

# Civil Society in Jammu and Kashmir: A Confronting Force to the State

Civil society plays an important role in challenging and limiting the state and its power in conflict areas. In Kashmir, where the state under the pretext of anti-insurgency operations violates basic human rights, civil society is in direct conflict and confrontation with the state and its apparatus. Jammu and Kashmir faces the problem of government centrism which makes the growth of civil society a very difficult and risky task. In Kashmir, civil society in essence becomes a challenging and confrontational force against the state. Jammu and Kashmir is a place where most people dispute the legality of the Indian government, due to its deep institutional discrimination, injustice and repression. This makes the role of civil society groups confrontational against the illegitimate state power, and encourages them to challenge the state in every possible way. Historically, civil society in Kashmir has been at the forefront of resistance against suppressive political regimes. They resist Indian oppression and defend human rights in a suppressive setting, where every legal and illegal method is employed by the government to silence such groups and organizations.

Civil society is a glorified concept across the modern world. There is a rise in this new concept of civil society, which has been attributed to the 'conflict of identities,' 'clash of civilization' and 'political pluralism' (Singh 2012). Civil society has emerged as an undisputed idea in post 1980s and 1990s eras. For Hegel, civil society is not possible without the universal state; human needs and interests are defining features of civil society, which can be met by the mediation of the state. Contradictory, Marx sees the state as an agent of dominant class, which it uses for repression. Marx rejects any positive role played by the state, conflicting with Hegel's idea. Meanwhile Gramsci considered civil society as an area separate from the state, though accepts its role in the development of civil society (Laine 2014).

The state and civil society have a very close and strong relationship with each other. Though the concept of civil society was on a decline in last century, the 21<sup>st</sup> century has seen a civic renaissance with the lost faith in state-centered governments. Civil society has been playing a very crucial role in mediation between the individual and the state, while developing and cultivating social values. The state and civil society are hard to be defined in isolation from one another. States with centralized system of governments have a structure where the state reflects power domination, and it describes and determines the formation of civil society organizations. In this scenario, the state would not tolerate civil society groups that challenge its power and authority. States have always repressed the civil society groups that challenge their domination - with force and coercion.

Civil society groups and organizations usually function according to the nature of their respective social contexts. For the West, where democracies are much developed, civil society groups support the democratic institutions in their respective states. Western civil society groups mostly support policies responsible for the strengthening of democracies. The developed democracies provide a wide range of possibilities for civil society groups in terms of functions and actions. However, for the societies in the global South - or societies under developed democracies, authoritative rule, and prolonged conflict - civil society groups do not have such possibilities to expand the spectrum of their actions. The challenges for civil society groups in these societies are very hard, as the ruling authorities do not allow easy functioning of groups critical to its policies towards the different sections of the society. Though certain civil society groups are allowed to flourish, these groups simply act as service delivery organizations, which try to fill the vacuum created by the limitations of the ruling regime in any prolonged conflict.

There are often intense inclinations and preferences of the state's actions where it disturbs or destroys a civil society. In conflicted societies, the state assumes to survive for itself, and acts through oppression, and becomes the main cause for the chaos it should have been preventing. For Paine, the state is itself generating cause instead of consolidating a society, and creates discontent and disorders, which could be avoided otherwise (Paine 1791). In prolonged conflict societies, civil society faces multifaceted challenges. On one hand, it deals with the problems of state authenticity, and on the other, it supports national liberation movements. It also faces the challenges of conflict over its lands, which are endangering its existence by oppressive measures. In societies with political oppression and injustice, civil society groups contribute in checking this illegitimate political power and offer a strong resistance against these injustices. States consider these kinds of civil society groups as a profound threat to their political authority, and tend to disallow social activities of such groups, or if they do allow them, they would be very selective in this matter. Lewis has termed these states as "authoritarian" which use oppressive measures to limit the

activity of civil society groups, and argues that these authoritarian states allow the activities of civil society groups only to be “controlled, co-opted or used to legitimize the existing political order” (Lewis 2013). Paine argues that such states - being continuously at war - try to demoralize any good life produced by civil society by “engrafting the barbarism of government upon the internal civilization of a country.” Paine suggests “Revolutions” as an objective way for civil society to bring “a change in the moral condition of governments,” which could lessen the burden of the society and bring a positive change of enjoyment in it (Paine 1791).

Jammu and Kashmir is the largest militarized zone in the world, where oppression and violence is a prime reality which could not be denied. The civil society in Jammu and Kashmir in its essence is a challenging force for the state. The post-Cold War civil society debate in its early stage has been considered confrontational to the state (Keane 1988). The resurgence of civil society at a global level paved a way for the need of a vibrant civil society in Jammu and Kashmir. The prolonged armed conflict increased the sense of that need. Though a number of state-sponsored groups popped up, they were non-confrontational in nature and tried to overcome the limitations of the state without any contestation and resistance.

In such a conflicted state like Jammu and Kashmir, where the majority of the population contest the Indian state's authority, civil society groups have become a force of resistance and confrontation against the institutional injustice and suppression of the Indian state. Gramsci described this kind of civil society as an area to gain potential for “freedom” at both individual and collective levels. He considers that the state is “protected by hegemony organized in civil society, while the coercive state apparatus fortifies the hegemony of the dominant class” (Laine 2014). Civil society, as a confrontational group and counter-hegemonic organization resists the hegemony of this dominant class. Jammu and Kashmir reflects this description of civil society, where academicians, community-based organizations, religious organizations, trade unions, orphanage societies, human rights defender groups, associations and business chambers forming the Kashmiri civil society are challenging the authoritarian state at many fronts. The Jammu and Kashmir civil society, especially the religious social service networks and groups, are the most successful alternative to the reluctance of the Indian state to provide humanitarian relief to the victims of conflict. The Indian state has also imposed restrictions on international humanitarian organizations, fearing their entry could internationalize the dispute of the region. Though Indian aid agencies are allowed to work in Jammu and Kashmir, these aid agencies are seen through doubtful eyes by the local people. In this particular context, community-based organizations and religious-based groups fill the gap.

The conflict of Jammu and Kashmir is political in nature, but civil society groups can play an important role in finding a peaceful resolution to this violent conflict. This dispute is largely linked to the two-nation theory that led to the partition of India in 1947. This religious dimension of Kashmir conflict encourages us to see the conflict through the Hindu-Muslim question. Hence faith-based civil society groups could play an active role in finding a peaceful solution to this prolonged conflict.

The formation of organizations like the Anjuman-i-Islamia and Anjuman-i-Nusratul-Islam (1905) could be regarded as the formal beginning of modern civil society organization in Jammu and Kashmir. The Anjuman-i-Nusratul-Islam, an association founded in Srinagar, aimed at improving the Kashmiri Muslims, especially in education. It founded the first Islamic high school in Kashmir, where modern scientific and Islamic education was imparted, and over time it opened branches in the small towns of Jammu and Kashmir. In the 1920s, this association shifted its focus upon the social reforms necessary to improve the condition of the Muslim community in the region. In the 1920s and 1930s many Muslim groups in Kashmir like Anjuman-i-Hamdard Islam, and Anjuman-i-Tahaffuz-i-Namaz-Wa-Satri-Masturat were created, with a variety of objectives behind their establishment. In Jammu, Muslims created Anjuman-i-Islamia for similar kind of objectives. These organizations became the main source of inspiration for many local youth to leave the state and study in higher institutions in other parts of British India.

In 1924 Jammu and Kashmir witnessed a crisis which made an important landmark against the suppressive Dogra rule. The workers of state-own Silk Factory in Srinagar, most of them Muslims, revolted against the Maharaja's government due to their lower wages. This strike marked a struggle against the tyranny of the state. By the beginning of 1930s the Kashmiri youth returned to Jammu and Kashmir after graduating from Aligarh Muslim University and actively participated in resistance politics to confront the authority of the Dogra rule. 13 July 1931 marks an official beginning of the struggle for independence from the Dogra rule. A series of protests and clashes between Muslim protesters and state police spread throughout the valley after Dogra police killed at least 22 unarmed Muslim demonstrators in Srinagar. This incident led to the formation of the All Jammu and Kashmir Muslim Conference, a first civil

society group of its kind. Later, this political party became the main voice against the suppressive Dogra regime. Muslim conference gained prominence among the common people, which culminated into the political awakening of Muslim masses in Jammu and Kashmir (Lamb 1991).

Soon after the partition, Shaikh Abdullah collaborated with the Indian state and started ruling Jammu and Kashmir as a supreme leader of Jammu and Kashmir National Conference, a faction which had earlier separated from the Muslim conference on religious grounds. The new generation of Kashmiri youths was dissatisfied with the post-partition ruling class. The new leadership was seen politically and religiously passive. A crisis broke soon after the partition of Indian sub-continent; giving birth to different socio-religious and political groups, which challenged the authority and legitimacy of the Indian state. Beginning in Lahore by Syed Maududi in 1941, the Kashmiri chapter of Jamaat-e-Islami challenged the political hegemon of Jammu and Kashmir since its inception. Jamaat-e-Islami Jammu and Kashmir successfully attracted young and educated youth, traders and middle ranked government officials, and an increasing number of common masses. The organization focused on setting up of institutions in different parts of Jammu and Kashmir. Between 1947-52 Jamaat-e-Islami began to set up educational institutions, "wherein secular disciplines and religious sciences were integrated." It also launched a newspaper in 1948 to propagate its idea, and expanded this work of propagation through mosques (Sikand 2002).

Jamaat-e-Islami launched political and social awareness campaigns within the state. Jamaat provided practical support through relief to the poor and victims of natural disasters. Jamaat also provided legal and economic support to conflict survivors. It also set up blood banks, hospitals and orphanages. In 2005 earthquake and 2014 floods, Jamaat provided relief and rehabilitation to those affected (Majid 2020).

At the end of the Dogra rule, only 1,6% of the total Muslim population was able to read and write. From the very start, Jamaat-e-Islami Jammu and Kashmir understood the importance of the education system. It was the first socio-religious organization which made remarkable contributions in the field of education in Jammu and Kashmir. Jamaat started a network of schools, which was warmly welcomed by Kashmiri Muslim middle class parents. In 1975 Shaikh Abdullah banned Jamaat and its schools. 125 schools, with more than 550 teachers and 25,000 students, were forcibly closed down by the Abdullah's oppressive regime. Jamaat-e-Islami decided to setup a separate body to control its educational institutions, thus Falah-i-Aam Trust was formed by Jamaat in 1977. The efforts of Jamaat in the field of education were very successful. Sikand notes that in only two decades the literacy rate of Jammu and Kashmir rose from 1,6% to 11,03% in 1961 and 36,29% in 1981 (Sikand 2002). In April 1990, the Indian state again imposed a ban on these schools, which was challenged in the High Court where the decision was given in Jamaat-e-Islami's favor and the trust was asked to resume its work.

In 1989, an armed conflict broke in Jammu and Kashmir, rampant with civilian casualties and human rights violence. The state tried to instill fear among the general masses of Kashmir through deliberate human rights violations. Over the last three decades, the people of Jammu and Kashmir have witnessed the worst forms of violence under the Indian rule. The armed rebellion which broke against the Indian rule has been responded with a heavy military campaign, with no differentiation between armed combatants and civilians. Since the armed rebellion began, approximately 70,000 people have lost their lives in the conflict and as many as 8,000 people have been disappeared forcibly (JKCCS 2007). There is a continuous increase in the number of people who suffer from psychological trauma due to human rights abuses perpetrated by the Indian state. International organizations have been crying about the worst kind of torture which has left thousands of prisoners disabled. The Indian state has been using torture, rape, fake encounters and extrajudicial killings as weapons of war in Jammu and Kashmir. The regular and paramilitary forces and police are given impunity to kill and torture through black laws like the Armed Forces Special Powers Act (AFSPA), Public Safety Act (PSA), Disturbed Areas Act (DAA), and the Unlawful Activities Prevention Act (UAPA). These laws are in violation of international laws like the International Covenant on Civil and Political Rights, Universal declaration of Human Rights, United Nations Convention against Torture, and the International Convention for Protection of All Persons from Enforced Disappearance, while India being a signatory to all these international instruments. International civil society organizations such as the Human Rights Watch, Amnesty International, and Office of the United Nations High Commissioner for Human Rights (OHCHR) have reported human rights violations in Jammu and Kashmir despite India's legal and extralegal restrictions in limiting the activities of these groups.

Many socio-religious groups, human rights groups, trade unions, lawyer associations, writers, student unions, and survivors of rights abuses in Jammu and Kashmir have emerged as counter-hegemonic civil society. Besides challenging the occupation, the civil society in Kashmir has been engaged in providing relief and rehabilitation of victims as well as fighting for the civil space. All the civil society groups have been advocating for the right of self-determination of the people of Jammu and Kashmir. Trade unions

have been protesting against the prolonged curfews and restrictions. There is a strong resistance against the draconian laws which are providing impunity to the armed forces.

The Jammu and Kashmir Coalition of Civil Society (JKCCS), Jammu and Kashmir Trade Union Centre (JKTUC), Jammu and Kashmir High Court Bar Association, Public Commission on Human Rights (PCHR), Association of Parents of Disappeared Persons (APDP), International People's Tribunal on Human Rights and Justice in Indian-administered Kashmir (IPTK), Kashmiri Women's Initiative for Peace and Disarmament (KWIPD), Falah-i-Aam Trust, Jammu and Kashmir Yateem Khana, Muslim Welfare Society Jammu and Kashmir, Jammu and Kashmir Yateem Foundation are just some of the groups providing relief to victims and at the same time confronting the Indian state. JKCCS, over many years has produced a number of reports on human rights violations in Jammu and Kashmir which include *Structures of Violence: The Indian State in Jammu and Kashmir (2015)*, *Alleged Perpetrators: Stories of Impunity in Jammu and Kashmir (2012)*, *Fake Encounters: State Terror in Kashmir (2010)*.

The Jammu and Kashmir Trade Union Centre has been observing strikes against state-sponsored violence and extrajudicial killings, and has been continuously calling for the permanent settlement of the Kashmir issue (Prakash 2006).

The Jammu and Kashmir High Court Bar Association is a representative body of lawyers from Kashmir. This association has been providing legal support to prisoners and other victims of state repression. Bar Association has been monitoring the treatment given to Kashmiri political prisoners, and voicing the ill treatments given to Kashmiri inmates. Two prominent leaders of Bar Association Mian Abdul Qayoom and Jalil Andrabi were arrested and attacked for being the vocal advocates against the suppression in Jammu and Kashmir. Mian Abdul Qayoom was shot and injured in 1995, while Jalil Andrabi was killed in 1996 (Mathur 2013).

Falah-i-Aam Trust, a platform for the network of schools run by Jamaat-e-Islami Jammu and Kashmir was banned in 1975 and 1990 (Sikand 2002).

Kurram Parvez, head of JKCCS and chairperson of the Asian Federation Against Involuntary Disappearances (AFAD) was arrested in November 2021 under a draconian anti-terrorism law (UAPA) and has been accused of conspiracy and terror funding. Parvez is a prominent Kashmiri human rights activist.

In a place like Jammu and Kashmir, where the state is a party to the conflict and hostile to the general population, civil society groups are in conflict and confrontation with the belligerent state. During the Dogra rule and after the emergence of the Kashmir conflict, civil society has stood up to criticize the state and its suppressive policies. Most civil society groups in Jammu and Kashmir have resisted the state aggression, despite the threats and pressures from the state. The anti-hegemonic civil society groups and organizations have played an important role in civil resistance against occupational forces in Jammu and Kashmir. Their role to defend human rights in such a difficult situation is praiseworthy. The civil society in Jammu and Kashmir, where the majority of the Muslim population contest the legitimacy of India, has played a strong and confrontational role against injustice and suppression.

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Khurram Parvez: Kashmiri rights activist arrested under anti-terror law <https://www.bbc.com/news/world-asia-india-59383554>