from being survivors of violence and relatives of martyrs, they have actively been part of the protests, demonstrations and members of the organisations. In the early 1990s, Kashmir witnessed the emergence of the women's militant group called Dukhtaraan-i-Milliat64 (Daughters of Nation) which was involved in attacks on Indian forces, wine shops and cinema halls. This group like Dukhtaraan-i-Milliat has carved out the space for Kashmiri Muslim women to protest against the Indian State but at times the same group has been advocating strict segregation and distinct gendering for men and women based on what they claim to be basic tenets of Islam. From the early 1990s, women have re-produced the spaces of resistance by taking part in the mass demonstrations, sometimes leading the protests in different localities, which continues in the contemporary Azaadi movement. Women were also seen engaging in serious arguments with the military forces or at times pelting stones or Kangriris (fire-pots used in winter) at them. Outside the military camps, women would be protesting against the arrest of young people. As was reported by the reputed English Indian daily newspaper:

More and more Kashmiri Muslim women – mainly college and school students – are decrying the ‘Indian Occupation’ of Jammu and Kashmir and alleged atrocities by security forces against local people. Thousands of them, in separate groups, poured onto streets in Srinagar on three days last week and closed with police or made determined bid to March to the United Nations Military Observer’s office seeing the world body’s intervention to help solve the Kashmir dispute.65

During the combing operations women used to sound alarms or block alleyways leading to the main Mohallas to help militants to escape. In these crackdowns many women have faced sexual assault from the military forces. They will be also providing food and shelter to the militants and this voluntary act cannot be regarded as a passive act of women rather a well thought decision as they are aware of the risk. Many houses are being burnt down for harbouring militants. From the early 1990s, women have been part of the funerals of militants or non-combatants killed by the Indian military or police forces.66 They disregard the restrictions from the State in the form of curfew and even the social pressures from the male members of the family,67 women have struggled to become essential part of this mourning. For a state of exception (India), the militants killed are dreaded or most wanted but for these women they are the freedom fighters who have been martyred for the cause. Kashmiri women, not necessarily being directly related to them, will be seen singing wanwun (trans. traditional Kashmiri songs) – praising their bravery and martyrdom. Thus, the funerals have
become spaces of defiance where women subvert not only the State imposed restrictions but also its description of militants.

In the post-1988 period, mosques and shrines, as places of large meetings, were used as spaces to express a dissent which Puri and Bose attribute to lack of democratic space. Even after every prayer in mosques and shrines, the slogans of Azaadi used to be raised. The small alleys in the interior Mohallas nearby mosques and shrines served as alternative spaces for close neighbours. These alternative spaces replaced the public spaces in times of curfew, but reduced the scope of the public domain. The state authorities could not control the sacred space like mosques and shrines; rather, this space became a site of identity formation in the context of a hegemonic state and became part of the ethno-national conflict. It is in this context that sacred spaces turned into political spaces. It is in these spaces that women too participated in the mass protests and demonstrations. These sacred places provide a space for these women to meet and discuss their experiences under the occupation. As Farida Jan who attends the Friday prayers at Jamai Masjid (Big Mosques) at Srinagar says, it is not only for prayers that I go to Jamai, that I can do even at home, it helps me in meeting other women and share my experiences with them. Recently I came to know about the arrest of a son of a fellow women there, and many of us thought that we should organise a protest outside the police station where he is detained. At times these spaces turn into a lived space of resistance where the women confront the Indian armed forces by stone pelting or stop their way to protest the arrests of boys. The last few years have witnessed the choking of even these spaces as the places of larger gatherings, like Jamia Masjid and Hazratbal Shrine, are put under curfew on Fridays. Though it has restrained women from gathering in large spaces, they have started attending the local mosques and shrines in their respective localities.

One more gendered form of resistance has been manifested by the women as a part of the Association of Parents of Disappeared Persons (APDP) which was founded by Parveena Ahanger whose own son was taken away by military forces in 1991 and he has disappeared since then. Before coming together in APDP, these women used to individually search their wards in jails both in IAK and India, army camps, police stations and torture centres. Shub Mathur in her work on APDP says that Parveena and other women whose sons, brothers or husbands were missing identified with each other, instead of wailing inside their houses, they organised their grief into a struggle. As there were no spaces left to protest, they started having their initial meetings at Parveena’s house and carried out sit-in protests on streets in Batamaloo locality of Srinagar, in front of courts, at Sufi Shrines. On some days they will manage to have public demonstrations at the city centre of Srinagar where they will be beaten up and arrested by the police. APDP have raised the issues of human rights violations, particularly enforced disappearances through courts and media. The women in APDP have faced threats from the Government agencies and many times they were attacked. Still these women have created out space to protest; they gather at prat park (municipal park) at the city centre of Srinagar on the tenth of every month. They carry the pictures of their missing sons, brothers, husbands and relatives, sometimes singing poetic Islamic eulogies such as the Yusufnama (trans. Joseph’s story) which is the lamentation of Jacob (Old Testament), for the disappearance of his favoured son after he was sold into slavery by his jealous brothers.

Parveena, who has been leading this group for more than two decades now, has been able to provide this platform to the women to express their grief, take part in protests and get connected to the larger movement of Azaadi. As quoted by Shubb Mathur in her book,
Parveena in her limited vocabulary of urdu says to the fellow women of APDP, *Mai Himat nahi Hara, Mai Nahi Darta, tum bhi mat daro, Kya kar lenige mujh ko? Yeh kuch nahi kar saktey* (I never gave up, I am not afraid, You too should not be afraid. What can they do to me? There is nothing more they can do to me). The enforced disappearances illustrate the working of state of exception in Kashmir where suspension of laws like *haebus corpus* in turn leads to the end of right to life and liberty. It has become a norm that in cases of enforced disappearance by the Indian military forces, lodging an FIR is a difficult, if not impossible, process. Even if the FIR is lodged, the term used by the police is *missing* instead of *disappearing* which is backed by the State’s narrative that these missing men might have crossed the LoC into other side of Kashmir. The long struggle of these women for more than two decades where they not only subvert the statist narrative of missing men stranded in other Kashmir and through their public meetings made the cases of disappearances visible but they have helped to understand how the (Indian) state of exception works. Though the women related to this struggle are not openly subversive, they have been able to carve out a lived space of resistance. As a Kashmiri anthropologist, Ather Zia, puts it the activism of the women in APDP need not necessarily be viewed from western feminist understanding where gendered agency is often seen as aggressive and openly subversive. It is different from a simple notion of confrontational resistance to oppression.

It was the (re)production of the space when these women stepped outside the cultural framework of the family to make rounds of police stations, jails and army units looking for the disappeared and negotiated with institutional power structures of the army, administration and the courts.

**Conclusion**

The nature of the Indian State vis-à-vis Kashmir is that of state of exception where it has adopted the legal means to control the daily lives of people. The movement of Azaadi (trans. Freedom) which has challenged its sovereignty is considered as disorder, so it has resorted to the coercive methods which are justified through law. The period from 1948 to 1988 is regarded as normalcy without any violence or laws of impunity to its military forces but it was during this period that the Indian State was administrating the occupation through electoral manipulations and building up a class of pro India lobby. Even post 1990s the local elections are being published through the government controlled media as return of normalcy or winning back of Kashmir. But it is interesting to see that the elected representatives who take so much risk in fighting elections (risk of facing social boycott) are being undermined by the military. The militarisation in private and public places was used to incite in the Kashmiri population a state of alertness and perpetual visibility in a Foucauldian sense of power and control. The relation of Indian State vis-à-vis Kashmir has been that of Agamben’s state of exception, particularly in the post-1990s period when heavy militarisation and extra-constitutional laws were used to suppress the movement of Azaadi. The objective of the bunkers or presence of Indian military in private and public buildings was to divide the major cities and towns into controlled zones and to thrust restrictions on the movement of Kashmiris. The actual violence and the threat of violence has led to the gendering of spaces where women have turned into bio-militarised bodies living in a constant fear. They are left with no choice but to either subvert these spaces or look for alternatives spaces for resistance. The line of distinction between private and public roles of women became blurred. Women’s public roles merged with their traditional domestic roles as the latter became politicised in
the effort to protect the family against the formidable coercion by the Indian state. They broke the stereotypes associated with their roles as they had to take up the roles of the male members who were killed, arrested or faced enforced disappearances. There has been a constant attempt of re-production of the lived spaces of resistance in the form of mass protests, use of sacred places or organising a common grief while participating in the funerals or public meetings of APDP.

Acknowledgement

I would like to thank the Charles Wallace Trust for providing me with fellowship at South Asia Institute, SOAS where I used the resources from Library and presented a seminar on public sphere in conflict zones.

Disclosure statement

No potential conflict of interest was reported by the author.

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Notes

1. Times of India, August 20, 2016.
2. NDTV, September 12, 2016.
9. Ibid., 46.
10. Agamben, Homo Sacer, 115.
13. Lefebvre, The Production of Space, 94.
15. In the backdrop of the violence at the time of partition, Jammu Muslims became the target of Hindu Right wing groups and it also led to their migration across LoC.
17. UNSC Resolution 47, April 21, 1948, Doc No S/726.
21. Unlike other federal units, there was Prime Minister in Kashmir and not Chief Minister.
25. The 1965 and 1971 war was followed by the Tashkent Declaration and Shimla agreement respectively.
27. Jamat-i-Islami Jammu Kashmir was formed in 1952 as religious reformatory movement.
28. In 1983 international cricket match between India and West Indies was to be played in Srinagar, students of this group dug up the pitch.
30. Farooq Abdullah had spent most part of his life outside IAK. On August 21, 1981, he was made president of the NC by Sheikh Abdullah at a public rally held at Iqbal park, Srinagar.
31. Meeting organised by N.T. Rama Rao for opposition leaders on May 31, 1983 at Vijayawada was attended by Farooq Abdullah. In October, 1983 Farooq too organised a similar meeting.
32. Hassan (a), 12.
33. Ibid., 14.
38. Maqbool was founding member of JKLF. He was arrested in 1976 and after eight long years in prison, he was hanged on 11th February 1984.
41. Kani-Jung – Kashmiri word used for stone pelting – was frequently used in protests. The mass uprising of 2008, 2010 and 2016 also became associated with the stone-pelting.
42. Agamben, Homo Sacer.
43. Akbar, 233.
50. The non-commissioned officer of the armed forces has the power to shoot, kill or arrest without warrant as per the Section 4 of the Act.
51. Section 6 of the Act provides immunity to the armed forces against arrest or prosecution.
52. In his interview to me.
53. Syam, A (2015) in her dissertation has pointed out that the land that has been occupied by the military in the form of camps, headquarters, and bunkers over Ladakh, Jammu border and Kashmir valley goes around one lack acres.

54. Author has experienced this phenomenon, during his stay in Kashmir.

55. Kazi, Gender, Militarisation and the Modern Nation-State, 122.

56. As expressed by ex-student of Women's College at M.A.Road, Srinagar.


59. Rape was used by Pakistani Military against Bengalis during Liberation war in 1970; Sri-lankan military against Tamils during Tamil Elam movement and Indian Military uses it in the Northeast of India and Kashmir.

60. The notion of enforced disappearance in Kashmir context is originally used for the disappearance of the youth picked up by police or army.


64. Dukhtaran-i-Milliat headed by Asiya Andrabi is still active in Kashmir valley.


67. Kazi, Gender, Militarisation and the Modern Nation-State, 126.

68. This Adherence to mosques as a space of protest was used by the Indian State to conveniently portray movement of Azaadi as an Islamic fundamentalism.

69. In an interview with Farida Jan on September, 2016.

70. Mathur, The Human Toll of Kashmir Conflict, 10.

71. Fatima, Where Have You Hidden My Present Moon.

72. Butalia, 121.

73. Ibid. lxvii, 12.


75. As discussed by Foucault in his work on Space, knowledge and power in detail.

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