

TOSAMAIDAN

A ZONE OF PEACE AND RESILIENCE IN KASHMIR (INDIA)



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Summary

This case study describes and analyses a non-violent movement to save a Himalayan landscape of enormous ecological and livelihood importance, from destructive activities, in the midst of one of India's most conflict-ridden regions. Tosamaidan comprises a series of high-altitude grassland-mountain ecosystems in the Pir Panjal range of the Himalaya, in Kashmir. Rich in wildlife and for centuries in use by pastoralists (including Gujjars and Bakarwals) who move through the area in summer, Tosamaidan is also the origin of rivers on which tens of thousands of people downstream depend.

In 1964, the Jammu and Kashmir state government leased the area to the army for use as a firing range. Neither were local communities consulted, nor were they warned about potential dangers. In subsequent decades, the meadows were intensely bombed from the base of the hills. The result was a string of human, livestock and ecological casualties.

A number of local residents and Srinagar-based activists came together and collectively decided to

launch a movement under the name of Tosamaidan Bachao Front (TBF) in 2013. This led to a remarkable process of mobilization across 64 villages living at the base of and dependent on the Tosamaidan landscape. In 2014, bowing to people's demands, the J&K Government decided not to renew the firing range lease. Subsequently, TBF has proactively worked for ecological regeneration, and creating an eco-tourism plan which is ecologically sensitive and provides for dignified livelihoods to the local youth.

During the period of this study, the status of Jammu and Kashmir changed dramatically from being a State to becoming a Union Territory. The possible impacts this change on the future of Tosamaidan are unclear.

The study describes the above ecological, democratic and peaceful process of resistance and emergence of alternative transformations in a conflict region. It analyses the key learnings from this process, that might inform a number of environmental justice and democratic struggles in India and across the world.



Pastoral settlements on Tosamaidan

Main Report

1. Background: Alternative Transformations and Democracy

1.1 Alternative transformations

Across the world there are a number of processes by communities, organisations, government bodies, movements, and business that are trying to tackle various dimensions of unsustainability, inequity, and injustice. Many of these processes are challenging structural forces such as capitalism, statism, patriarchy, racism, casteism, and anthropocentrism. In this sense they can be seen as *alternatives* to the currently dominant system.

Alternatives can be practical activities, policies, processes, technologies, and concepts/frameworks that lead us to equity, justice, sustainability. They can be practiced or proposed/propagated by communities, government, civil society organizations, individuals, and enterprises, amongst others. They can simply be continuations from the past, re-asserted in or modified for current times, or new ones; it is important to note that the term does not imply these are always ‘marginal’ or new, but that

they are in contrast to the mainstream or dominant system.

It is proposed that alternatives are built on the following overlapping spheres seen as an integrated whole; in this or other forms these have been expressed by many in the past, but are re-emerging in the new contexts of the 21st century: radical and delegated democracy, social well-being and justice, economic democracy, cultural diversity and knowledge democracy, and ecological integrity and resilience.

The above approach is part of (and detailed further in), an evolving note ‘In Search of Radical Alternatives’, laying out a framework to imagine pathways and visions that are fundamental alternatives to today’s dominant economic and political system, taking us towards equity, justice, and ecological sustainability.¹ This document has emerged from an ongoing process called the Vikalp Sangam² that brings together practitioners, thinkers, researchers, and others working on alternatives to currently dominant forms of economic development and political governance. It aims to create a cross-sectoral platform on alternatives (or constructive work) to share, learn, build hope, collaborate and to

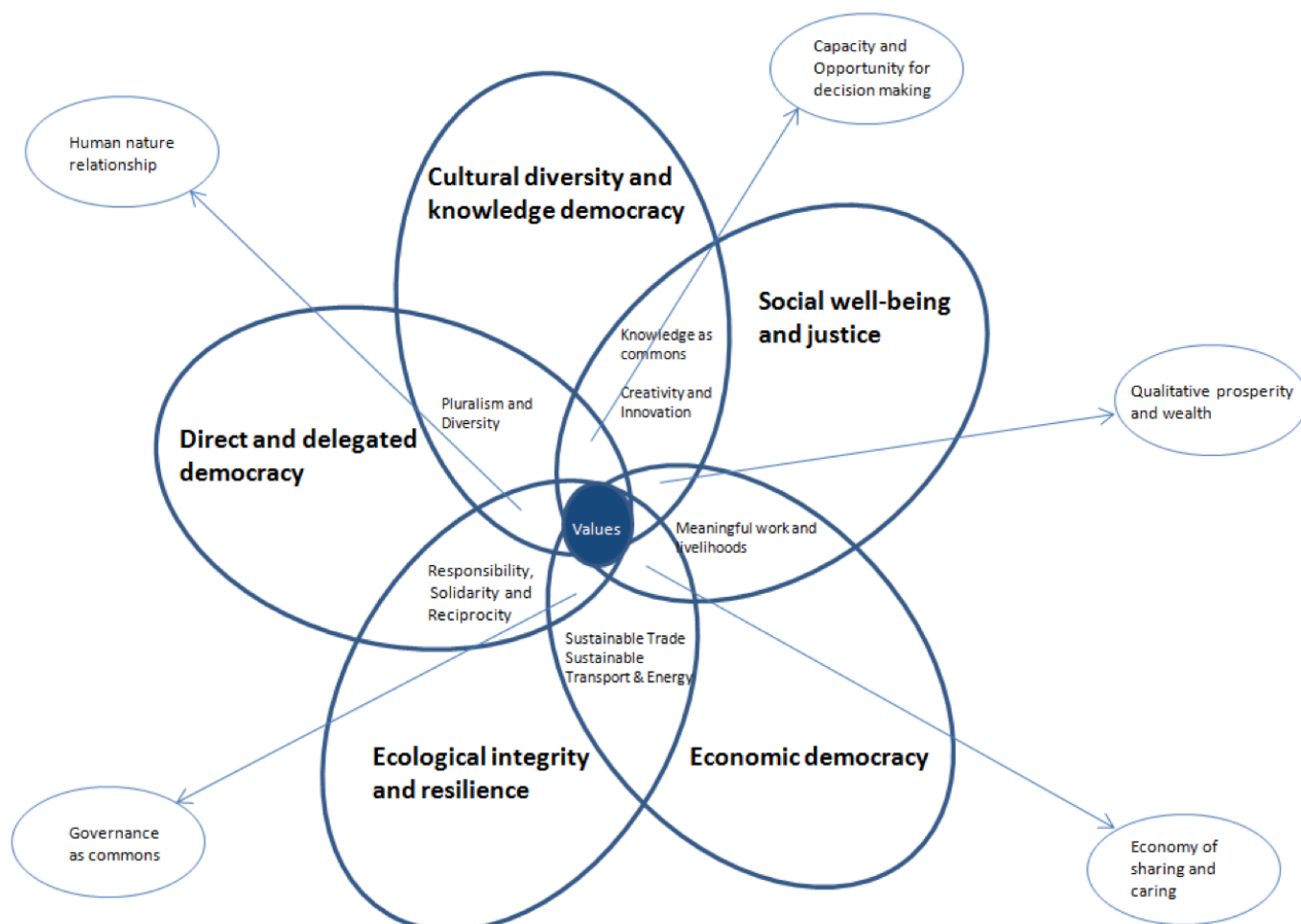


Figure 1: Spheres of alternatives transformation
(Note: the topics mentioned in the overlapping areas are only indicative, not exhaustive)

dream and deliberate towards an alternative future.

One of the issues faced by movements working towards radical transformation, is that many actions being claimed as alternatives are actually dealing only with the symptoms (e.g. recycling waste rather than challenging its generation and the economic forces that create it), instead of bringing in radical or transformative changes. In addition, they might be fundamentally challenging one dimension of transformation but might be negatively impacting other dimensions of transformations. In order to understand these and other complex issues, a tool called the Alternatives Transformation Format (ATF)³ has been developed as part of the Academic-Activist Co-generation of Knowledge on Environmental Justice Project (ACKnowl-EJ).⁴ This lists multiple elements of alternative transformations in the above mentioned five spheres. As the ATF notes, many alternative initiatives confront the basic structural reasons for these challenges of unsustainability, inequity, and injustice, such as capitalism, patriarchy, state-centrism, or other inequities in power resulting from caste, ethnic, racial, and other social characteristics. These can be termed transformative or radical alternatives. The ATF helps to get an understanding of whether changes are taking place towards alternative transformations i.e. greater direct or radical democracy (where people on the ground are core part of decision-making), more control over the economy by the public (not the state or corporations) and the revival of relations of caring and sharing, sustaining or reviving cultural and knowledge diversity and the commons, and greater equality and justice on gender, class, caste, ethnic, 'race', and other aspects, all of this on a foundation of ecological resilience and sustainability and on fundamental ethical or spiritual values of co-existence amongst humans and between humans and nature.

The alternatives framework and the ATF together set the background for analysis of various initiatives at transformation in India, that Kalpavriksh is undertaking case studies on. This is part of an ongoing process in Kalpavriksh to understand myriad attempts at generating and practicing alternatives that not only challenge the dominant 'development' paradigm, but provide viable pathways for human wellbeing that are ecologically sustainable and socio-economically equitable.

Some of these case studies attempt to dig deeper into one of the above-mentioned five spheres of alternatives, i.e. direct and delegated democracy.

The attempt is to document processes, initiatives and pathways towards more democratic functioning (which we explain below). In addition, the idea is to analyse how the attempts to establish radical and accountable forms of democracy establish or enhance links to the other spheres of transformation, explained above. We do this briefly or in detail, depending on the specific case.⁵

1.2 Democracy

Democracy (*demos*=people + *cracy*=rule) is supposed to mean the rule of, by, and for people. In its original meaning this would imply that all of us, wherever we are, have the power to govern our lives. However, across the world its dominant meaning has been constrained by the form of 'liberal' governance in which representatives elected by people have power at varying degrees of centralisation. It is necessary to understand this crucial difference between direct or radical democracy and representative democracy. In the former, 'ordinary' citizens self-govern for various essential aspects of life, expressing power where they are, recognising that such power is inherent to them rather than 'given' down by the state or someone else. In the latter, power is concentrated in representatives (elected or delegated), and typically the institutions where these representatives exercise their power, forming the state, are far removed from those who have voted or selected them. These two forms of democracy are not necessarily antithetical to each other, and conceivably one can formulate systems of subsidiarity where all decisions that can be taken at the level of local, face-to-face units of direct democracy are taken there, and only those requiring larger-scale coordination are taken by units comprising representatives or delegates. In such a system, or even in those where direct democracy does not exist or is very weak, there can be various processes to ensure that representatives are accountable, transparent, and participatory in their decision-making, and that there are methods such as the right to recall and periodic rotation of people in 'leadership' positions, that reduce unaccountable concentration of power.

2. Introduction to the Case

With reference to the above, this study describes and analyses a non-violent movement to save a Himalayan landscape of enormous ecological and livelihood importance (see Section 5 below), from destructive activities in the midst of one of

India's most conflict-ridden regions. Of particular significance was the emergence of Tosamaidan Bachao Front (TBF), a forum that includes sarpanches of 64 panchayats⁶ in Budgam district of Jammu and Kashmir. It also includes activists, environmentalist and other concerned citizens. TBF emerged to resist and protect the Tosamaidan landscape that was used by the Indian army as an artillery firing range. A peaceful movement initiated by TBF aimed to protect Tosamaidan from further degradation and to stop accidental killings of humans and livestock.

This study describes the history of emergence of TBF, principles at the core of its work, and the future of the initiative. It briefly describes some of the learnings emerging from a non-violent grassroots resistance in the midst of an intense conflict situation. Section 3 mentions the list of objectives, methodology and limitations. The 4th section gives a brief context of Kashmir followed by a brief description of Tosamaidan and its related conflict. In the subsequent section, there is description on how TBF emerged and what is currently happening in the region after reclaiming Tosamaidan. The next section then spells out some learnings from the process followed by a conclusion.

3. Objectives, Methodology, and Limitations

Objectives

The existing literature on TBF (primarily online articles) provides descriptive information about the process of the movement. However, it does not detail out the process of collectivisation, the role of laws like Right to Information (RTI),⁷ and impact on the local governance process. Hence, this study has the following objectives:

1. To comprehensively document the process of collectivising about 60+ *panchayats* and how this involved and impacted (if it did) local forms of governance.
2. To illustrate the democratic principles and learnings emerging from the TBF process.

Methodology

This case study is part of the project 'Alternative Practice and Visions in India: Documentation, Networking and Advocacy', undertaken by Kalpavriksh and sponsored by Heinrich Boll Foundation (HBF). As part of this case study, the authors visited Kashmir in June 2019 and conducted

semi-structured interviews with key activists, TBF members, one official, and community members (see Annexure 1 for list). The work also builds on existing literature available on TBF. A brief interaction with one key respondent was also held in October 2019 at the sidelines of a meeting in Rajasthan, to get some updates. Some of the questions that guided us through the discussions were:

1. How did TBF emerge? Why?
2. How did the 64 panchayats collectivise? What were the processes undertaken to do so?
3. What was the consultation process undertaken by TBF among community members and also state actors?
4. What were the underlying principles behind the process and how were they asserted during the struggle?
5. What activities are being undertaken by TBF to regenerate the degraded meadow and revive local livelihoods?
6. Has TBF been able to inspire other environmental justice struggles in Kashmir?
7. How does TBF envision continuing in the future and carrying forward its work?

Through conversations structured broadly around these questions, the study primarily draws from the interactions with the key activists of the TBF and their own articulations of TBF process, along with insights offered by some community members, and one official of the Tosamaidan Development Authority (TDA).

Limitations

The report is based on a five-day visit and limited to interviewing a few key people who were part of the TBF process, and interactions with some community people. We did not have the chance to meet army or government representatives (other than the head of the Tosamaidan Development Authority, introduced later below). It is important to note that many of the incidents and processes reported on below, are based on what was told to us by our respondents, and are not the outcome of our own personal observations. This study thus should be looked at as work in progress, and could be enhanced with longer visits, more interactions with community people and state representatives.

4. The Kashmir Context⁸

Kashmir forms the area between the Greater Himalayas and the Pir Panjal Range in the northernmost geographic area of the Indian subcontinent.⁹ It has been culturally, politically and strategically an important area for a millennium. Over this period, it has been influenced by diverse cultural and religious influences, including Hinduism, Buddhism, Islam, and Sikhism, and governed by rulers belonging to various cultural identities. At the time of India's independence from British rule in August 1947, it was a princely kingdom. During the partition into India and Pakistan, Jammu witnessed mass killings and exodus of Muslims (Naqvi 2016). At the time, the region had a choice about joining India or Pakistan. For a short period it decided to remain independent, until reportedly a tribal invasion from the Pakistan side resulted in the then Hindu king (Maharaja Hari Singh) seeking India's help and in turn signing an Instrument of Accession with the Indian government on 26 October 1947.¹⁰

As per this instrument, India controlled only defence, foreign affairs and telecommunications.¹¹ In 1957, Kashmir was formally incorporated into the Indian union and was granted special status under Article 370 of India's Constitution (Kapur 2019). This gave it autonomy, in terms of having its own constitution, freedom to make its own laws and a separate flag. Despite this, the autonomy in Kashmir remained a far-fetched dream as a number of wars erupted between India and Pakistan, and India and

China, relating to territorial issues, leading to a very heavy central government (including armed forces) presence in the region. The continuous conflict and erosion of Kashmir's autonomy, eventually led to the emergence of pro-independence political groups and insurgency centred around the Jammu and Kashmir Liberation Front (JKLF).¹² The count of Indian military in Kashmir rose to half a million and by mid-nineties Islamist rebellions began to dominate the insurgency. Around the time of India's independence, the Jammu area had witnessed mass killings of Muslims; then in the early 1990s, Kashmir witnessed attacks and threats to Kashmiri Pandits and their eventual mass exodus (Ahmed 2016). The time period between the 1990s and 2000s experienced a mix of rising insurgency, India's increased military presence, testing of nuclear devices by both India and Pakistan, considerable violence and conflicts, and multiple but unsuccessful attempts by India and Pakistan for amicable solutions. Periods of peace and resumption of relatively normal life have been interspersed with periods of conflict, violence and tension. The latter have been used by the Indian government as a justification for intense military presence (Kashmir is stated to be the world's most militarised civilian area), and for rejecting the demand for a plebiscite or referendum to allow Kashmiris to determine their status (remaining with India, becoming part of Pakistan, or becoming their own independent nation) (Noorani 2007). In the latest and most dramatic (and undemocratic) of actions by the



Tosamaidan landscape with sheep and goat herd

Indian government, in August 2019, it unilaterally scrapped the special status guaranteed to J&K under Article 370 and proposed it to be a Union Territory, which came into effect on October 31 (Das 2019).

Decades of insurgency and State-imposed militarisation in the name of counter-insurgency have plagued the valley and its inhabitants in a conflict where their autonomy and will is severely compromised or suppressed (Peer 2010). Kashmir is laden with historical betrayal, killing of 100,000 people since 1989,¹³ genocide, gross human rights violations, and a mockery of democracy with a largely peace-loving people caught in the crossfire between the India, Pakistan, and non-state militant actors.

However, the study below focuses on an inspiring process of peaceful resistance and assertion of ecological sensitivity, and dignified livelihoods. We have briefly provided the above context only because this story has a bearing on the state of conflict, and vice versa.

5. Tosamaidan

Tosamaidan is a high-altitude landscape of undulating meadows slowly rising to the height of 10,000 feet (Stein 1899). It is made of three prominent meadows: Pathra, Guttemarg and Badshamarg. The name *Tosa* or *Tosha* seems to have multiple stories of origin. According to one, Emperor Jehangir visited this route, intending to set up his signature Mughal gardens, but found the meadows so exquisite that he realised he could do nothing to enhance their beauty. It is said that he exclaimed “*tu shahe maidan*”, which later got transformed into the name it is now known by.¹⁴ *Tosha* is also believed to be the name of a very expensive, velvety woollen shawl, which the landscape may look like.¹⁵ Bounded by dense forests, primarily of fir, pine and deodar trees and snow-capped peaks, with silvery snake-like rivers running through them, the meadows are crucial pastures for the livestock of villages set at the base of the mountains.^{16,17} Apart from being rich in flora, the area is also home to varied wild mammals like the Leopard cat, Jungle cat, Himalayan Black Bear, and Brown bear, and a large diversity of other fauna including bird species.¹⁸

The meadow is situated about 10 km from Khag town of Budgam district at the foot of Pir Panjal range.¹⁹ The Tosamaidan route has been one of the most important in Kashmir owing to it being the shortest route to the Valley of Poonch and to the

portion of western Punjab which lies between Jhelum and Indus (Stein 1899). It was also an important route during the Mughal period; in fact, Mehmud of Ghazni tried entering Kashmir through this route but was turned back (Stein 1899). The route starts from the village Drang which is at the foot of the mountains of Pir Panjal. Around 53 km from Srinagar city, Tosamaidan is the largest pasture in its surrounding areas, “3 miles in length and 1.5 miles in width” and remains mostly covered in snow from November to April.²⁰

Several streams originating in Tosamaidan or neighbouring meadows flow into Sukhnag River. Tens of thousands of people in 3 districts downstream depend on this river for their survival. Many communities practicing pastoralism and farming (mainly paddy, maize, beans), including Gujjars, Bakarwals, Pohls, Paharis and Kashmiris, are substantially dependent on the meadows for their livelihoods and survival. Hundreds of families move with thousands of livestock into the area in summer and spend 3-4 months there before returning to their villages at the base of the hills. Apple and almond orchards are also a good source of income for these communities.

The forests of Tosamaidan area have been facing extensive destruction due to illicit logging for road construction, rapid urbanisation, illegal felling by local people and fires. Similarly, the rich fauna is extensively threatened due to poaching, encroachment, deforestation, fires, climate change and other human caused destruction.²¹ A part of this has been due to the presence of the army over several decades.

6. Conflict

Despite its historical, ecological, economical and cultural importance, about 11,600 hectares of the Tosamaidan area was leased out to the Indian army in 1964 by Jammu and Kashmir state government, for use as a firing range, and for conducting artillery drills. As is the usual practice in such matters, local people were not consulted, nor were adequate warnings issued about the threats posed to them. What followed were several decades of incidents adding up to a huge environmental and human cost. Until the 1980s, only small weapons were used but later the army began using bigger weapons, like the Bofors guns, and bombing by air. People recall that air bombing started around 1987-88. “The annual melting of the snow around March-April that signals



Deforestation near Tosamaidan

spring and movement of the pastoral communities towards the meadow's grazing slopes coincided with the beginning of the army's artillery exercises for the year. Rocket launchers, grenades and mortar guns were used for practice firing from one mountain slope to another, leaving the meadow littered with hundreds of unexploded devices" (Maneckshaw 2018).

Official records (obtained using RTI) revealed that 67 people have been killed in these five decades, either due to misfired shells or because they came into contact with unexploded shells which lay around on the meadows or were carried down by streams. The total number of people directly affected by the firing range was reportedly around 50,000 in 18 villages. Among them, Shunglipura was the most victimised village as Tosa is the main grazing meadow for them. Other villages that were significantly affected are Chillbrass, Hardapunzu, Sitaharan, Zoogu-Kharien, Drung, Lassipora, and Arizal. There is no record of how many sheep, goats, or cattle have perished in all these decades. The government or the army rarely paid any compensation for the loss of livestock or human life, or damage to the landscape, flora and fauna. For decades people's complaints were hushed up, no media carried the news, and entire communities lived in perpetual fear. Several villagers told us that they could not sleep at night when exercises were on, due to the loud noise. Since many drills also happened early in the morning, people

were even fearful of sending their children to school.

There are multiple stories of distress in and around Tosamaidan. Zainab Kataria of the Bakarwal (pastoral) community left the area to come to Srinagar 20 years back, soon after her husband was killed on Tosamaidan. Recounting the incident to us, her eyes moist, she said that her husband Babu Kataria had gone out with their livestock on the other side of a river from where they were camping in Rajouri. She heard a loud explosion, and when she and others of the community rushed there, they found 3 people including Babu killed, apparently by an unexploded shell. 40-50 livestock were also



Zainab Kataria



Mohammad ('Master') Maqbool and Shaikh Ghulam Rasool in conversation

found dead. The army came to inspect the situation followed by the Khag police. But when Zainab bi went to the police station to file a FIR, she recalls that "they refused to take it, instead they threatened that they will file a FIR against us for incursion into the firing range!" Zainab bi did get Rs. 75,000 as compensation after running from pillar to post, but this could not have compensated for her loss. In any case, she pointed out, Amarnath *yatra* pilgrims get Rs. 12 lakhs in the event of death; why such discrimination? Zainab bi continued working for some time in her village, but as a mother of three, it became difficult to manage livestock all alone, hence decided to come to the city and work at people's homes.

Mohammad ('Master') Maqbool, who was a middle school social science teacher and later became the Sarpanch of Chillbrass village in 2011, recalls that the explosions at times used to produce such strong tremors that the walls of houses would crack or collapse. In one incident in his village, a cow, startled by an explosion, fell on a woman while she was milking it. The woman was badly hurt in her head and arms.

Maneckshaw (2018) records:

"On May 19, 2014, seven-year-old Simran Parray came home excitedly and began playing with a bag she had found in the meadow. It contained unexploded shells. The blast blew her body into pieces and tore away the leg of her five-year-old

brother Fayaz.

Mohammed Akram Sheikh, a carpenter by profession, the former sarpanch of Shungli Pora and vice president of the Tosamaidan Bachav Front, a movement that sprang up to oppose the firing range, also told me of his own emotional and physical scars: "I was a young boy when I lost my older brother Abdul Karim in 1990. He was 23 and just engaged. I was in Tosamaidan as it was our summer break and he had brought me my school books and then gone to tend to the cattle."

A sudden outburst of firing killed Karim on the spot. The Khag police station refused to file the first information report (FIR), saying that the killing took place in a firing range. "We were the victims. A member of our family was dead, but we had no right to question this killing. Such was the pressure exerted on us [by the police and army]."

"When people complained, police never filed an FIR except once in 2013. A 12- year-old girl and her brother while playing picked up an unexploded shell mistaking it to be a ball. They were both killed, and this incident really riled the people. Ten thousand people gathered at Lal Chowk," narrates Master Maqbool.

Apart from such accidental killings and mishaps, there were various ecological implications of the firing. Deforestation was one; damage to wild flora and fauna another. A number of rivers and springs

originating in Tosamaidan became poisonous, and people were afraid to drink their water; even radiation was feared (we come back to this later). The firing also affected the economic possibilities for the people. Tosamaidan is as or more beautiful than Gulmarg, Pahalgam or Sonmarg according to the residents and hence, has enormous tourism opportunities. But the artillery firing range hindered such opportunities. According to Master Maqbool, eco-tourism opportunities in Tosamaidan could have provided local livelihoods to the youth as also revenue to the government, and would have helped conserve the natural beauty of Tosamaidan. But the lives and needs of local people were completely ignored by the government in continuing to prioritise the firing range.

7. Tosamaidan Bachao Front (TBF)

Dr. Shaikh Ghulam Rasool, a government medical practitioner regularly visited Tosamaidan area as part of his beat, in the late 2000s. He noticed that every third woman he treated was a widow, a shockingly high incidence. On enquiry, he found that many had lost their husbands to explosions. He also saw the forests in the area being recklessly cleared. There was massive deforestation in Tikhal, Sitaharan and Drung and other areas. Being an environment enthusiast, Dr. Shaikh enquired with some active community members, who told him that partly it was by the army to make way for its operations or to

remove cover that ‘terrorists’ may use, and partly by community members as they had no other source of livelihood.

But any further information on the matter was publicly unavailable. To understand the situation better, Dr. Shaikh filed applications using the Right to Information (RTI) Act. Inspired by him a local youth, Nazir Lone, then conducting a business of renting out tents, also filed multiple applications (from being Tent Nazir he has now become known as RTI Nazir!). Between them, they covered all relevant government departments, like Sheep Husbandry department, Deputy Commissioner’s office, Police, Forest Department and Water Department to get information on casualties and injuries due to the firing range, contamination of water, what kind of ammunition was being used, and who was responsible for giving the lease. An RTI application was also filed with the Army on the composition of the bombs and weapons but the information was not shared due to security reasons. However, Dr. Shaikh discovered a Facebook post by an army officer that revealed that Bofors ammunition had uranium in it, which raised the possibility of radiation in the waters flowing out of Tosamaidan.

A response from the Forest Department mentioned that the lease was renewed every 10 years and not every 90 years as was locally believed. The next renewal was due in 2014. This brought a ray of hope among the local activists, as they realized it was the opportune time to mobilise people to seek for the cessation of the firing range exercises. One of the key activists was Master Maqbool. At his home where we had gone to meet him, serving us with cups of the ubiquitous *nun chai* (salt tea), Master Maqbool said: “I was elected as a sarpanch and all I wanted to ask for was basic constitutional rights, the right to live peacefully. Is it too much to ask?”

The key local residents and a few from outside like Dr. Shaikh, decided that in order to take up the issue with seriousness, some kind of organisation was needed. Thus was born the Tosamaidan Bachao Front (TBF), on 12th August 2013, at Master Maqbool’s house in Chillbrass village. At that meeting, several other local leaders like Maulvi Mohiuddin were present. This, however, was the culmination of a process that began 6 years earlier. From 2009 onwards, after filling multiple RTIs, gathering information on the social, ecological, economic and political aspects of Tosamaidan, work began towards collating and disseminating this information in a coherent form. A number of meetings were



Nazir Lone



Meeting of authors with members of Tosamaidan Bachao Front at Zoogu-Kharien village

organised with community members, local network groups and other stakeholders to create awareness on the ecological, economic and social importance of conserving and protecting Tosamaidan. Several sarpanches supported the movement. By mid-2013, there was a common consensus among the members that the process needs a forum that can take up the movement in a more consolidated manner. Hence, TBF was formed, and came out with its first collective statement explaining the reason behind its formation. To the members' surprise, several mainstream papers carried the news, and began to show the true picture of Tosamaidan's plight. This encouraged people to come out and openly share their ordeal.

The TBF members along with other local activists began the process of active mobilisation. They used varied means to mobilise people and create awareness amongst them. The slogan that reverberated at all the meetings of the movement was, '*Teri jaan meri jaan, Tosamaidan*'. The news about TBF spread among other sarpanches who also became eager to join the movement. Sarpanches representing 64 villages came together to form the Sarpanch Association of Budgam.²² This association, formed with Maulvi Mohiuddin's and Master Maqbool's involvement, was responsible for further raising awareness in the villages. 52 sarpanches who

were members of this association, representing 64 villages, decided to join the TBF.

The TBF and every village took an oath called *halafbardari*, in which they promised to fight together, keeping aside their self-interest and political ideology, towards protecting Tosamaidan.



One of the founders of TBF, Sheikh Ghulam Mohidin (former sarpanch, Sitaharan). People call him Adil (one who delivers justice)

They also resolved to follow a consultative process, put various perspectives on the table, and resolve any issue with dialogue. In all the 64 villages, meetings were conducted and the oath was read out aloud. A 30 member committee was formed in each panchayat which would take up organising of meetings and coordination of awareness activities in their area. Each sarpanch was responsible to coordinate meetings in their respective panchayats, and pass a resolution supporting the process and following its rules like being a peaceful, consultative, pro-people and ecological movement. A number of resolutions were proposed by sarpanches and Lumberdars (village headmen, who are revenue officials). Maulvi Mohiuddin also used the post-*namaz* time to raise awareness among people and motivate them to believe that they can do something to protect their lives and Tosamaidan. A number of consultations and advocacy were carried out with political parties, media and government offices. The parties and media were requested to take up their issue. The local political leadership was asked to do advocacy for the issue, and not to come back to the area unless they have the order for denotification of the firing range! The movement also made it clear that it is not part of or affiliated with any political party and declined offers of Hurriyat Conference and Jammu & Kashmir National Conference (JKNC) to formally link up. TBF made it clear that they would like people to join them in their struggle, but not lead it according to their respective political ideologies.

Financially, all the money required for TBF related activities was generated or donated by the local people and the activists involved in the movement. Whenever meetings happened in the villages, the respective village would take care of hosting the meetings and sometimes even for people's travel.

All this while, there was a lot of pressure on the 5-6 main activists of TBF. The army reportedly often threatened the activists, and negative propaganda was initiated that the activists were 'militants' working in the open. TBF members, especially Dr. Shaikh and Maulvisaab were picked up by the police and the army several times. Allegedly, the army also tried to bribe the activists by offering them Rs. 50-60 lakhs (5-6 million) to stay quiet. In fact, they managed to 'buy' one of the sarpanches who gave a statement against the Maulvi, based on which he was arrested. But a lot of people protested against his arrest at Press Enclave, Srinagar and he was released subsequently. In conversation with us, he stressed that he always told the army to promote real development, and that to quell militancy it is

important to stop this destruction of nature and of the communities' dependent on it. Despite constant harassment and questioning, people remained united; eventually, according to Dr. Shaikh and Master Maqbool, senior officials of the army also realised that people are fighting for the right cause.

According to Maulvisaab, as the movement garnered enough support and positive media attention, people were not scared at all. He says that "*nihatey, gareeb, bhukhey bhi hon log tab bhi andolan mein zaroor aatey they, aisi takat thi*" ('even if they were unarmed, poor, hungry, they would still come for the movement actions, that was the power of the movement'). "From Khag to Ringzabal we mobilised people; a number of peaceful protests were organised here and in Srinagar and no incident of violence was ever reported," says Maulvisaab with a sense of pride. Dr. Shaikh adds "even the Police Commissioner of Srinagar appreciated our self-discipline when we organised a mass rally in Srinagar, the largest ever rally that had nothing to do with struggles relating to Kashmir's political status."

Eventually, all the mobilisation and pressure paid off. The then Chief Minister Omar Abdullah understood the plight of people and promised he would look into it seriously. Subsequently in 2014, the state government issued an official statement stating that the lease will not be renewed. That November, Tosamaidan and its residents celebrated 'Jashan-e-Tosamaidan' a festival that signifies and celebrates their struggle. Around 150,000 people gathered for the festival. It subsequently became an annual event.

The army was asked to carry out a clearing drive, to rid the landscape of shells, given the previous experience of unexploded shells having killed people. This was called Al-Falah, a comprehensive search operation. The army claimed to have sanitised the area and the Chief Minister (CM) was also called for inspection. In an official gathering, the army handed over the land to the CM in November, 2014.

However, it seems that there were 20 zones that needed clearing. The army finished 18 zones, and were apparently not sanctioned a budget for the remaining two. Either due to this or because the clearing was not efficiently carried out, despite a petition filed with the National Green Tribunal by activist Raza Muzaffar Bhat in 2016,²³ as recently as 2018 there has been a tragic incident. During the Jashn-e-Tosamaidan festival, 22-year old Wajid Bashir from Zoogu-Kharien village, wandered off with his friends to a nearby meadow. He was killed when he accidentally disturbed an unexploded

shell lying in the meadow, which triggered a blast. Another boy, Waseem Majieed, lost one leg. Subsequently, the army has put up boards at some key places on way to Tosamaidan, warning people to not touch any suspicious-looking objects.

8. Aftermath: Regeneration and Reconstruction

TBF gave hope to people that through peaceful and democratic means it is possible to reclaim one's rights and entitlements. It has been 6 years since the Tosamaidan Bachao Front was formed. Its aim achieved in 2014, it could have wound up. But it decided to carry on, to envision how the landscape should be restored and conserved, how it could become a source of sustainable local livelihoods, especially for young people, and how it could be an inspiration for working towards peace. Annual festivals like Jashn-e-Tosamaidan and Chilaikalan Jashan are held to celebrate the liberation of Tosamaidan and bring together all the villages and sympathetic outsiders.²⁴ In areas where deforestation had taken place, community members with help from the Forest Department are planting trees in an attempt to achieve some level of ecological restoration.

From the TBF process emerged an NGO called the School for Rural Development and Environment (SRDE), in Srinagar, set up in 2015 by Dr. Shaikh and his colleagues. The aim was to initiate documentation, research and advocacy on environment related issues in Kashmir, as these tend to get heavily ignored. In the same year, SRDE and TBF came up with a plan for Community Driven Adventure and Rural Eco-Tourism (CDART), facilitated by Dr. Shaikh and colleagues like Lubna Sayed Qadri, and following multiple consultations at the village level including with women, disabled and local stakeholders including Paharis, Bakkarwalas and Kashmiris. The plan rejected the extractive, ecologically and culturally destructive Gulmarg model of tourism. This is extremely crucial because across India and in fact rest of the world, tourism has become a corporate-owned, extractive, money-making endeavour that is devoid of any consideration to local livelihoods, ecological sensitivity, and local cultural integrity. The Eco-Tourism plan emanated from the principles of self-determination, localised income generation, ecological sustainability and inclusivity.

The plan was presented to the panchayats, which adopted it by resolution, declaring that through such a model "the deserved community will have control



Regeneration of Tosamaidan landscape by villagers with help from Forest Department

over its own natural resources; the benefits of the said tourism model ... will reach all strata of the suffering communities” (Qadri 2018). It was then presented to the state government on 29th March 2016, at a meeting where heads of 14 state departments were present. In May 2016 the then Chief Minister Mehbooba Mufti announced that Tosamaidan would be dedicated to tourism run on the CDART model.

In 2017, the state government established the Tosamaidan Development Authority (TDA), with the objective of ‘developing’ the area keeping in mind its ecological and cultural attributes. Around Rs. 40 crores (400 million) have been sanctioned by the government for the area for the period of 2019-2020. The CEO of TDA, Haneef Balki, told us that he would prefer local people with help from experts like Dr. Shaikh to make the plan for using this money, rather than people from outside who may not be sensitive to the area’s needs. A welcome perspective, though it is not clear if any other CEO taking over will share it, or what will happen now with control shifting to Delhi (see next section).

Meanwhile, SRDE in collaboration with TBF has been training local youth to be nature guides. Along with this, the idea is also to promote local crafts and arts, and to market such products when tourists come to this area in the future, or in markets outside. There is also a plan to include medicinal plants and fruit products as part of the livelihoods generation program. Around eight foothill villages are currently included in the plan. TBF members while talking to us repeatedly asserted that they don’t want corporate companies in their region and rather want pro-people and pro-nature initiatives. There is a lot of pressure from the commercial tourism nexus but local pressure has ensured that it is kept out. In the process, the attempt is that people stay connected to their cultures, conserve Tosamaidan’s ecosystems and biodiversity, generate local livelihoods, and provide a meaningful experience for visitors. In particular, they are keen that tourism to the area is not of the destructive form that has engulfed Kashmir’s other destinations.

9. The Latest Twist and its Implications

On 5th August 2019, the Indian government abrogated Article 370 and Article 35A, stripping away the autonomy of Kashmir, and converting it from a state to a union territory (effective from October 31), directly under New Delhi’s control. This was followed by the imposition of a virtual

lockdown, no internet services and mobile networks (partially restored after more than 2 months), and the detention of prominent Kashmiri politicians and activists under house arrest or in jails. A number of men and women have been detained under the Public Safety Act without hearing of Habeas Corpus pleas, and unfortunately relief has not been forthcoming for this from the Supreme Court either (Kala et al. 2019). There have subsequently been several independent reports by academics, activists, and journalists who were able to get into Kashmir, travel around, and report on the dire situation (e.g. Raja et al 2019; PUCL 2019; Shaheen et al 2019 Donthi 2019). These graphically bring out the common person’s plight in midst of this lockdown: non-availability of ambulances or essential drugs; people unable to attend funerals of the relatives or even get to know about them; schools and colleges shut; many businesses non-operative. Women and children have in particular been badly affected, compounding a long history of their voices being ignored (Watali and Fatima 2019). These reports also bring out ground-zero reports of harassment and violence on citizens, by security forces. The local media, heavily censored, has been unable to expose much of this. Remarkably, through such an ordeal, much of the population of Kashmir is reported to have maintained restraint in their reaction, including various forms of peaceful civil disobedience (Kala et al. 2019).

The possible political implications of this move are many. First, the central government will now have much more direct control over all affairs in Kashmir, and central laws will apply without any mediation by a state legislature. This is a direct attack on the federal structure of the Indian state that mandates a division of powers between the Central and State governments, and substantial decentralisation. Importantly, the Centre’s decision to remove J&K’s special Constitutional status was taken without any consultative or dialogic process with people or elected representatives of Kashmir. There are petitions filed in the Supreme Court of India questioning the move and its attendant actions, but they may take a long time to be adjudicated.²⁵

The central government has claimed that the move will open up the possibility of economic development for the region, and usher in a new era of civil liberties that never reached Kashmir because of its special status.²⁶ Along with this, the Prime Minister asserted that development of Kashmir would be a big boon for India’s economy, and encouraged

companies to set up industries in Kashmir. However, it is worth noting that the neoliberal and heavily privatised nature of 'development' brought promoted for the last few decades in India, has entailed huge environmental, cultural and economic costs (Shrivastava and Kothari 2012). Instead of promoting localised livelihoods that thrive on ecological and cultural integrity, for Kashmir too, the intensification of economic development under the control of Delhi, could lead to greater costs of this nature.²⁷

While any predictions of what all this would mean for Tosamaidan are impossible to make, some possible implications can be considered. If commercial and infrastructural forces enter in a big way, including to profit from new tourism, mining, hydropower or other opportunities, movements like the Tosamaidan Bachao Front that have peacefully asserted for dignified, localised and environmentally sensitive livelihoods, could get pushed to the fringes. The currently (as of mid-2019) sensitive outlook of the Tosamaidan Development Authority, assuming such an institution remains, could get transformed to a top-down, exploitative one (as is the case with many such authorities in India). If decades of 'development' experience of the other Himalayan states are an indication, the forecast for Kashmir is bleak.

On the other hand, a possible positive opportunity may also open up, that of claiming community and habitat rights over the Tosamaidan landscape under the Forest Rights Act (FRA) 2006, which has not been applicable to J&K as a state. In theory at least, this could provide the local communities including the pastoralists with significant legal control over the area. This positive outlook must however be tempered by the knowledge that across India, bureaucratic and other hurdles have severely handicapped the implementation of the FRA, and this is all the more so in the Himalayan states (CFR-LA 2016). Realistically speaking, the forces behind commercialised, extractive development are much more powerful than the ones behind justice-based laws like the FRA.

10. Learnings and the Future

Despite the above turn of events, it is still worthwhile to look at the Tosamaidan process, as a source of lessons and inspiration for not just people in Kashmir but also across India and the rest of the world, who believe in the power of peaceful

and truth affirming resistance. There are various learnings emerging from the Tosamaidan process.

For one, it emerged as a successful, peaceful resistance to the most powerful State representative, the army. Such resistance is never easy, for there is always a temptation to resort to violence, and the TBF itself had to contend with people from within the community who would have wanted to attack representatives of a repressive state. The fact that people across dozens of panchayats remained non-violent, says a lot about the nature of the leadership and the widespread 'ownership' of the movement amongst the area's people.

Second, and related to the above, the movement articulated a set of principles at the core of the process that can be learnt from and applied in many other contexts. Non-violence was one of them; others included an assertion to a dignified life, non-engagement with political party politics, and environmental integrity.

Third, it also brings out the power of a collective which can through its efforts bring about a radical change. The TBF process created space for local people to participate actively, in many different ways, including creating awareness, mobilisation, using laws like RTI, gathering oral and other forms of evidence, generating media, and others. This is especially crucial in the Kashmir context, where people have had few formal spaces for collective deliberation or the right to voice their opinions that may be very different from that of the State or of non-state actors like political parties and the 'militants'. Such spaces have been weak or absent not just in State or State-recognised institutions including panchayats, but also in civil society organisations or networks. Carrying out consultations and discussions in all 64 affected villages is an example of creating such spaces; it activated panchayats in a state where they have been systematically ignored or disempowered (Chakravarty 2018), and asserted the right of people to participate in decisions affecting their lives or their futures.

Another important aspect is the non-identification with, and clear distance kept from, party politics, and yet dialoguing with parties. The TBF members made clear to all the mainstream political parties that the process doesn't want any party label, even as it wants their support in doing advocacy with the government. TBF members realised that if the process gets captured by the political parties, it would get twisted and turned to cater to narrow or sectarian agendas. Also, since it was a united people's process,



Wular Lake



Meeting of authors with fisher community of Wular Lake

initiated and coordinated by them, then it should remain so. This bold decision, consistently upheld, brings out the well-thought out and mature nature of the movement.

One can also see the role of progressive legislations like the Right to Information Act. The Jammu and Kashmir Right to Information Act, 2009, came about as a result of considerable civil society lobbying (since the central RTI was not automatically applicable to J&K).²⁸ Dr. Shaikh and Nazir Lone used RTIs to obtain information on multiple issues relating to the Tosamaidan firing range, including key information on the duration and maturity of the lease, which the activists used to seek accountability from State Administration and further their work on reclaiming Tosamaidan. It also suggests that progressive, pro-people laws can play a crucial role in strengthening resistance and transformations on the ground, even if they don't necessarily change the nature of the State.

Post the reclaiming of Tosamaidan, the TBF did not become complacent, but rather actively engaged in the future envisioning and began focusing on working towards the region's and dependent community's wellbeing. The process of imagining localised, ecologically conscious livelihood options suggests that the TBF movement is not only focusing on resistance (which is, of course, the first crucial step in such a situation), but rather also offering an alternative vision of how fundamentally different their lives can be from the dominant economic, militarised, exploitative, and violence-inflicted systems (for instance with the tourism plan described above).

The role of local leaders, activists, inspirers, supporters and individuals in the TBF process is also of crucial importance. Multiple people played important roles in identifying key local participants and forums of participation, providing technical/legal help, supporting the process through facilitating

dialogues and advocacy with the government, helping with public and media outreach. The whole process powerfully brings out the voluntary spirit with which all people came together. TBF was never funded by any organisation nor has it asked for any financial support from any political party or other groups. Activists and community people joined the process on a voluntary basis and supported each other whenever in the need. Hosting meetings, paying for activists' travel, organising gatherings, and so on were always done collectively. The only time extra money was raised from the local community was when the *Jashan-e-Tosamaidan* annual festival was organised. This reflects quite effectively the strength and the commitment with which all people joined the process.

TBF members also made a creative use of cultural means to get through to the people and raise their awareness on issues relating to Tosamaidan. Maulvi saab used several sermons to raise awareness, mobilise and discuss the issues with people. A lot of folk poetry and sayings were used, written and re-narrated to revive and assert the close connection that people had with Tosamaidan for centuries, and to express awe and admiration for its beauty. Master Maqbool narrated one such poem for us (referring to a kind of flower found on the maidan):

*Wattadari haenz an achdaer i hund gaeabi suz buzeth
chu paatal huen pareaen te bram ivaan* ("The fairies
of heaven feel jealous listening to the spiritual music
to which flowers of Wattadari dance").

TBF process also inspired other environmental justice struggles in the region, particularly the formation of Wular Bachao Front and Gulmarg Bachao Front. Organisations like SRDE emerging from TBF experience are now working towards supporting and initiating such movements in other parts of Kashmir. The authors had the opportunity to interact with the community living around Wular



Youth of surrounding villages being trained as guides, at Tosamaidan

lake, which is one of the largest fresh water lakes in Bandipora district in Jammu and Kashmir. The lake which is a source of livelihoods for local people has in the last 15 years seen a substantial decline in fish populations, with pollution levels going up (all of Srinagar's waste flows into this lake, brought in by the Jhelum river), and cold water diverted into it from higher altitudes as part of the Kishan Ganga Hydro-electricity Project, upsetting the temperature balance. All this has also adversely impacted the productivity of water chestnut, another source of livelihoods. The local community called the Hanji, have been living here for 150 years, but are threatened to be displaced as the government considers them as encroachers. The Wular Bachao Front (WBF) inspired by TBF has been formed to work towards ensuring a consultative process for the official Wetland Management Plan, and asserting that communities and nature are inter-dependent on each other for their wellbeing. Similarly, Gulmarg Bachao Front has also been formed in the spirit of protecting Gulmarg from extractive corporate driven tourism, concretisation and the environmental havoc caused by the presence of the army.

However, amidst these learnings, it is also important to note some of the weaknesses that TBF can focus on for the future. One is the limited participation of women in these processes. Though attempts have been made towards including women, yet none are part of TBF committees or key social leadership. There is of course a cultural context to the situation but to move towards justice in other spheres it is

important that women become key constituents of it. Some attempts are being made in this front by SRDE by bringing in women sarpanches on board, but unless the community is ready, outside efforts would have limited effect. A plan to train young women as guides (several were listed after a lot of attempts), to begin in late 2019, has also not materialised due to the recent political situation in Kashmir.



Pastoral family on way to Tosamaidan

Another aspect that TBF can focus on the future is the empowerment of the smallest units of human settlement, the gram sabhas or village assemblies, as also the seasonal pastoral settlements in the high-altitude meadows. Though individual gram sabhas were involved in the Tosamaidan campaign process by hosting discussions, passing resolutions and participating in oaths, the extent of regular participation in decision-making, in the various activities of the campaign, etc, was still limited. This is not surprising, given the context of urgency and meagre resources that the TBF was functioning within; it is not possible to overturn a long history of formal non-participation within the space of a year. The focus on these smallest, most accessible units of decision-making (with inclusivity of marginalised sections such as women), and their involvement in future envisioning, planning and implementation of Tosamaidan's governance and management, would be a crucial aspect of the long-term sustenance of TBF or whatever other community institutions succeed it. It would take the movement towards democratic assertion to its logical conclusion of asserting a direct, radical form of democracy where power is located amongst the people at large.

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Annexure 1: Respondents to the study

Local communities at Tosamaidan

Maulvi Mohiuddin, Zoogu-Kharien village

Mohammad (Master) Maqbool, Chillbrass village

Nazir Lone, Shunglipura village

Zainab Kataria, Noishera, Srinagar

Several residents of the above and other villages, in group meetings; and pastoralists and guides during visit into the Tosamaidan area

Civil society organisations

Shaikh Ghulam Rasool, SRDE, Srinagar

Nawal Watali, SRDE, Srinagar

Lubna Qadri, Wada Na Todo, Delhi

Officials

Hanif Balki, CEO, Tosamaidan Development Authority, Srinagar

Comments on a draft of this report were received from Shaikh Ghulam Rasool, Nawal Watali and Lubna Syed Qadri, and considered in the final version.

Endnotes

¹ <http://www.vikalpsangam.org/about/the-search-for-alternatives-key-aspects-and-principles/>

² www.vikalpsangam.org

³ http://www.vikalpsangam.org/static/media/uploads/Resources/alternatives_transformation_format_revised_20.2.2017.pdf

⁴ ACKnowl-EJ (www.acknowledgej.org) is a network of scholars and activists engaged in action and collaborative research that aims to analyse the transformative potential of community responses to extractivism and alternatives born from resistance. The project involved case studies, dialogues, and analysis on transformation towards greater justice, equity, and sustainability in several countries.

⁵ The case studies carried out in 2019, of which this is one, include an analysis of decentralised urban governance in Bhuj (Kachchh, Gujarat), and the degree and kind of autonomy and democratic processes in Ladakh (formerly part of Jammu and Kashmir state, now a Union Territory).

⁶ The *panchayat* or village council is a constitutionally-mandated governance body at the level of a village or cluster of villages, elected by all eligible voters, who form the *gram sabha* or village assembly. In 1993, the 73rd amendment to the Constitution of India empowered panchayats with powers and functions to enable greater decentralisation of governance and management.

⁷ Right to Information Act (RTI) was passed by the parliament in 2005. Under the provisions of the Act, any citizen of India may request information from a “public authority” (a body of Government or “instrumentality of State”) which is required to reply expeditiously or within thirty days. The Act also requires every public authority to computerise their records for wide dissemination and to proactively certain categories of information so that the citizens need minimum recourse to request for information formally

⁸ <https://www.bbc.com/news/world-south-asia-16069078>

⁹ https://en.wikipedia.org/wiki/Kashmir#cite_ref-imp-gazet-history_5-2

¹⁰ https://en.wikipedia.org/wiki/Kashmir_conflict#cite_note-9

¹¹ Instrument of Accession of Jammu and Kashmir, 27 October 1947, http://jklaw.nic.in/instrument_of_accession_of_jammu_and_kashmir_state.pdf

¹² https://en.wikipedia.org/wiki/Jammu_Kashmir_Liberation_Front

¹³ https://en.wikipedia.org/wiki/Human_rights_abuses_in_Jammu_and_Kashmir

¹⁴ As told to the authors by Shaikh Gulam Rasool and Master Maqbool

¹⁵ According to the Working Plan (WP) by the Pir Panjal Forest division, 28.10.2014

¹⁶ According to the Working Plan (WP) by the Pir Panjal Forest division, 28.10.2014

¹⁷ Deodar, Kail, Fir and Spruce are the principal coniferous tree species found in these forests, besides broad leaved tree species like Horse chestnut, Maple, Ash, Hazelnut, Bird cherry, Poplar, Willow, Birch and Walnut.

¹⁸ According to the Working Plan (WP) by the Pir Panjal Forest division, 28.10.2014

¹⁹ https://en.wikipedia.org/wiki/Tosa_Maidan

²⁰ https://en.wikipedia.org/wiki/Tosa_Maidan

²¹ According to the Working Plan (WP) by the PirPanjal Forest division, 28.10.2014

²² The Sarpanch Association was part of the panchayat reformation movement in Kashmir, but reportedly the related bureaucracy was either corrupt or clueless (as were the sarpanches) about the implementation of government schemes. Hence, the movement was largely unsuccessful.

²³ <https://www.indiatoday.in/pti-feed/story/ngt-notice-to-defence-min-on-firing-range-in-jandampk-546010-2016-01-29>

²⁴ Jashn-e-Tosamaidan could not be held in 2019, due to the Government of India’s action on J&K in August.

²⁵ On a positive note, on the limited issue of internet being blocked, the Supreme Court on 10th January 2020 observed that this was against constitutional rights, and asked the Government of India to reopen internet for all essential services, and review the ban within a week (<https://economictimes.indiatimes.com/topic/Internet-Restoration-in-Jammu-Kashmir>).

²⁶ <https://economictimes.indiatimes.com/news/politics-and-nation/top-takeaways-from-pm-modis-address-on-kashmir/videoshow/70605538.cms>

²⁷ An early indication of this is the clearance of several projects that entail deforestation (Pervaiz 2019).

²⁸ https://www.humanrightsinitiative.org/programs/ai/rti/india/states/jk/jk_rti_rules_2009.pdf