

State and Human Rights in India: A Case Study of Kashmir Valley

THESIS

Submitted to
Babasaheb Bhimrao Ambedkar University
(A Central University)

BABASAHEB
BHIMRAO
AMBEDKAR
UNIVERSITY



•LUCKNOW•
प्रज्ञा शील करुणा
ESTABLISHED 1996

In fulfillment for the award of the degree of

Doctor of Philosophy

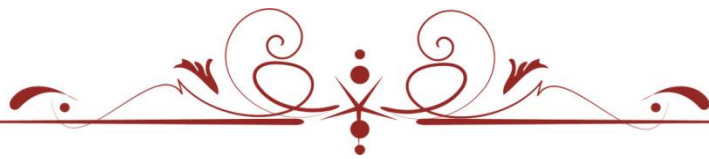
**IN
POLITICAL SCIENCE**

**UNDER THE SUPERVISION OF
PROF. SHASHI KANT PANDEY**
HEAD, DPS

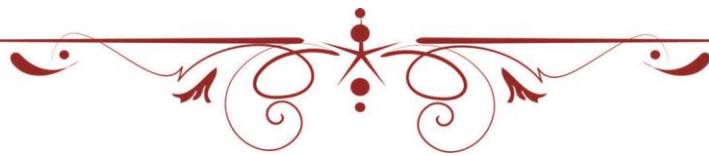
**SUBMITTED BY
MEHDI ALI**
ENROLLMENT NO. 1274/15

**DEPARTMENT OF POLITICAL SCIENCE
SCHOOL FOR AMBEDKAR STUDIES
BABASAHEB BHIMRAO AMBEDKAR UNIVERSITY
(A CENTRAL UNIVERSITY)
Vidhya Vihar, Raebareli Road, Lucknow-226025 (U.P.), India**

Year - 2021



**THIS THESIS IS DEDICATED TO
MY FAMILY AND TEACHERS**



CANDIDATES'S DECLARATION

I hereby, declare that this thesis entitled “**State and Human Rights in India: A Case Study of Kashmir Valley**” submitted to Babasaheb Bhimrao Ambedkar University, Lucknow in fulfillment for the award of Doctor of Philosophy in Political Science is the result of my original work. It has not been submitted in part or full for any other diploma or degree of any other University. The indebtedness of the candidate to others has been duly acknowledged at relevant places.

This study is carried out under the supervision of **Prof. Shashi Kant Pandey, Head,** Department of Political Science, Babasaheb Bhimrao Ambedkar University Lucknow, Uttar Pradesh, India. This is also to declared that the thesis is essentially free from all kinds of plagiarism.

Date: 17/02/2021
Place: B.B.A.U.
LUCKNOW

Mehdi Ali
Signature of candidate

(MEHDI ALI)
Research Scholar
Enrollment no. 1274/15

CERTIFICATE

This is to certify that the Thesis entitled “**State and Human Rights in India: A Case Study of Kashmir Valley**” submitted by **Mr. Mehdi Ali** is an original research work and has not been previously submitted in part or full for the award of any other degree or diploma to this or any other university.

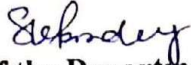
The thesis submitted to Babasaheb Bhimrao Ambedkar University; Lucknow satisfies all the requirements as stipulated in the *Doctor of Philosophy Ph.D. Regulations-1999 as amended in 2013* and it is fit for submission and evaluation for the award of the degree of Doctor of Philosophy of the University.

Date: 17/02/2021

Place: B.B.A.U.
Lucknow


Supervisor

Prof. S.K. Pandey
Research Supervisor
Deptt. of Political Science
B.B.A. University, Lucknow


Head of the Department
विभागाध्यक्ष
राजनीति विज्ञान विभाग
बी०बी०ए०यू, लखनऊ
Head
Deptt. of Political Science
B.B.A.U., Lucknow

ACKNOWLEDGEMENTS

All praises and thanks to Almighty Allah. The Omnipresent, The Omnipotent, The Cherisher and The Sustainer of Universe. I bow in reverence to Almighty Allah who gave me the much-needed patience, strength, courage and zeal and bestowed, His Mercy Blessings in accomplishing this Ph.D. work. An enthusiastic guidance, dexterous work and dynamic cooperation have been provided by a number of people during the entire course of Ph.D. I feel contended to acknowledge those concerned.

*I stand indebted for the knowledgeable supervision, excellent evaluation and embossing nature of **Prof. Shashi Kant Pandey** (An Inspiring Mentor). The overall support he rendered with fruitful suggestions and unstinted guidance, keen interest, constructive criticism, comprising healthy discussions during the Ph.D. work is heartily appreciated. It would not have been possible to compile this report without his guidance and support.*

*I feel delighted in expressing my gratitude to teachers of the department and research advisory committee members, **Prof. Sartik Bagh, Prof. Ripu Sudan Singh, Dr. Siddhartha Mukherji, Dr. Preety Chaudhari**, for their continuous encouragement and moral support throughout the entire work.*

*I would also like to thank the non-teaching staff of the department **Mr. Swapnesh Mishra, Ashish Pandey, Brijesh Kumar Tewari**, for their kind cooperation and help.*

*Special recognition goes to my seniors, classmates and other colleagues **Anand Partap Singh, Sandeep Aditya, Abhay Singh, Ajay Pathak, Upendra Kumar, Dinesh Kumar, Shivendra Tiwari, Mohd Sadiq, Mohammad, Firdous Ahmad Malik, Suhail Ahmad Bhat**, for their friendly companies, constant help and assistance throughout the entire journey of this work.*

*Bundle of thanks goes to my bosom near and dear ones and family members for their well wishes, supplications, timely help and encouragement especially to my elder brother **Mohd Ali**.*

*I am gratified with the company and help provided by my friends **Niyaz Ahmad Ganie, Mussa Mohammad, Dr. Mohd Mussa, Mohammad Baqir, Mudassir Ahmad, Rizwan Malik, Mehdi Ali**, during the course of PhD.*

I express extraordinary gratefulness and appreciation, although mere words are inadequate to express my feelings of indebtedness from the core of my heart towards my beloved Parents (who toiled and sweated throughout their lives but skilled me with a bit creativity). They are the real pivots of my life. I thank them for moulding me, with the grace of Almighty Allah, into what I am today.

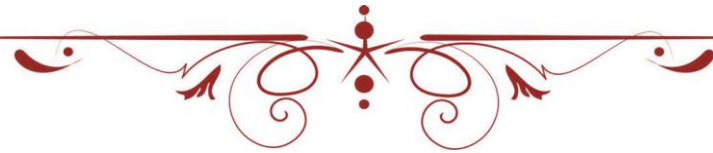
Last, but not the least, I would like to thank one and all, whose best wishes kept me afloat amidst the storm.

Mehdi Ali
(Mehdi Ali)



CHAPTER-1

INTRODUCTION



CHAPTER-1

INTRODUCTION

INTRODUCTION

Human rights are rights inborn to all human beings, whatever our ethnic group, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status, every human being entitled to have human rights without discrimination. Human rights are not privileges, and they cannot be granted or revoked by any government or institutions. The human rights are inalienable and universal. Human rights can never be taken away, although they are sometime being restricted for example of we breaks the law, or national security. The basic human rights are rights to life, right to dignity, fairness, and equal respect and independence. Human rights are those rights that belong to every person simply by the virtue of their human. People everywhere deserve same moral status dignity and entitlements. In India, too, these rights along with Fundamental Rights have been provided to citizens (Lauren, 2011).

However, time and again, Indian state and its military working are questioned in Kashmir by national as well as international civil society. It is true that Kashmir's are trapped in an armed conflict between Indian government forces and armed militant groups supported by Pakistan in which the innocent Kashmiris not only Muslims but also the Kashmiri Pandits (KP) and Sikhs lost their life. The Kashmiri Pandits were forced to migrate to the different parts of India and leave their native homeland, property, and culture and The Indian security forces claims that they are fighting to protect Kashmir from the militant and Islamic extremists. Protection of human rights while fighting with terrorism is a challenge in Kashmir in which the Indian army is quite successful. However the situation is improving day by day but there are still some cases of human rights violation. The Amnesty international has documented extensive human right abuses that have taken place in Jammu and Kashmir since 1990s by all sides like Indian security forces and Pakistan-sponsored militia groups as well as various armed groups. These violations includes torture and other ill-treatment, custodian deaths, rape, forced disappearances, extra-judicial

executions, unlawful killings and violations of the rights to freedom of expression under the shadow of Armed Force Special Power Act (Evans, 2002).

The concept of human rights is a development of post- Second World War period. During world war second it was being realized that the violations of rights of citizens by the state may threaten international peace. The necessity of global effort or the responsibilities of international community to protect human rights against their violation by the states become an established principle of international law. The united has adopted the universal declaration of human rights in 1948. There has been a phenomenal growth in the sphere of human rights. Numerous international, regional, and domestic legislations have come into existence. Multiple organisations, international, regional governmental and nongovernmental working for the protection of human rights has come into existence. Despite the above developments, numerous type of violation of human rights keeps on happening. The sphere of human rights has become highly politicised sphere even the efforts to protect human rights often come under criticism. There is a lack of agreement among scholars, nations and groups on the nature of human rights, types of human rights and the manner of protection in which they are to be protected (Symonides, 2017).

Theoretically the theories of human rights owe their origin to the works of John Locke who talks about the natural rights as well as the view of Immanuel Kant who talks about human dignity. Since the origin of human rights emerged in the works of liberal scholars and scholars like John Locke talking about three inalienable rights which includes right to property the socialist countries view human rights as an effort of capitalist countries to improve their ideological hegemony. Socialist does not approve liberal set of human rights which includes political and economic freedom. The concept of human rights were also criticised by those who believe in the sanctity of the principle of the sovereignty of the state. Human rights create limitations on state sovereignty. Scholars like Hobbes, Bentham Edmund Brake were critical of natural rights against state (Tierney, 2004).

They feel that such concept will bring disorder in the society. The countries like china and Russia do not support the subordination of sovereignty in the names of human rights. They view human rights as the political agenda of western capitalist countries.

There has been a backlash against human rights agenda for certain religious groups. One important area of debate has been right to abortion which is considered as the human rights from the perspective of women. But certain religious do not approved such rights. Another area of debate is with respect of the attempt to give universal notion to human rights. Human rights theorist believes that all humans irrespective of their cast or colour or gender or society should enjoy certain rights. This universalistic approach has been rejected by those who suggest multi-culture prospective to cultural-relativism with respect to human rights. There are certain debates with respect to the definition of humans. There is no agreement over a concept of human, wither criminals or terrorists should be regarded as human or not. It is also not clear as to when human life begins, wither it began in the womb of mother or after the birth. Sometimes rights of unborn child may go against the rights of the mother. States are expected to promote human rights at the same time human rights put numerous limitations on the state. Implementation of human rights has also not been uniform, rather selective and partial (Tierney, 2004).

Above debates creates challenges for human rights, still today international community has failed to resolve these debates. That is why progress in the field of human rights is hardly as expected. Rather than ensuring peace numbers of times attempt to protect human rights threaten international peace.

HISTORICAL BACKGROUND

The origins of the conflict in Kashmir valley lies in the partition of India and Pakistan in 1947. As a result of the partition, hundreds of nominally independent "princely states" were absorbed into the two new nations. However, Kashmir's ruler, Maharaja Hari Singh, refused to accede to either nation, apparently in the hope that the state might be permitted to remain independent. An invasion by Pakistani tribesmen in August and September 1947 and an uprising among Kashmiri Muslims in the state's western regions ultimately compelled the Maharaja to seek the assistance of Prime Minister Nehru of India, who agreed to send troops only if Kashmir formally acceded to India. On October 27, 1947, the Maharaja agreed to Kashmir's accession to India, on the condition that Kashmir is permitted to retain its own constitution. Indian troops succeeded in halting the Pakistani forces, driving them back to the western third of the state, which then acceded to Pakistan as "Azad" (free) Kashmir (Kumar, 2019).

At the time, British authorities stated that the question of Kashmir's accession should be settled by a plebiscite as soon as law and order was re-instated and the invading forces had left. But the plebiscite was never held. The Indian government argued first that the essential precondition to a plebiscite, the exit of Pakistani troops from "Azad Kashmir," had not been met and later that the Kashmiri people had effectively ratified accession by voting in local elections and adopting a state constitution. United Nations intervention achieved a cease fire on January 1, 1949 (Lamb, 1994).

Through the 1950s and 1960s, political discontent with the central government's attempts to control politics in the state grew. Pro-independence and pro-plebiscite activists were repeatedly jailed. In 1964 the first militant group, the Jammu and Kashmir Liberation Front (JKLF), was formed to fight for independence. On July 2, 1972, India and Pakistan signed the Shimla Accord, under which both countries agreed to respect the cease-fire line and to resolve differences over Kashmir "by peaceful means" through negotiation and meetings to discuss "a final settlement." Since then, the Shimla Agreement has been the keystone of all mutual discussions of the Kashmir issue (Aggarwal, & Agrawal, 1995).

In 1986, then Indian Prime Minister Rajiv Gandhi and Farooq Abdullah, Chief Minister of Jammu and Kashmir, forged a new accord, which was widely criticized in the state as a betrayal of Kashmiri interests. Charges of widespread corruption soon discredited Farooq Abdullah's National Conference party. A new opposition party, the Muslim United Front (MUF), which had the support of pro-independence activists, Islamic fundamentalists and many frustrated Kashmiri youth, was launched and contested the March 1987 polls for seats in the state assembly. Widespread irregularities in the vote count and mass arrests of MUF candidates in the election's aftermath caused a watershed in popular disillusionment with state politics and drove many to support emerging militant groups

After the elections, militants of the JKLF and other groups many of whom openly admitted that they received arms and training in Pakistan grew bolder, detonating bombs at government buildings, buses and the houses of present and former state government officials and enforcing a state-wide boycott of the November 1989 national parliamentary elections. One month later, JKLF militants

abducted the daughter of Home Minister Mufti Mohammad Sayeed, and then freed her when the government gave in to demands for the release of five detained militants. That event, together with a surge in popular protest against the state and central governments, led New Delhi to launch a massive crackdown on the militants. In response, the state government resigned in protest and governor's rule was declared on January 19, 1990. In the weeks that followed, security forces opened fire on crowds of unarmed demonstrators, killing hundreds, and militants intensified their attacks on the security forces. As protests, attacks and reprisals intensified over the next few months Kashmir's civil war began in earnest (Desmond, 1995). The Armed Forces Special Power was introduced in Jammu and Kashmir on 5th of July 1990 in order to maintain peace in the state but there is still fear among the people after 26 year. Since then a debate is going on whether AFSPA is solution to Kashmir problem or in other words whether it has contained militancy or helped the causes of militants. Very often, Indian state is blamed for the loss of innocent lives and AFSPA is defined as draconian law implied by Indian state which has failed to yield any desired result. Civil society groups, international NGOS have vehemently opposed this act. They are of the view that it is responsible for the deaths of innocent civilians and violation of their human rights (Kugiel, P. (2018).

STATEMENT OF THE PROBLEM

The study of the role of the state and the human rights in Kashmir is a very challenging topic. It needs an in depth study because the issue is very old which started in 1947 after the independence of India and Pakistan and not resolved till date. The study will focus on the role of India army as well as state in dealing with terrorism and human rights issues in Kashmir valley. It also aims to explain the rise and fall of militancy in the valley from 1990 onward.

The study will also attempt to find out that why there is not peace despite so many effort made by Indian government. The Kashmir issue is the root causes of the rise of militancy in the sub-continent, Pakistan has been always supporting the militancy and creating the problem in Kashmir valley and other parts of India which leads to the increases of the Indian army in Kashmir valley and there are cases of human rights violation which the research will further try to probe.

REVIEW OF LITERATURE

According to R. Borg, “The literature in any field forms the base upon which all future work will be built.” If we do not know about the past we cannot do something new in the field of research. If we want to do some new in a subject, it is very important that we should have to know the past of that concerned subject.

Therefore it becomes necessary to go through the process of literature review of concerned topic/ subject through which the research can find the path where he has to go and what should have to done and what new should be done that ultimately becomes his research gap as well as objective of his study so, the review of literature is of great significance for researcher, as it guides and directs the researcher how to tackle the problem chosen for research and avoids the risk of weakness, in research. Therefore it assured that the review of literature saves time, money and energy of researcher.

Keeping this thing in mind an attempt has been made to review the literature related to the present study which is arranged under the following sub themes.

As for the existing literature on state and human rights in Kashmir valley is concerned I have gone through many books and article some of them are reviewed as below:

Behera N. C. (2007), book *Demystifying Kashmir* is an excellent written by Behera says that Kashmir issue had its genesis in the partition of India. Behera book provide a deeper understanding of the history of the partition of India and the question of Kashmir from pre partition to the current days. The book also provides a deeper understanding of the region, politics and its people. The book is divided into eight chapters, its provide a deeper understand of the history of sub-continent and the partition of India and Pakistan and Kashmir from pre- partition to the currents days he give focus on the pre- partition Dogra rule, it explain the role of congress and Muslim league. This book provides an in-depth understanding of the Kashmir conflict, and its politics, and the dangerous controversy swirling around them. This book traces the history of Kashmir from pre-partition India to the situation today. It provides a comprehensive analysis of the philosophical underpinnings of the conflict and the local, bilateral, and international dynamics of the key players involved, including New Delhi, Islamabad, and politics. The conclusion of this focuses on what

Behera terms the four P's: the parameters, players, policies, and prognosis of the ongoing peace process in Kashmir.

Michal Breacher (1953), In his book the struggle for Kashmir began with the historical background of the princely states and the partition of India and Pakistan, the tribal invasion from Pakistan with the support of the Pakistan army, and the signing of instrument of accession by Maharaja Hari Singh with India. The second chapter deals with the importance of Jammu & Kashmir to both India and Pakistan like economic, security, political and ideological. Following this the large portion of his book deals with the successive attempts of the united nation in resolving the disputes between the two newly independent countries. In this book Dr Breacher explains the various commissions of the united nation like the Mc. Naughton proposal, the Dixon report and the Graham mission. The last two chapters deal with the causes and consequences of the dispute between Indian and Pakistan over Kashmir and give light to the important chronology of key events from 1846 to 1953. However the book was published in 1953 since then several changes have occurred in Kashmir but the basic question of the dispute over Kashmir between India and Pakistan is not resolved yet. So I want to find out why this dispute is not resolved in my research.

Sumantra Bose's (2005), Kashmir: roots of conflict path of peace. Kashmir is one of the most intractable contemporary political disputes and has been responsible for four wars in total between India and Pakistan. This book is a welcome contribution to a question which has defied solution since 1947. It is a composite wide ranging critical analysis of the mass uprisings against the Indian state in India's controlled Jammu and Kashmir (IJK) that has occurred since 1989-1990. From the beginning the book provides a well-ordered composite analysis, first there is an historical overview of the Kashmir issue, which is intended to introduce the reader to the conflict itself rather than establish a historical basis for legitimising the claims of either parties. Second there is a detailed analysis of the social fabric of Indian administered Jammu and Kashmir, which specific reference to the prevailing ethics and religious affiliation of the valley, Jammu and Ladakh, the author characterize these divisional ethics and religious afflictions as the matryoshka doll character of society and politics like the Russian matryoshka doll which can be taken apart to reveal smaller dolls fitting inside one another the IJK according to boss reveal layer after layer of ethnic, religious and

linguistic community living together in a complex setting. Third, there is a radical critique of Indian democracy and human rights abuses perpetrated by Indian army and paramilitary forces since 1989. Finally the author presented a comparative analysis of the Kashmir dispute by pointing to possible routes of resolution with respect to the Dayton agreement in Bosnia and Good Friday agreement in north Ireland. Bose writes with scholarly objectivity concerning the fate of Kashmiri masses and various anti-democratic and authoritarian measures that have been by respective Indian governments to regions.

Victoria Schofield, (2004) *Kashmir in Conflict: India, Pakistan and the Unending War*, Schofield book is one of the most important literature on the Kashmir conflict, the book examines the ancient, medieval and modern history of Kashmir and try to find the causes of the Kashmir conflict. In his book he tries to highlight the causes of the insurgency in 1989 and role of Pakistan in Kashmir. This book provides a detail picture of the history of Kashmir and rise of insurgency which threaten the integrity of Indian state. He also highlights the relationship between India and Pakistan over the Kashmir issue.

Robert M. MacIver (1951), in his book *Great Expression of Human Rights* says that in most parts of the world the masses are living in a condition of misery and oppression. A small dominant group acquires the power and uses them to keep masses in subjection all over the world. In every age the voice of protest has been heard. In every age the vision of human emancipation has been glimpsed. In modern times, the vision of human liberation has been transformed into human rights. These rights are no longer expressed merely as certain demands. On the other hand, they sought to be enshrined in the structure of the constitution so as to prevent the government from using its power in an arbitrary and irresponsible manner.

Cindy Holder and David Reidy (2013), In his book, *Human Rights The Hart Question*” says that after the universal declaration of human rights in 1948 by the United Nation general assembly a burgeoning human right movement followed, yielding many treaties and new international institutions and shaping the constitution and laws of many states. Yet human rights continue to be contested. In this book they discuss some of the most difficult questions of human rights theory and practices like how human rights relate to group rights and culture, what do human rights require of

the global economy, how human rights relate to environmental policy and democracy and are human rights progress.

Gopal Bharagava (2003), In his book 'Meaning And Sources of Human Rights' says that the concept of human rights has come from different traditions, cultures, religious systems as well as the recent movements such as feminism, socialism and environmentalism. The United Nations declaration of human rights adopted in 1948 by the international community in response to the abuses of human rights perpetrated before and during the Second World War. He points out that human rights have come from different traditions, different countries, and from different religions. However the gap that is witnessed in his writings is that human rights cannot be universal due to differences of culture and religions.

Josef Korbel (1997) Danger in Kashmir begins with the partition of the sub-continent and formation of two nations of India and Pakistan. He gives an inside on the intervention of the Pakistan by sending the tribal invaders to capture Kashmir which forces the Maharaja Hari Singh to sign the instrument of accession. He discusses the role of United Nations interventions to solve the Kashmir conflict. He discusses why the United Nation fails to resolve the conflict in Kashmir. He also explains the role of British government in dealing with the Kashmir issue at the time of independent. Josef book was one of the most important literatures on the root causes of the conflict in Kashmir.

Dr. S Mehartaj Begum (2000), In her book Human Rights in India Issues and Perspective says that in the present day's human rights has been a matter of serious concern all over the world particularly in developing countries like India. There are the constitution, the legislative laws, and the universal declaration of human rights but there are still human right violations in the poor developing countries. For example the denial of right to life is due to perpetuation of poverty which in turn is the consequences of denial of access to opportunities such as health, education, potable water, etc being the minimum requirement for a qualitative social life. She suggests some conditions under which human rights can be possible like equal distribution of resources, non-exploitation of people and environment, and distributive justice to all vulnerable groups.

Jagmohan (1991) My Frozen Turbulence in Kashmir is a well written book on the incidents in Kashmir in 1980-1990. Jagmohan was the then governor of Jammu and Kashmir he analysis the incidents like formation of JKLF, the ragging in the assembly election in 1987, the dismissal of farooq Abdullah government and the rise of militancy. He shares his experience of that time in his book. His book is divided into 17 chapters, which reveals the political condition of the state. It was during his time the migration of Kashmir Pandits taken place and he was failed to give then security he himself it in his book. He also analysis the rise of militancy in the state in 1989 sponsored by Pakistan. He also writes that this militant organization was inspired by the ideology of radical Islam which radicalized the mind of people. He says that these tanzeems (organizations) are inspired form the Afghanistan war and tried to repeat in Kashmir. He also blames the then government which fail to protect the sovereignty of the country which he himself the part of government.

Dina Nath Raina (1990), in his book “unhappy Kashmir: the hidden story” in the beginning of his book explains the physical Anatomy of the three regions Jammu, Kashmir and Ladakh of Jammu and Kashmir state. Following this he explains the historical background of Kashmir since pre-history from the Hindu rule to Muslim rule to Sikh rule Afghan rule Dogra rule.

Iftikhar Malik (1993), in his book The Continuing conflict in Kashmir, gives a historical view of the conflict in Kashmir and offers numerous points for possible solutions. He says that both India and Pakistan come to a platform and discuss the Kashmir issue. He also criticizes the Armed Forces Special Power Act and calls it a violation of basic human rights. But being a Pakistani writer he gives all solutions in favour of Pakistan.

Rajesh Khadian (1992), in his book The Kashmir Tangle: Issue and Options give us a very concise, holistic appraisal of the issues and options in Kashmir. The books began with the rise of militancy in 1989, and the relationship between the central and the state government in Kashmir from 1989. Khadian also explained the role of non-state actors in his book. In the second chapter he began with the treaty of Amritsar was signed between Maharaja Gulab Singh and the British government and the formation of the Dogra dynasty. From there he gives different aspects of the partition of the sub-continent and the accession of Jammu and Kashmir with India and the

reactions of Pakistan. In the last part of his book Khadian also give lights on the different issues like role of sheikh Abdullah in Kashmir politics, role of Indian governments, role of Jammu and Kashmir liberation front, passes of Article 370, and a comparative study of Pakistan occupied Kashmir and Indian administered Kashmir but the writer does not represent it in a systematic way.

Zutshi Chitralkha (2014), in his book entitles “Kashmir’s Contested Pasts ” is an analysis of Kashmir history since 1947 when India and Pakistan got independent form the British government. In this partition and disputes the rich history of Kashmir was forgotten. He explain the richness of the history of Kashmir as an independent kingdom rule by many kingdoms and different ethnicity like in ancient Kashmir was ruled by Hindu and Buddhist rulers and in the medieval and modern time Kashmir was ruled by the Muslims and Sikhs and Dogras. The present conflict in Kashmir has the context in the past history of Kashmir. It is one of the great literatures on the history of Kashmir and Kashmir conflict.

Tavleen Singh (1995), in her book Kashmir: A Tragedy of Errors gives a close description of Kashmir issue with a journalistic approach. This book gives a nice perception about how the Indian political system and post independent rulers looked at Kashmir. The book “A tragedy of errors" by Tavleen Singh is a well-documented account of Kashmir. She explores the history of India's relations with Kashmir, and traces the events which led to the deterioration and damaging of Indian image in the eyes of Kashmir’s. She boldly accuses Indian politicians and specially the Indian press for tarnishing the image of Kashmir people before Indian public. She laments the role of the media, because they always treated Kashmiris as traitors and pro Pakistanis. In her opinion the people of Kashmir were secular at a larger extent and that there was no fundamentalism in Kashmir. Her description of Kashmir at some points seems biased due to her personal connection with Kashmir, but she opens up different avenues of thinking for the general reader about Kashmir and the people of Kashmir. She also ventured into the internal political dynamics of India in the late seventies and early eighties. Here is a balanced account of political manhandling of the events in Kashmir by political parties. She also highlights the level of human rights abuses in Kashmir committed by Indian Security forces. In conclusion it is a good book which covers not only history but also presents in an elaborated and well

written manner. This book is a valuable addition in already available material on Kashmir.

Manoj Joshi (2019), *the Lost Rebellion: Kashmir in the Nineties*. The lost Rebellion is a detailed overview of the circumstances which leads the insurgency in Kashmir from 1980-1990. It gives an inside of the causes of the rise of militancy in Kashmir. He describes in his book that the political instability in Kashmir as well as in India are responsible for the rise of militancy in Kashmir. The book is an overview of the origin of the Kashmir insurgency and how it panned out in the year 1989-1990. He exposes the role of the USA and Pakistan in the rise of insurgency. His book is an inside story of the political developments which lead to the rise of movement of insurgency in Kashmir since 1988. He narrates the role of Jammu and Kashmir liberation front (JKLF) Jamiat-e-Islami (JMI) and other militant organizations used by Pakistan intelligence agency ISI to spark the insurgency movement in Kashmir.

P.S.Verma (1994), *Jammu and Kashmir at Political Crossroads* is an important and detailed literature on the impact of Kashmir conflict. The Kashmir conflict has ruined the social economic and political life of the people. The basic theme of his book was on the internal as well as external factors which lead to the rise of insurgency in Kashmir valley. The internal factors are misrule, political instability, human rights violation all these factors led to the mistrust between the government and the people. The book explain how the insurgency emerge in Kashmir and what are the external factors.

Santhanam, K. (Ed.). (2003), *Jihadist in Jammu and Kashmir: A portrait Gallery* by four writers (The book begins with the introduction of the rise of jihadist movement in Jammu and Kashmir since 1989. After being defeated in 1965 and in 1971 Pakistan wanted to capture Jammu and Kashmir with the help of guerrilla warfare they believed that the confidence and capabilities derived from the successful Afghan jihad can be used to capture Jammu and Kashmir. The book is a detailed document on the development of militancy after 1990. From 1985 Pakistan has tried to developed Kashmir leaders and prepared ground to seizing Jammu and Kashmir from India they belief that the sword of Islam which defeated a superpower Russia in Afghanistan can defeat India as well, with this belief the Pakistan government developed a proxy war against India with the help of Tanzeems (organization) the develop many organization

like JKLF, Muslim Janbaaz force (MJF) Al Barq (ABQ) Al Fateh Forces (AFF) Al Mujahed force (AMF) Jaish-e-Mohammad (JEM) Lasker-e- Toiba (LET) etc. All the organizations are funded by ISI; the ISI spends 200 crores per year to Fuel Jammu & Kashmir militancy. Thirty one Tanzeems (org) are active during the period of 1985-2002 all organizations are funded by ISI and other agencies of Pakistan. Which are destabilised after 2002 the period of 2002 to 2010 was a period of peace in Jammu & Kashmir with some incidents but after the killing of the Hizbul commander Burhan Wani in 2014 the organizations like JEM, Hizbullah, and LTE are once again gaining their ground in Kashmir among the Kashmir youths. The writers did a great job in analyzing the rise of militancy in Kashmir but they ignore to explain the causes of the rise of militancy. This book is divided into thirty two chapters on organs of different Tanzeems.

Duschinski (2010), in the article “Reproducing Regimes of Impunity” explored the term ‘fake encounter’ or ‘encounter killings’ which is referred as the extrajudicial killing of a civilian which follows the official claim that the victim was a neighbouring country infiltrator, who was killed in a legitimate military encounter with the police or army forces. The term is widely used throughout the Kashmir valley, but has been a state practice throughout the country. The article explored the pattern of fake encounters in Kashmir Valley for shedding light on the processes by which violence and terror are fictionalized. These reflect the complicated ground realities of life in Kashmir. Because of its strategic location, Kashmir, as known historically, had developed its own mode of nationalism that does not fit easily into the secular nationalist vision of the country. The localities presently use the language of self- determination as a way of demanding opportunities. Kashmir has been designated as an emergency state in myriad ways throughout the post-colonial history of India. During 1990, a state emergency declaration passed the way for Armed Forces Special Power (AFSPA in Jammu and Kashmir) to handle this region. By identifying this valley as a state of exception, the author examined the rule of law suspension that gives rise to hierarchies of power, authority, different patterns of criminalization and par militarization across the valley’s society. The author also focused on the practices of informal forced disappearance, the terror which is fictionalized and the impunity for violence that is produced to be reproduced through strategies manufactured of public consent throughout Indian society at large.

Mohammad Saleem , Jahangir and Aneesa Shafi (2013), In an article entitled “status of human rights in democratic setup experience from Kashmir” they argue that in a democratic society there should be no scope of human right violation but once we introspect the society in Kashmir the realistic form of democracy is missing. Over past two decades in particular the suffering of Kashmir people has reached an indescribable level and magnitude. All human rights enshrined in the universal declaration of human rights convention have been violated in Kashmir. But the writers forget to tell us that democracy is not possible in a situation of emergency, like to deal with militancy only democratic means are not sufficient.

Haji, (2012), “Armed Forces Special Powers Act: A Call for Repeal” His Article largely focuses on the impact of AFSPA on various states to analyze whether this emergency measure is suited in the present context. This article begins with the introduction of AFSPA that was established as an emergency measure in 1958 for a year to deal with the Naga insurgency in the northeastern part of India. Since then, this measure has been used in every conflict-prone area in the country, wherever there is army deployment. The article perceives the Act through a human rights perspective and puts forward that the Act is in infringement to the right to life and the right to freedom of liberty envisaged by the Indian Constitution for every citizen. The author also states that the situation in Kashmir Valley is improving since 2010, as no violent protest happened in recent years. Resumption of business activities, educational institutions and an increase in tourism is proof of the return of normalcy. This shift, as per the author, needs to be addressed not with AFSPA, but an alternative which will balance the need for special powers for the security services and at the same time will demand civil rights protection and liberty of the citizens.

Peer (2012), in his article “In Pursuit of Justice, Pathribal Fake Encounter Case” by, addresses the fake encounter that killed innocent villagers at Pathribal. The unique case casts India’s human rights record in Kashmir and the manner in which the state deals with it. The Government of India denied justice to the victim for more than two decades. The judgment of the Supreme Court on AFSPA just strengthened the impunity of the security forces in these years, thus weakening the fundamental rights of the citizens.

Jean Dreze (2000), Kashmir manufacturing ethnic conflict in his Article in The Hindu. In the first paragraph he talks about the beauty of Kashmir, he criticized the role of state he counted that everywhere I went there are sobering tales of harassment at the hand of Indian army and paramilitary forces, curfews searches interrogations killings of suspected militants and accidental as well as intentional killings of innocents' civilians. Local people or common people learn to compromise but some people cannot compromise with their values so they become hard core militants. Considered a situation where effectively a predominantly Muslim population is brutally policed by predominantly Hindu army (which takes its order from a BJP led government) it is remarkable that the conflict has not taken a more communal turn. Asking about the Kashmir Pandits in 1990 most people said Jagmohan na unno ko bhaga diya. He describes Kashmiris as peace loving non communal people. However it is in danger of suiciding as army repression pushes them into the hands of foreign sponsored fundamentalist groups.

In an article published by Institute for Defence studies and Analysis (IDSA) Monograph Series in November 2012 G. K Pillai says that although the Supreme Court has upheld the Armed Forces Special Power Act (AFSPA) but there are strong reaction against the AFSPA in Jammu and Kashmir and North East as they considered AFSPA as anti-people and give the armed forces the licences to act with impunity and committed human right violations without any accountability. He says that in a democracy the army cannot be employed indefinitely. In democracy people opinion and perception must be taken into account when examining whether a particular act needs to be reviewed or even replaced.

Jahangir, M. S., & Shafi, A. (2013), In an article entitle "status of human rights in democratic setup experience from Kashmir" argue that in a democratic society there should be no scope of human right violation but once we introspect the society in Kashmir the realistic form of democracy is missing. Over past two decades in particular the suffering of Kashmir people has reached an indescribable level and magnitude. All human rights enshrined in the universal declaration of human rights convention have been violated in Kashmir. But the writers forget to tell us that democracy is not possible in a situation of emergency, like to deal with militancy only democratic means are not sufficient.

Uma Chakravarti (2005), In an article entitled 'Case for a Commission on the Missing in Kashmir' says that there have been so many human rights violations in Jammu and Kashmir since the Armed forces special power act(AFSPA) came into force in 1990. He says that due to the AFSPA extrajudicial killings and disappearances at the hands of the security forces are rampant. The Jammu and Kashmir Association of Parents of the disappeared (APDP) have claimed that over 8,000 persons have disappeared since 1990. Despite repeated calls for such investigation by the APDP and various other human rights bodies, nothing has been done in this regard till date.

Fahad Shah, In an article 'Human Rights Violation in Kashmir' says that on the one hand India is trying to secure a permanent seat at the United Nation but the Indian army is violating human rights in Kashmir for two decades which began in 1990 and still continues. A local human rights group "The Jammu and Kashmir coalition of civil society (JKCCS) has exposed more than 7,000 mass graves but the government has not yet taken any action. This type of human rights violation is donning under the shadow of AFSPA.

Sidhu Singh (2019), in an article entitles "Female body honour sexuality and the use of rape as a weapon of war". Twenty five years have passed ever since the 1991 happening in which Indian Army soldiers belong to 4 Rajputana Rifles (RR) supposed raped between 23 and 100 women in Kashmir Kunan and Poshpora villages in a search operation. The Indian army has without inquiry of the event concluded that the claim was worthless and no one was taking legal action for the supposed crime. In this article the writer writes about the Kashmir women have been physically abused both by militant and Indian army forces. Militants also used rape, mainly if women were trapped as informers. For e.g.: in the 1990 a Kashmir Pandit Hindu girl was raped and shot dead. Indian security forces raping women as a way of punishing the fighter. Women were raped on both sides.

The article by South Asia Human Rights Documentation Centre (2012), "Ignoring the Disappeared of Kashmir with Impunity", deals with the blanket refusals by security forces, for investigation or identification of unmarked bodies that marks the gross violation of international law. As mentioned in the article, pressure from various national and international communities' demanded investigation by the government in

this regard, but helplessness and fatigue over abuses of human rights tend to be a silent norm. Therefore, it is necessary to overcome selective enforcement and domestic apathy by ending impunity that violates human rights.

All India Progressive Women's Association condemned the state-perpetrated violence in Kashmir, through the article "State Brutality in Kashmir" (2010), it brings forth the unrelenting struggles of Kashmir's due to continuing law and order problems that have declared the state as a state of permanent emergency due to the enforcement of AFSPA since 1990 and claimed hundreds of lives. The article extended its support for the demand of demilitarization of Kashmir by immediate revocation of AFSPA. A country that is considered as the world's largest democracy should allow its every citizen to breathe freely from state obstruction and nationalist chauvinism.

THEORETICAL FRAME WORK OF THE STUDY

GREED PERSPECTIVE

Theory is generally defined as a body of knowledge that helps to set an explanatory plan for examination of an object. While examining the present study, I have found two theories relevant which helps to understand the present study in a better way. One is Greed Theory and other is grievance theory.

Now let's contextualize my study through Greed Perspective first. The greed perspective is a way to understand the conflict. It was developed by Paul Collier, Anke Hoefler, and David Keen. Paul Collier was a British economist who argues that after the cold war economic reasons and political motivations have been the causes of the conflict in order to grab power and resources. The term greed perspective refers to those baseline arguments which are put forward by scholars of conflict studies, that the cause of the conflict lies in the greed of insurgents rather than in the grievances of the local masses. The basic argument of the greed perspectives is that the involvement of insurgents in armed conflict are motivated by the desire to make their situation a bit wrong, people are joining the conflict by an informal calculation of cost-benefit analysis i.e. if the rewards of joining a conflict are greater than not joining.

The greed perspective links conflict with resource war and considers that when poor countries have natural resources it becomes the source of curse to them. The greed perspective considers a dispersed population and a difficult terrain also contribute in occurrence of conflicts, and situations make it hard for a fragile government to control the conflict. In Kashmir valley it can be said that there are opportunistic sections like Hurriyat Conference (HC) who have greed and as such want the Kashmir conflict to keep boiling. Most of the Hurriyat leaders family member are highly educated and doing their jobs in foreign countries and live a luxurious life. They mislead the poor Kashmiris and encourage them to join militancy stone pelting and other illegal activities in the name of freedom. Some time they use religious as tool to radicalize the mass population and instigate them to join militancy. Both Greed and Grievances theories are well contextualizes in the study of state and human rights in India: A case study of Kashmir valley. The states always blame the insurgent for human rights violations and ignore the grievances of the people. The state should address the Grievances of the mass keeping in mind of the human rights of the common citizens.

GRIEVANCES THEORY

The grievances theory was developed by Frances Stewart. Grievances theory is a way to under the causes of the conflict or civil war, grievances theory are sometimes described by theorists as a justice seeking incentive. The term grievances perspective refers to those baseline arguments that cause the conflict lies in the grievances of the people. The grievances may be in the form of religious, political and ethnic diversity, wealth disparities, economic insecurity, unemployment and lack of opportunity, and predominance of one religious group. All these factors are the cause of the rise of the insurgency. According to Stewart a combination of horizontal inequalities-be it economic, political, social or cultural- jointly increases the risk of civil war. The rise of uprisings in the conflict is always certain. The grievances theory believed that the causes of conflict may be started by some greedy people for their self-interest, but there are always some grievances of the local mass like the economic inequality, ethnic and religious hatred, political repression, and political exclusion. Looking at Kashmir conflict, this theory to a great extent helps to examine the breach of state's autonomy by various central governments which resulted in rise of conflict and

which eventually developed into secessionist tendencies. In response to curb the rising voices of dissent and resistance by various Central governments through iron fist some gross violations of human rights happened in Kashmir valley. So the grievances theory better contextualizes the present study.

OBJECTIVES OF STUDY:

1. To study the origin of the conflict in Kashmir
2. To study the role of the state in dealing with the human rights issues in Kashmir valley.
3. To identify the various initiative taken by the state for resolving the Kashmir issue at different level.
4. To study how state deal with militancy and human rights.
5. To identify the cause of human rights abuse due to Armed Force Special Power Act.
6. To find out the root causes of rise of militancy in the state.
7. To explore why the people have trust deficit on government institutions.
8. To explore the causes of rise of radicalization.
9. To explore the external factors behind human rights violation.

HYPOTHESIS

1. Rise of militancy is the root causes of all the human rights violation in Kashmir valley.
2. Armed Forces Special Power Act has led to increase in radicalization.
3. Failure of state in addressing the turmoil has led to the alienation and self-detachment among the people in general and youths in particular.

RESEARCH QUESTIONS

1. What are the causes of the rise of non-state actors in Kashmir valley?
2. Does the state play a positive role in the promotion and protection of human rights?
3. What are the role of state in protection of human rights while dealings with militancy?
4. To identified the role of non-state actor in Kashmir valley?

5. What the perception of people on the Armed Forces special power act?
6. What are the roles played by the national and the international human rights organization in Kashmir?

RESEARCH METHODOLOGY

The methodology involves historical, empirical, analytical as well as descriptive study. Primary sources as well secondary data has been use to study, the primary data includes the 2011 census data, the reports of ministry of Home Affairs, the justice Jeevan Reddy committee report (2005) on AFSPA, the Justice Verma commission report of 2013, the Jammu and Kashmir human rights commission (JKHRC) report of 1994, the congressional human rights foundation report (CHRF) 1994, reports of the Amnesty international, and the Jammu and Kashmir Association of parents of disappearance 2004 will be examined. The other source and methods would be to review the existing literature like books, articles and journals. They will be helpful in gaining a better understanding of the theoretical aspect of the issue. For empirical study the researcher would go through many documentary interviews of political leader's, army officers and separatist leaders. Quantitative method is used for collecting data from three regions of Kashmir like South Kashmir, North Kashmir, and central Kashmir of the valley like in July, August 2019. Simple random sampling survey was conducted. The sample size is 150 among which 50 samples were collected from north, south and central Kashmir respectively. Among the 150 simple 61.3% were males and 39.7% were females. The analysis the data the SPSS tool used to analysis the data.

CHAPTERIZATION

My study is classified into six chapters including the introduction and the conclusion.

Chapter-1 Introduction: The first chapter of my study gives an overview of my research. The first chapter includes introduction, background of the study, statement of the problem, literature review, theoretical framework, objective of the study, hypothesis, research questions, research methodology, and chapterization.

Chapter-2 The origin of the Kashmir conflict a historical background: This chapter traces the history of Kashmir from ancient, medieval, modern, and tries to trace the origin of conflict in Kashmir with a historical perspective. In ancient times Buddhism and Hinduism were the dominant religions in Kashmir. It also highlights the importance of Buddhism in Kashmir. In medieval times Kashmir was ruled by Muslims rulers and in modern times Kashmir was ruled by Afghans, Sikhs and Dogars. After the end of Dogra rule in 1947 the last Maharaja of Kashmir signed the instrument of accession and the conflict in Kashmir was started between India and Pakistan.

Chapter-3 Socio-economic profile of the study area: The third chapter of my study is on the socio economic profile of Jammu and Kashmir based on primary and secondary data. The primary data is based on my field survey which was conducted in Kashmir valley during my field survey. The survey consists of 150 respondents, 50 each from north, south and central Kashmir. The secondary data includes the 2001 and 2011 census data.

Chapter-4 A saga of armed forces special power act and human rights in Kashmir valley: The fourth chapter of my study is on the Saga of Armed Forces Special Power Act (AFSPA) and human rights in Kashmir valley. It tries to trace the origin of AFSPA and how it implements in North east and Jammu and Kashmir. It also highlights how it works on the ground in Jammu and Kashmir and in the north-east. This chapter includes Introduction, Provisions of AFSPA, what is disturb area act, genesis of armed force special power Act, review of the armed forces special power, armed forces special power act and human rights misuse of AFSPA, fake encounter in Kashmir and view of army on armed forces special power act.

Chapter-5 State and its dealings of Kashmir affairs and role of non-state actors in Kashmir conflict: The fifth chapter of my study is on State and its dealings of Kashmir affairs and the role of Non-state actors in Kashmir conflict. This chapter includes role of non-state actors, how the state has dealt with the Kashmir affairs, who are the victims of Kashmir conflict, role of separatist movement, causes of youths joining militancy, causes of the radicalization of youths, causes human rights violation, role of Pakistan and causes of alienation.

Chapter–6 Conclusion, findings and recommendations: The sixth chapter includes conclusion findings and recommendation. In the conclusion chapter I have given the overall conclusion of my study and give some major findings and recommendations.

REFERENCE

1. Lauren, P. G. (2011). *The evolution of international human rights: Visions seen*. University of Pennsylvania Press.
2. Evans, A. (2002). A departure from history: Kashmiri Pandits, 1990-2001. *Contemporary South Asia*, 11(1), 19-37.
3. Symonides, J. (Ed.). (2017). *Human rights: concept and standards*. Routledge.
4. Tierney, B. (2004). The idea of natural rights-origins and persistence. *Nw. UJ Int'l Hum. Rts.*, 2, 2.
5. Kumar, R. (2019). *Paradise at war: A political history of Kashmir*. Aleph Book Company.
6. Lamb, A. (1994). The Indian claim to Jammu & Kashmir: conditional accession, plebiscites and the reference to the United Nations.
7. Aggarwal, J. C., & Agrawal, S. P. (1995). *Modern History of Jammu and Kashmir: Ancient times to Shimla Agreement* (Vol. 1). Concept Publishing Company.
8. Desmond, E. (1995). The insurgency in Kashmir (1989–1991). *Contemporary South Asia*, 4(1), 5-16.
9. Kugiel, P. (2018). Increased Tensions in Kashmir: Consequences for India and Internationally.
10. Behera, N. C. (2007). *Demystifying Kashmir*. Brookings Institution Press.
11. Brecher, M. (1953). *The struggle for Kashmir*.
12. Bose, Sumantra (2005), *Kashmir: roots of conflict, paths to peace*, Harvard University Press,
13. Schofield, V. (2021). *Kashmir in conflict: India, Pakistan and the unending war*. Bloomsbury Publishing.
14. MacIver, R. M. (Ed.). (1960). *Great Expressions of Human Rights: A Series of Addresses and Discussions*. Institute for Religious and Social Studies.
15. Holder, C., & Reidy, D. (Eds.). (2013). *Human rights: The hard questions*. Cambridge University Press.

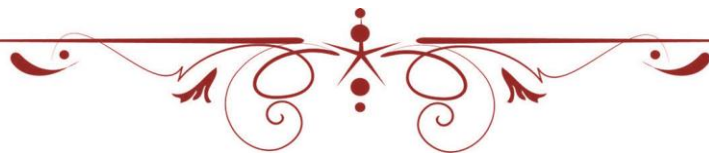
16. Bhargava, G. (2003). *Meaning and Sources of Human Rights*. Gyan Publishing House.
17. Korbel, J. (2015). *Danger in Kashmir*. Princeton University Press.
18. Begum, S. M. (Ed.). (2000). *Human Rights in India: Issues and Perspectives*. APH Publishing.
19. Jagmohan. (1992). *My frozen turbulence in Kashmir*. South Asia Books.
20. Raina, D. N. (1990). *Unhappy Kashmir: The Hidden Story*. Stosius Incorporated/Advent Books Division.
21. Malik, Iftikhar H. March 1993. *The Continuing Conflict in Kashmir: Regional Detente in Jeopardy*.
22. Kadian, R. (2019). *The Kashmir tangle: Issues and options*. Routledge.
23. Zutshi, C. (2014). *Kashmir's Contested Pasts: Narratives, Geographies, and the Historical Imagination*. Oxford University Press.
24. Singh, T. (1995). *Kashmir: A Tragedy of Errors*. Viking Books.
25. Joshi, M. (2019). *The lost rebellion: Kashmir in the nineties*. Penguin Random House India Private Limited.
26. Verma, P. S. (1994). *Jammu and Kashmir at the political crossroads*. Vikas Pub.
27. Santhanam, K. (Ed.). (2003). *Jihadis in Jammu and Kashmir: A portrait gallery*. Sage.
28. Duschinski, H. (2010). Reproducing regimes of impunity: Fake encounters and the informalization of everyday violence in Kashmir valley. *Cultural Studies*, 24(1), 110-132.
29. Jahangir, M. S., & Shafi, A. (2013). Status of human rights in democratic setup: Experiences from Kashmir. *Journal of Law and Conflict Resolution*, 5(3), 41-47.
30. Haji, M. (2012). Armed Forces Special Powers Act. *Counter Terrorist Trends and Analyses*, 4(7), 12-15.

31. Peer, G. (2012). In Pursuit of Justice: Pathribal Fake Encounter Case. *Economic and Political Weekly*, 29-32.
32. Drèze, J. (2000). Kashmir: Manufacturing ethnic conflict. *The Hindu*, 29.
33. Jahangir, M. S., & Shafi, A. (2013). Status of human rights in democratic setup: Experiences from Kashmir. *Journal of Law and Conflict Resolution*, 5(3), 41-47.
34. Chakravarti, U. (2005). Case for a Commission on the Missing of Kashmir. *Economic and Political Weekly*, 40(50), 5214-5348.
35. Singh Sidhu, S. (2019). Female body, honour, sexuality and the use of rape as a weapon of war.



CHAPTER-2

THE ORIGIN OF THE KASHMIR CONFLICT A HISTORICAL BACKGROUND



CHAPTER-2

THE ORIGIN OF THE KASHMIR CONFLICT A HISTORICAL BACKGROUND

INTRODUCTION

The Kashmir valley is surrounded by beautiful mountains; it is in fact the heaven on the earth as rightly said by the Mughal Empire Shah Jahan. Located in the Himalayan Mountains Kashmir is rich in resources and diverse in history. It was home of Hindus and Buddhists by the ninth century and in the fourteen century Islam emerged as Kashmir's major religion. Under Akbar Zain-ul-Abidin Kashmir prospered through religious inclusivity and progressive policy. Muslim rule ended in 1819 when the Sikh kingdom of Punjab captures the region from the oppressive Afghan Durrani Empire. Though the Sikh kingdom implemented its own form of oppression. After the Anglo-Sikh war of 1845 the British East India Company annexed most of the land from the Sikhs. As the British were hardly shy at distributing land that they seized without considering the indigenous people the Kashmir valley was quickly sold to the Hindu Dogra Raja Gulab Singh on the condition that he acknowledge the British government supremacy. The Maharaja family's rule was cruel and greedy, Kashmiri Muslims were subjected to slave labour, heavy taxes and state violence. Demonstrated in 1931 when 22 protestors were shot and killed at the trial of an anti-Maharaja activist. The day is known as Martyrs day. Kashmir struggle for freedom started long before the creation of India and Pakistan (Kaw, 2004).

When India gained independence from the British Empire in 1947 the country was ideologically split majority Muslim provinces became the newly created Pakistan and majority Hindu provinces remained as India. The partition is one of the bloodiest in the history. Almost one million people were killed in the sectarian violence that followed. Kashmir's Maharaja Hari Singh was asked to join one or the other. Fearing they would join India some Kashmir Muslims rebelled. The Maharaja tried to quell the uprising around 200,000 people died. Hearing reports of attacks on Muslims tribesmen from Pakistan's North-west frontiers invaded Kashmir. The Maharaja asked

India for help. India obliged but on one condition of Kashmir joins them. He signed the instrument of accession but it was agreed that a vote would be held once the fighting ended. The proposed referendum would have no option of independent though. Kashmir's would join India or Pakistan. When the war ended on January 1949 the united nation backed ceasefire line split Kashmir between India and Pakistan administration but the referendum never happen. To this day Kashmir still haven't been able to decide their own feature. Following the conflict the western portion of Kashmir came under Pakistan administration. Kashmir asking their rights here has been met with political repression and torture at the hand of Pakistani authorities. But it's the largest portion which came under Indian rule that suffers from the most violence and unrest. It's majority Muslim with a number of Hindus, Sikhs and Buddhists. China controls the most uninhabited area called the Aksai chin. India and Pakistan fought over Kashmir again in 1965 and 1999. In the 1980s increased opposition to Indian rule led armed resistance against the Indian troops. Pakistan provides weapons training and financial support to the separatists. The region's insecurity forced a hindered thousand Kashmir Pandits out of the valley (Hassan, 2009).

EARLY HISTORY OF KASHMIR

Kashmir has the privilege of having a rich and long written history in Sanskrit. According to folk etymology the name Kashmir means desiccated land (i.e. from Sanskrit: Ka and Shimeera which means water desiccated) The Kalhana's Rajatarangini and Nilamatpurana provide detailed accounts of the historical information of Kashmir from 3000 BC to 1149 A D. Nilamatpuran is not an established historical text; it is the national epic of Kashmir. According to Nilmatpurana the early inhabitant of Kashmir was Naga tribe they were worshiper of serpents. According to Kalhana's Rajatarangini the first independent king of Kashmir was Gonanda who fought against Lord Krishna during Dwpar Yuga after Gonanda his son Damodar also fought against Lord Krishna but he was defeated and killed. After Damodar there were more than 35 kings who ruled Kashmir but their names and deeds perished through destruction of records. This period was also called the period of Hindu and Buddhist rulers by historians. According to the Hindu methodology Kashmir has a firm place that goes beyond Mahabharata, and Hindu rulers and culture

played a significant role in the history of Kashmir. Kashmir was ruled by powerful kings and empires like the Karkota Empire, Utpala dynasty and Lohara dynasty (Lawrence, 1895).

KARKOTA EMPIRE 625-885-A.D

The Karkota Empire was the first independent kingdom of Kashmir founded by Durlabhvardhan in 625 A.D. According to Kalhana he ruled Kashmir for 35 years. This dynasty marked the rise of Kashmir as a political power in northern India. Srinagar and Parishaspura are the capital of the Karkota Empire. During the period of Durlabh Vardhan a famous Chinese traveler Hiuen Tsang visited Kashmir. According to Hiuen Tsang Durlabhvardhan not only ruled Kashmir valley but also a part of North-western Punjab. The emperors of Karkota called themselves as Samrat or Chakarvartin (king of kings). The Karkota Empire reached its zenith during the reign of Lalitadiya Muktapida who was a powerful ruler and also a great builder he built many famous temples and cities during his reign such as the Martand sun temple and dedicated it to the Hindu God Surya. Although there were large followers of Buddhism, but it was not a dominant faith, Hinduism went side by side along with Buddhism. Lalitadiya also built various cities and towns like Parihaspura, and Lalitapura. The Karkota Empire was one of largest empires originated in Kashmir and extended to Bay of Bengal during the regime of Lalitaditya (Bamzai, 1994).

UTPALA DYNASTY 855-1003

After the collapse of the Karkota Empire economically and politically Avantivarman ascended the throne and established the Utpala dynasty in the year 855 A.D. Avantivarman was a strong administrator, he introduced some stability in the kingdom after much chaos and he took strong steps to stabilize the economy of the state. Avantivarman was a great innovator; he appointed Sura as his prime minister who was expert in engineering and irrigation skill and solved all his problems. His main focus was economy, architecture, and irrigation and he changed the course of the Jhelum River and other tributaries to protect the state from flood. He also built temples, and gave special grants to Brahmans. Avantivarman was succeeded by his son Shankar Verma unlike his father he followed a policy of expedition which brought him into conflict. He was killed during his invasion of Hazara in 902 AD.

The utpala dynasty came to an end in the year 939 A.D after the death of the last king Gopalavarman (Kaul, 1972).

GUPTA DYNASTY 936-1003

The Gupta dynasty was founded by Parvagupta, he was succeeded by his son Kshemgupta he was quite a sensual person. He plundered the Buddhist Vihara and used the molten gold and silver image of his own dictates in his own name Kshemagaurisha. He married Didda, the daughter of Samharaja the ruler of Lahora dynasty, this marriage alliance influenced Kashmir for a long time period. Kshama Gupta was succeeded by his infant son, Abhimanyu Gupta, of whom Didda became a guardian. This period was filled with conspiracy, murders and witchcraft. Queen Didda was known for unmatched statements like instinct and wisdom; she maintained her indisputable and peaceful sway over the state. She elevated her paramour Tunga to the highest post of prime minister and also appointed his brother to another position of the state. Didda suppress the revolt of Vighararaja of Lohara dynasty with the help of his Prime Minister Tunga (Kaul, 1972).

LOHARA DYNASTY 1003-1339 AD

Sangramraja was the founder of the Lohara dynasty; he was nephew of Queen Didda. Sangramraja was a weak ruler during early part of his reign the Prime Minister Tunga remained predominant. During this period he had to face revolt of ministers and Brahmins, which he suppresses with heavy hand. The history of the Lohara dynasty was a record of shameless lust, fiendish cruelty, and pitiless misrule on the part of kings and Queens. During his period Mahmud of Ghazni attacked Kashmir several times but was defended by him with the help of Tunga. After Sangramraja there were a series of weak rulers unable to rule the state which resulted in confusion and chaos in the state. Kalasha introduce certain reforms, he control state budget and removed financial stringency. He supported officials and restored the confidence of the people. He was supported by some of his able ministers like Varman and Kandarpa. During his rule he has bitter relation with his son Harsha (who was nominated as his successor by the father of Kalasha). He conspired against his father, arrested his father but was released on mercy ground. Harsha was a man of extravagant habits, his lavish life styles soon exhausted the royal treasury. He started plundering the treasures of the

temple and finally melted images of gold and silver in the temples throughout Kashmir. He also imposed new and oppressive taxes on the people. He destroyed both Hindu and Buddhist temples and credited with creating an office of Devopaatana-Nayak (destroyer of gods). During his reign there was a plague and famine which further worsen the condition of people. To divert the conditions of discontented and rebellious people, he attacked the feudal lords called Damras. He faced many troubles from different fronts Uchchala invaded Kashmir in 1101 A.D. who was joined by disaffected nobles, but they were defeated by Harsha. After the death of Harsha, Uchachala became the ruler. He restored to Machiavellian tactics to remain in power. In this way Damras were weakened and Uchachala easily overcome them by use of minimum forces. After his death there are series of weak ruler rulers like Raddha, Sussala, Bhikshachara, Jayashmha, Parmanudeva, Vanitdeva etc (Mohan, 1958).

BUDDHISM IN KASHMIR

Buddhism came to Kashmir in the third century B.C when the famous Mauryan emperor Ashoka conquered Kashmir and established Buddhism. Askoka became Buddhist after the bloody battle of the Kalinga. The Mauryan emperor makes Ashoka the Governor of Kashmir. Emperor Ashoka not only sent missionaries to propagate Buddhism but also built many stupas and viharas. The Ashoka reign was a glorious period for the development of literature, architecture, and socio- cultural activities of Kashmir and Kashmir became the centre of learning for Buddhism. According to Kalhana Rajtrangani Ashoka reign was marked by great building activity and his main achievement during his reign was the spread of Buddhism. He also built a town which is three miles above the modern city of Srinagar. After Ashoka Kushans and Kanishka ruled Kashmir for many years, they also spread Buddhism and built many Stupas, Viharas and monasteries (monasteries are educational institutions of cultural philosophy and religion). The fourth council of Buddhism was held in Kashmir during the period of the Kanishka Empire, in which Buddhism was divided into two major sections named as Hinayan and Mahayana. Hinayan was the old form of Buddhism which considered Buddha as a pious man. They oppose the worship of idols. They used the pali language to educate the people. Mahayana considered Buddha as god and their followers believed in worshipping idols (Singh, Balraj, 1997). They used Sanskrit language to educate people. The Buddhism philosophy attracted the Hindu

kings and they became great admirers of their teachings and beliefs. Some Brahmans become its missionaries and preach the teachings of Buddhism in Kashmir (Eliot, 1998).

MUSLIM RULE IN KASHMIR

Islam came in Kashmir gradually and peacefully through the teachings of the Sufi masters like Bulbul shah and Mir Sayed Ali Hamdani. Bulbul shah was from Turkistan, and Mir Sayeed Ali Hamdani was from Hamdan Persia both play an important role in the mass conversions to Islam in Kashmir, and in 13th century Islam become the dominant religion in Kashmir. There the various reasons behind the rapid and mass conversion to Islam, such as in the last Hindu rule there are internal corruption feuds and strife among the rulers and powerful landlords all over Kashmir (Hasan, 2005). There is social, economic and political deterioration in Kashmir, and the efforts of the Sufi masters to spread their faith. The people are fed up from the oppressive rites and rituals. They want a better society and want to change the current situation (Sufi, 1979).

Bulbul shah through his teachings able to convince the people to Kashmir to convert in Islam, and it was because of him Kashmir come under the Muslim king Rinchana who was a Buddhist prince from Ladakh who flee for safety after a battle with Baltis who earlier killed his father. Ramachander, the commander-in-chief of the then king Sahadeva had given protection to Rinchina in Kashmir. Rinchina convert to Islam, the inspiration behind his conversion was Bulbul shah. He becomes the first Muslim ruler of Kashmir under the title of Sultan Sadar-ud-Din (1320-1323 A.D). He built a town after his name and built a lanker (resident of his spiritual guide Sayed Bulbul shah) and also built the first Mosque in Kashmir (Bhattacharjea, 1994).

SULTAN DYNASTY 1389-1413

After Rinchana shah Mir ascended the throne under the title of Sultan-Shams-ud-din in 1339 and he became the founder of the Sultan dynasty which ruled Kashmir for 222 years. He was a great warrior and conqueror, he was also known as the Lalitadiya of medieval Kashmir. He extended his empire to Afghanistan and India and raised the prestige of his army. He is said to have been a benevolent ruler who revoked many taxes. Sultan shams-ud-din ruled Kashmir for 19 year; his period was one of the

glorious periods of the history of Kashmir. He was a great patron of learning and opened many schools in Kashmir. He was tolerant of Hindus according to chronicler Jonaraja, he gave equal chance to the Hindus in his administration. He has three Hindu commanders in his army they were Chandra Damara, laula Damara and Shura, he also gave two ministerial posts for Hindu in his administration they were Kota Bhatta and Udyasri (Khan, 1997).

Sikander was the most intolerant ruler of the sultan dynasty. His reign of 25 year was the worst period for the Hindus in Kashmir. Sikander also known as Butshikan which means destroyer of idols, he destroys several Hindu temples during his reign and many Hindu are force to convert in Islam. During his reign many Hindus left the valley for fear of conversion and many were massacred. He built many mosques and monasteries of wooden type architecture. He also built the famous Khankah Moula in Kashmir (Kaul, 1972).

Sultan Sikander's son Shahi Khan ascended the throne of Kashmir in 1420 A.D under the title of Sultan Zain-ul-abidin. He was known as Akbar of Kashmir for his religious tolerance. He was also known as Bud Shah or the great king. He was the eighth ruler of Shah Mir dynasty who ruled Kashmir for the period of 50 years i.e. from 1420-1470 it was glorious period in the history of Kashmir. He was a staunch follower of Islam he pray five time and have fast during the month of Ramadan, but he have respect to all the religion. His fame rests mainly on his religious toleration and on several reforms for the betterment of his subjects. During his reign many Kashmir Pandits who earlier left the valley during the period of Skinder in fear of conversion came back in the valley. He displayed extraordinary gesture of goodwill by allowing all those Hindus converts who accepted Islam under duress to return to their original faith if they so wished. He himself encouraged the Hindus to come to Kashmir and built their temples. The Ulemas who were once enjoying considerable influence, were now deprived of their power of harassing Brahmans. The sultan was always eager to make due enquires after the welfare of all his subjects. The principle of merit was extended to the recruitment of personnel for state service. His personnel consultant was Shreya Bhatta, Karpur Bhatta was his personal physician and Rupya Bhatta was his astrologer. He not only allowed but also participated in Hindu festival. He paid regular visit to Hindu shrines, participated rituals and worships. He also

undertook pilgrimage to the holy shrine of Amarnath caves. He was a learned man, he built many schools, colleges and also built a library. He knew many languages such as Persian Sanskrit and Kashmiri. He was surrounded by galaxy of learned man, included Mulla Ahmed, Syed Mohammad Rumi, Qazi Sayyid Ali Shirazi, Sayyid Mohd Sistani, Maulana Kabir, Mulla Nadiri, Jonaraja, Srivar, Yodhabhatta and Nathsoma pandit. He was supporter of Art and craft, artist called him Vishwakarma descended on earth, some people considered him as Gorakhnath and chemists called his as Nagarjuna. It was during his period Kashmir made tremendous progress in glass blowing, woodcarving, bookbinding, papermaking and silk shawl and carpet weaving. He deputed artisans and craft men to Samarqand, Bokhara and Khurasan, for training in stone-work, glass-making, polishing of gem, paper-making, craft weaving etc. sultan turned Kashmir into, smiling garden of industry. He also introduced the art of fireworks in Kashmir. He was also called as Shah Jahan of Kashmir, some important buildings and towns build by him were Zaina-lank, Zaina-Gir, Zaina-kundal, zaina-pattan, Zaina-por, Zaina-tilak etc. He also built gardens like Bagh-i-Zingiri, Bagha-i-zain Dab, Bagha-i-zainpur etc. The greatest engineering achievement of zain-ul-Abidin was the creation of an artificial island, Zaina lanka in the Wuler Lake, built a place a mosque and a garden there. The sultan also built two other islands there, sona lank and Rupa lank. In his capital city Srinagar he built the first wooden bridge on the Jhelum which is still known as Zaina Kadal. He was fond of poetry and music, he himself a poet and compose lyrics and poems. Odh Bhatta and Srivar were two popular kashmiri musicians of his court. Odh Bhatta wrote a book on music entitled Zain Srivar was known for handling the Lute. His patronage attracted much foreign music too; Mulla Udi and Mulla Zada came from Khurasan. Some Indian musician also adopted a few Iranian tunes such as Rast, sagh, chirag, Nava, Nauraz and Shanawaz. The king also increased Acrobatics, festivities and fireworks. Tara and Utsava were two great female dancers of his court. He reorganized his army which suffered indiscipline and equipment during the rule of his predecessors. He reorganized it in such a way as to leave no possibility of rebellion or rising take place. He introduced gunpowder and established an artillery division in his army. He ordered many type of cannons to be manufactured in Kashmir. He suppressed the revolt of the khokhar who began to behave like an independent rulers, Jasrath was their leader. During the weak rule of Ali Shah, the area like ladakh and Baltistan became independent he decides to conquer these areas under the command of his

officers like Malik Mohammed Magre, Hilmat Raina, Ahmed Raina, Sayyid Malik Hussain and other. In the field of administration he brings several reforms. He was compassionate, brave, cultured, just and able king he suppressed every kind of crime thus theft was banished from the state. His punishments were not so harsh for minor crimes because he wished to awaken consciousness of his subjects against criminal tendencies. During his reign theft, robbery, drunkenness which was common in previous regimes, banished from the kingdom. He fixed the prices of essential articles and informed the public of these prices through bulletins inscribed on copper plates which were fixed at important places in all the towns. He reappointed the Pandits in the administration, who were expelled by sultan Sikander, he granted them religious and civil liberties. He eradicated corruptions, severely dealt with the dishonest officials. He also introduced several reforms in judicial system, he established equality before law rich and poor high and low all were before law. His development of agriculture was settlements of land revenue, done on scientific pattern. He divided the country into number of parganas and then each parganas into number of villages. To promote agriculture he constructed several canals in the country, like the Kakapur canal, the karla cana, the chakdar canal, the Avantipur canal, the Shahkul canal etc. To deal with the problem of famines, the sultan took various measures to alleviate the sufferings of the famine stricken people. He was a liberal ruler who abolishes jazy, ban cow slaughter appointed Hindus on high posts, established matrimonial relations with Hindus out of his six wife's two were Hindus that is why he was known as Akbar of Kashmir. After him there was a series of weak ruler came. Mohd Shah was the last ruler of the sultan dynasty (Banzai, 1994).

CHAK RULE IN KASHMIR 1561-1586

The Chaks came to Kashmir from Dardistan region, the present northern parts of Pakistan and North eastern parts of Afghanistan in the times of the Shah Mir dynasty. Ghazi Malik or Ghazi Chak was the founder of the Chak dynasty in Kashmir. He was a military general; the nobles at that time put him on the throne of Kashmir in 1561 A.D (1561-1563). He married Habba Khatun, the famous poet of Kashmir. He improved the condition of the state, which has been shaken by adverse political and natural conditions and restored peace and order in the state. After Ghazi Chak his son Hussain shah Chak ruled Kashmir till 1563-1570. He also focused on the restoration

of peace and order in Kashmir; he severely punished the thieves, robbers and corrupt officials. He himself listens to the complaints and redresses the grievances of people. The most important event in his reign was the sectarian conflicts between the Shai- Sunni because the Chaks were Shai and the major of the population was Sunni (Kaul, 1972).

Sultan Ali Shah became the ruler of Kashmir in 1570. His main focus was to end the bitterness between shia sunni conflict, he appointed one of his Sunni friend Mubarak Balhaqi as his chief minister but the problem continued. It was during his reign the Kisthwar region got independent. The most important event of his reign was the acceptance of the sovereignty of the Mughals. He died while playing polo (Wiltzel, 1991).

After the sudden death of sultan Ali shah while playing polo, his son Yousaf Shah Chak found himself incapable of shouldering the responsibilities of governing the country. He was so much bewitched by the natural beauty of Kashmir that he used to roam about freely in the valley of God. It was he who discovered the charm of the Gulmarg and Sonamarg and he transformed them into holiday resorts. Due to the incapability and neglect to his duties towards his subjects, he faced problems from the ambitions nobles, who hatched conspiracies against him and he was forced to flee from the valley, leaving the throne vacant. Sayyid Mubarak shah became the ruler of Kashmir for one year. Yousaf shah got the throne back with the help of the then commander of the Mughal Empire Man Singh in 1580. He surrendered before the Mughals in 1585 A.D. Kashmiris considered Yousaf Shah's action as his personal surrender and proclaimed his son Yakub Shah as new ruler of Kashmir. It was during Yakub Shah Regime. Akbar finally annexed Kashmir in his own dominions under the command of Qasim Khan Mir Brar (Bamzai, 1994).

MUGHAL RULE IN KASHMIR 1586-1753 A.D

Before Akbar Babar Humayun tried to conquer Kashmir but they were not successful. It was during the reign Akbar was successful to conquer Kashmir and Kashmir became part of Mughal rule. At that time Kashmir was under the chak rule yousaf shah chak was the last independent ruler of Kashmir. Yousaf shah chak was defeated by the Mughal commander Mohd Qasim khan Mir Bahir in 1586 A.D. Later Mohd

khan was appointed as first Mughal governor of Kashmir but he was replaced by Mir Yousaf khan Rizvi. Akbar was a liberal person; he respected the sentiments of all the people irrespective of their religion. He abolished Jaziya and extended religious freedom to all the communities and he promoted several industries such as the Shawl industries. Akbar was known for his development work he appointed his two officials Qazi Nur Ullah and Qazi Ali for revenue settlement and land reform. He was known for his development work and he built several industries. He was also a great builder; he built Nagar fort, Hariparvat Durrani fort. He also laid down the Mughal road which connects Kashmir to Lahore (Sufi, 1949).

After Akbar his Jahangir son came into power he was enamored by the beauty of Kashmir he and his wife Noor Jahan visited Kashmir several times and spent hot summer months in Kashmir. Dilawar khan the governor of Jahangir conquered Kistwar and Kistwar became the part of Kashmir. It was during the time of Jahangir Kashmir very prosperous despite several epidemics and natural climates. Like Akbar he was also a great builder, he built several gardens and parks like Nishat, Shalimar garden. Pather masjid and Jami Masjid was built by his wife Noor jahan. It was Jahangir who said that Agar Firdaus baroy-e-zamin ast, hamin ast o hamin ast(if there is heaven on these earth it is here it is here. He died in 1627 and his son Shah Jahan became the king (Bamzai, 1994).

Like his father Shah Jahan took great interest in Kashmir he also visited Kashmir several times and developed a soft corner for kashmiris. He recalled Itqad khan who was not famous and cruel and appointed Zafar khan as governor of Kashmir. Shah Jahan conquered it under the command of Zafar khan. Shah Jahan built several garden chashma shahi, a prominent garden Built around a spring by Ali Mardan Khan. Originally this garden was a gift from Shah jahan to his eldest son Dara Shikhon. Pari Mahal also a garden was built by shah jahan, it was here Dara Shikhon learned astrology and astronomy. He also built several other gardens in Kashmir like Bagh-i-Idiqabad and verinag garden (Bamzai, 1994).

Aurangzeb sent several efficient governors to administer Kashmir most of them were able administrators and broad minded. They built many masques and gardens, but some governors who unleashed a reign of terror, e.g. Iftar Khan tyrannized over the Hindus and imposed Jizya and several other taxes on Hindus. Forcible conversion

also took place during Aurangzeb reign. The most important event during the reign of Aurangzeb was the arrival of prophet hair in 1699 and lodged at the Mosques of Hazratbal. After Aurangzeb the latter Mughal lost its control of Kashmir. Alquli Khan was the last Mughal governor. In 1753 Abdullah Khan Isshaq Aqasi the Afghan commander defeated Kashmir forces under Abdul Qassim Khan, which marked the end of Mughal rule in Kashmir (Kaul, 1924).

AFGHAN RULE IN KASHMIR 1753-1819 A.D

Afghan rule was established during the period of Mughal rule by Ahmad Shah Abdali. The Afghan rule was considered as the darkest ages, there are full of atrocities, loot and plundering, tyrannical rulers over Taxes and natural calamities in Kashmir. There were 28 governors of Kashmir in succession during this period; only one of them was Khatri Hindu while others were Afghans. Abdullah khan Ishaq was known for his cruelty; he was a symbol of tyranny which fielded the atmosphere of paradise with terror. Economic condition of the people had deteriorated to the worst level, money became scarce and business came to a standstill during the period of all afghan rulers. The cruel treatment of the afghan governors forces the people of Kashmir to revolt. Jabbar khan was the last governor Afghan of Kashmir appointed by Mahmud Shah. Maharaja Ranjit Singh occupied Kashmir and established Sikh rule in Kashmir in 1819 (Snedden, 2015).

SIKH RULE IN KASHMIR 1819-1846 A.D

Ranjit Singh was the founder of the Sikh rule in Kashmir. There are eleven Governor of Sikh rule in Kashmir of which two were Muslim and rest are Sikhs. Ranjit Singh had long cast his covetous eyes on Kashmir, but he could not undertake any expedition to it because he was busy in fighting and consolidating his position in Punjab. The war of succession for the throne of Kabul provided an opportunity to Ranjit Singh to embark upon the plan of conquest of Kashmir. He sent three expeditions to Kashmir and finally annexed in 1819 A.D by defeating the then Afghan governor Jabber khan. The Sikh rule was also not popular in Kashmir like the Afghan rule. They were intolerant towards the Muslims in the valley, Mosques were closed for public prayers, several Mosques were declared as state property, cow slaughter was banned and many accused of cow slaughter were punished with death. All these

created resentment in the valley. The Sikh Governors impose heavy taxes, during the period of Hari Singh Nalwa there is discontentment against the Sikh rule. He exacted as much money as he could from the valley. Hari Singh subdued many revolts in the valley. He ruled with a strong hand and Kashmiri hated him so much that Maharaja compelled to recall him in 1821 A.D. A British officer's youth husband was of the view that like Afghan Sikhs were so barbarically cruel, but they were hard and tough masters. Diwan Kripa Ram was appointed the governor in 1827, he was intelligent and a great administrator. The famous Rambagh garden was laid down by him. He was most famous as compared to other Sikh governors. Popularly known as colonel in Kashmir, Mian Singh (1834-1842) was the ablest of the Sikh governors, during his time several European travelers came to Kashmir. After the death of Ranjit Singh in 1839, Sikh soldiers revolted in 1841 and Mian Singh was killed. After Ranjit Singh Maharaja Sher Singh became the king in Lahore Darbar he despatched a strong force under Gulab Singh of Jammu and crushed the revolt in 1842. Sheikh Mohi-ud-din was appointed as new governor. With time Gulab Singh became very popular in Lahore Darbar. He sent expeditions under Zorawar Singh to conquer Tibet (Wani, 1993).

SIGNIFICANCE OF SIKH RULE IN KASHMIR

The Sikh governors were by no means enlightened masters, yet both Hindus and Muslims considered their rule far better and far more human than that of Afghans. The entire province was divided into 36 Pargan (District), each under a revenue officer. He was free to collect taxes from peasants as much as he could exact. There is absence of crime during the Sikh rule, but there are some atrocities on the part of Sikh governors. There are a number of taxes imposed on Kashmiris, there are no trade or occupation escaped taxes. Everything imported from the rest of India was heavily taxed. Heavy taxes led to the impoverishment of the people of Kashmir. The condition of agriculture was bad, the standard of living was also very low. The practice of beggar system or forced labour had existed since Hindu rule was continued by the Sikh with great rigor. The English defeated the Sikh forces in 1846 and the treaty of Lahore was signed (9th March 1846) according to which some territories of Sikhs given to British Kashmir was one such territory (Wani, 1993). The English further sold Kashmir to Gulab Singh by the treaty of Amritsar on 16th of March 1846.

FORMATION OF JAMMU AND KASHMIR STATE TREATY OF AMRITSAR

DOGRA RULE 1819-1947 A.D

The modern state of Jammu & Kashmir came into existence on 16th of March 1846 when the treaty of Amritsar was signed between Gulab Singh of Jammu and Frederick Currie and Major Lawrence on the behalf of British East India Company. At that time Henry Hardinge was the governor general of East India Company. According to the treaty the British government transfers and makes, over forever in independent possession to Maharaja Gulab Singh over not only the Kashmir valley and Jammu to Maharaja Gulab Singh but the entire hilly country situated to the eastward of river Indus and western ward of the river Ravi. In return, Gulab Singh agreed to pay a sum of seventy-five lakh (Nanakshahi), fifty lakhs to be paid before 1 of October 1846. The Maharaja of Jammu also acknowledged the supremacy of British government and agreed to present one horse, twelve goats (six male and six female) and three pairs of cashmere shawls annually to the British government. The transition by the Treaty of Amritsar was considered as master stroke by the British East India Company. The occupation of Kashmir for Gulab Singh was not easy. After the death of Ghulam Moin-ud-din his son Sheikh Imam-ud-din became the governor of Kashmir who refuses to handover the power to Gulab Singh. He got ample support from the Lahore Darbar. Finally with the support of the British Gulab Singh was able to establish his rule by the end of November 1846. The treaty of Amritsar was criticized by many historians, as per some historians the treaty of Amritsar shall stay as a scar on the face of Great Britain which today takes the credit for having furnished the world with the sense of democracy and public freedom. The treaty of Amritsar was also criticized as a sale deed in which Kashmiris are sold like a mere sheep and goats. The sale was a cold, hard real estate transaction in which Kashmiris were never allowed to offer a bid (Verma, 1994).

The people of Kashmir valley had not been consulted in any way, for them this treaty meant another century of illegal occupation and exploitation by alien rulers. The treaty faced lots of criticisms in India as well as in England because it does not give priority to the rights of the people. The Dogra rule began with distress, oppression, and favoritism towards the Hindu community which developed the

feelings discontent among the majority community which are Muslims. The Muslims are not given representation in administration; the whole administration is run by the Kashmir Pandits. The majority of the population specifically Muslims are face discriminations in every field whether it is in administration or army, they are forced to lead a life of poverty, oppression, subjection, and exploitation. The poverty of the Muslim masses is shocking. The Muslim peasant, dressed in rags and bare feet, wears hungry beggar appearance mostly landless workers, working as serfs for absentee landlords. The Muslim masses have borne the burden of almost all official corruption. Rural indebtedness is staggering. Gulab Singh suppressed all the disorderly elements and restore peace and order. He launched an extensive expedition against Galwans the notorious gangs of murders and robbers of Kashmir. When he took over there were as many as 3115 Jagirs. With the assistance of Raja Kak Dhar the Maharaja resumed the Jagirs of those who had been recently granted. Gulab Singh proceeded to reform revenue and police administration; he reorganized it into four Wazarats or districts. He appointed efficient and trusted officers in charge of the departments like audit and police. He undertook to reform most unjust and obnoxious beggar system which reduced the peasantry to a class of slavery (Bose, 2003).

MAHARAJA RANBIR SINGH 1856-1885 A.D

Maharaja Gulab Singh installed his son Maharaja Ranbir Singh as his successor two year before his death in 1858 A.D. Ranbir Singh did not receive much literary education, but had qualities of sharp memory. He was very popular among all the Dogara rulers; he is enlightened, rational, and most successful ruler of the Dogara dynasty. He was essentially a man of peace and visionary persons. He introduced several reforms in judiciary, educational sector and economy; he reorganized the taxation system, encouraged trade and industries. He extended the boundaries of his kingdom up to Gilgit Baltistan and central Asia. He gave special attention to shawl manufacturing industries. There was also a revolt by the shawal weavers in which Raja Kak Dhar, the head of the shawal department was killed. When Maharaja comes to know about the distress of the shawal weavers he reduced the taxes levied on the weavers. The shawal trader was completely ruined due to the Franco Persian war of 1871, Ranbir Singh completely abolished the tax altogether. Ranbir Singh also introduced several reforms in the revenue system. An attempt was made to assess the

land revenue at a fixed rate. A number of new staples were introduced in the valley. Silk worm seeds were imported from China were distributed among the villagers. Experimental tea gardens were laid out. The government freely spent money on sericulture, hops, wines etc, coal and iron mines were worked in some areas in Jammu. He was known by Ranbir panel code also known as Ranbir Dand Biddhi and also established a high court in the state in 1877 A.D. He was very much famous among his subjects for his judicial reforms. The Maharaja took several steps to improve the economic condition of the state. It was during his period the moving the Darbar system which is still practiced even today to remove the aloofness among the people of Kashmir and established his rule. He also built many roads, infecting only the Dogra king who is known for his reforms and development. The Maharaja took several steps in the development of transport and communication. A network of speeding communication was essential for good administration of the kingdom. Initially there were only five authorized routes to Kashmir from different directions like Rawalpindi road, Abbotabad Road, Bhimbar Rajouri road, Bhimbar Poonch road, and Kotli road. He constructed many roads and bridges like the Banihal cart road Jammu Sialkot road and many others roads and bridges in Jammu and Kashmir. He was a great patronage of art and literature; he donated liberally to Sanskrit institution at Banaras and also contributed one lakh rupees for the establishment of the Punjab University at Lahore. The diplomatic relation between Maharaja and British government were not coordinial. Maharaja active interest in the affairs in central Asia created misgivings in the minds of the British government about his loyalty. In 1873 the British government revived its proposal to appoint residents at the Kashmir court, which Maharaja openly refused (Brecher, 1953).

MAHARAJA PARTAP SINGH (1885-1925)

Maharaja Partap Singh was the third ruler of the Dogra dynasty. When he came to the throne, the administrative system of the state was faulty inefficient and corrupt. There was no record of holdings in land and revenue liabilities of land holders. He was considered as the weak ruler as compared to other Dogra rulers. It was during his period the British government established its residential council and interfered in his administration. In the field of heaths the Maharaja has done a commendable work, he built modern hospitals for both males and females at Srinagar and Jammu. In other

towns and villages medical dispensaries were setup. In 1891 the Maharaja state established the forest department which soon began to give a very good account of it. Its surplus revenue for the first year was about a quarter of millions of rupees. He established two colleges in the state, the Prince Wales College at Jammu in 1907 and the Sri Partap College in 1905 in Srinagar. In addition to the land revenue and the customary tax, the villagers were subjected to other taxes like on silk, saffron, violets, various kinds of forest products, hemp, tobacco, water and paper formed the state monopoly. The office of grave digger was also taxed, nearly everything save under the air and water was brought under taxation. Sir Walters Lawrence and Maharaja Partap Singh fixed the land revenue settlement in 1893 A.D. The state demand was fixed for 14 years, and land revenue was to be paid in cash only. On the advice of the British residents the Maharaja abolished some of the objectionable features of the forced labour in 1891 A.D. and also abolished requisition of forced labour for government purposes, later on in 1920 the forced labour was completely abolished. He saved the state from the frequent occurrence of famine, and undertook the buildings of several irrigation canals like Martan canal, Partap canal, Lal Khul canal, Basantpur canal, Ujh canal, upper Jhelum canal and Ranbir canal. The Maharaja introduced several reforms in the field of agriculture and horticulture with the help of the French experts. European varieties of fruits were introduced in Kashmir valley. A considerable number of fruit plants which could thrive in Kashmir were imported. Grafted fruit plants were distributed to the state orchards with the passage of time, fruit growing industries flourished and acquired a leading position in the export trade of Kashmir. A model agriculture farm was established to impart knowledge about scientific methods of cultivation. Co-operative societies were also started to improve the lot of cultivators. The rule of Maharaja Partap Singh witnessed some signs of political unrest in the state. The Kashmiri Muslims settled in other parts of India raised their voice of protest against his policies. In 1924 A.D. when Viceroy Lord Reading visited the state, some Muslim leaders submitted a memorandum demanding the grant of property rights in land to the peasants and representation of Muslims in government services. While this discontent was seething the Maharaja passed away in September 1925 A.D. (Snedden, 2015).

MAHARAJA HARI SINGH 1925-1947 A.D

Maharaja Hari Singh was the fourth and the last ruler of the Dogra dynasty; he was the nephew of Maharaja Partap Singh. During the early years of his reign, he was very popular and was held in a great esteem. He was liberal and tolerant, but his autocratic temperament, the evil influence of his corrupt and inefficient officials and British excitement to communal elements gave rise to the popular discontent in the valley. He was highly educated and a visionary leader, he launched a vigorous campaign against illiteracy in the state. He passed the compulsory primary education act. It made compulsory for the children's living in the state to receive primary education. At the time of Maharaja Accession in 1925 there are 706 primary schools which have risen to 20,728 by the year 1945. Child labour was banned, he appointed a director of education, and this post was generally held by an eminent educationist. The Maharaja took keen interest in the education of Muslims, he appointed 31 special teachers to teach Arabic and Muslim theology. Higher education also received the Maharaja attention, he encourage the students to receive college education. In 1942, SP College at Srinagar was bifurcated into two colleges. He sanctioned 500 scholarships for poor Muslims and other needy children's. Special inspector of Muslim education was appointed to see that these measures were implemented effectively. Despite his limited financial sources he made earnest efforts to spread modern education throughout his state. He gave special attention to the promotion of agriculture in the state. He passed the agriculture relief act, by which debtor could bring creditors to the court of law fir the settlement of accounts. This measure saves the peasants from the rapacity of money lenders. Land alienation act of 1928 forbade the transfer of agriculture to the non- agriculturist. He introduced several social reforms; he took various steps for the upliftment of the depressed classes. Child labour was made prohibited and encourages the widow remarriage. There are various factors responsible for the rise of national movement in the valley. Dissatisfaction with the rule of Hari Singh, Grievances of educated Muslims, economic distress, unsympathetic and inefficient bureaucracy, denial of civil and political rights, impact of Indian national movement, and British incitement to communal elements all this leads to the rise of national movements in Kashmir valley (Bose, 2003).

FREEDOM MOVEMENT IN KASHMIR EMERGENCE OF NATIONALISM AND POLITICAL IDENTITY

The rise of nationalism and national movement in Kashmir can be traced back to 1930's. The political life of Kashmir was absolute autocracy, communal discrimination, economic distress, denial of civil and political rights and heavy taxation until 1930. The educated Muslim youths become restless owing to growing unemployment and communal discrimination in government services. The Muslims in general and Kashmir Muslims in particular were discriminated in every share of life be it in religious, political, social and economy. In the economic sphere the Muslim peasants have no rights of proprietary in land. The peasants in Kashmir suffered most miserable under the entire economic system which was feudal in nature. The beggar system or forced labour had officially been abolished in 1920, but the officials of the government from time to time by misusing their power forced the villagers to render their services. The people of Kashmir have no rights to join the state forces, only Dogras and Rajputs were entitled to join the state forces. There are no civil liberties and political rights to the people of the valley, there are no freedom of speech and freedom of press (Snedden, 2015).

Until 1930 there is no popular movement in Kashmir, however in 1930 for the first time in the history of Kashmir the educated Muslims form an organization called the Muslim conference, which give scholarship to the talented youths of Kashmir and encourage them to study outside Kashmir. This new generation of educated youths after completing their education established the Reading Room association to discuss the social economic and political developments in the state. The reading room party was headed by Sheikh Mohammad Abdullah who was a school teacher educated from Aligarh Muslim university. The reading room Party started sending news outside Kashmir to highlight the sufferings of Kashmir (Bhattacharjea, 1994).

The public meetings were held in Khanqah-e- Maula where people speak against the Dogra regime. In one such meeting at Khanqah-e-Maula the Kashmir committee was formed to continue the fight against the Dogra regime. In a meeting at Khanqah-e-Maula after Friday prayer a man Abdul Qadir khan identified by some as a Pathan, and other as a Kashmiri came on the stage and made an inflammatory speech against the Dogra regime. Qadir was arrested on sedition charge and was trial in central jail,

on the day of trial thousands of people assembled to show solidarity with him. They demanded open and free trial for Qadir, people started shouting slogans in favor of Qadir and against Dogra rule outside the central jail. The Crowd had attempted to enter the penitentiary to protest his prosecution in retaliation, the Dogra forces continued firing at the people, 23 people including women and Children got killed and Qadir was also killed. After the killings a widespread communal riot occurred in Kashmir in which three Hindus were killed and shops and homes of Hindus were burned and looted. The Maharaja Hari Singh took prompt action and arrested hundreds of agitators and put them behind the bar, Sheikh Abdullah was also arrested. In 1931 the Maharaja established a commission on the recommendation of the British government to inquire into the causes of communal riots. The commission was headed by B.J Glancy a British official. The Glancy commission suggests the Maharaja to do a series of reforms in education, administration taxation and land tenure, but the Maharaja Hari Singh neither reject nor accept the recommendation (Brecher, 1953).

In 1932 for the first time in the history of Kashmir a political party was founded the Jammu & Kashmir Muslim conference. The party was headed by Sheikh Mohammad Abdullah from the valley and Chaudhary Ghulam Abass from Jammu region. Sheikh Abdullah who was also known as Sher-i-Kashmir (lion of Kashmir) was a secular, progressive and charismatic leader. He have also a good knowledge about the Muslim theology and history, he recited verses of holy Quran in his speech which makes him the hero of Muslims in Kashmir. He appeals to the people of Kashmir irrespective of any caste religious who believe in the freedom of their country from the irresponsible Dogra rule and participate in the freedom movement. To gain mass support from all the community of the people Sheikh Mohammad Abdullah also change the name of the all Jammu and Kashmir Muslim conference to Jammu and Kashmir National conference (NC) in a special session held on 11th of June, 1939 (Panigrahi, 2012).

In the first session of the national conference held in Anantnag on 1 October 1939 in which the national conference demands for a responsible and elected government base on adult franchise. The legislature must have control over the budget of the state. In September 1944 the national Conference adopted a manifesto entitle

Naya Kashmir (new Kashmir). It was a comprehensive plan for economic, social, cultural and political reconstruction of the region. The manifesto was prepared by B.L Bedi a good friend of sheikh Abdullah. The manifesto was divided into two parts the first part deals with the constitution of the state and second parts deals with social economic plan. It further instigates the establishment of council for national educational and cultural upliftment of women's rights. The national economic plan was the most significant part of the manifesto. The Naya Kashmir manifesto was adopted in the constitution of Jammu and Kashmir in 1956 during the prime minister ship of Bakshi Ghulam Mohammad. The Naya Kashmir manifesto becomes the basis of the directive principle of the state policy in the constitution of Jammu and Kashmir. The National Conference launched Quit Kashmir movement on 17th of March 1946 against the Maharaja and his family based on the model of the congress Quit India movement of 1942. In his speech Sheikh Abdullah said that "sovereignty is not the birthright of Maharaja Hari Singh. The Quit Kashmir is not a question of revolt. It is a matter of right" The Quit Kashmir movement was suppress ruthlessly by the than prime minister of Maharaja Chandra Kak. In May 1946 Sheikh Abdullah and several other leaders of National Conference were arrested, Bakshi Ghulam Mohammad a close aide of Sheikh Abdullah escapes to Delhi and inform Jawaharlal Nehru about the arrest of Abdullah. On hearing the arrest of Abdullah Nehru come to Kashmir and was arrested by the police at the border of Jammu and Kashmir. The Muslim conference that got separated from the National conference in 1941 condemned the Quit Kashmir Movement and charged National conference with dividing Muslims on the advice of Nehru and congress. Mohammad Ali Jinnah also issued a statement against the National Conference and describes the Quit Kashmir Movement as "an agitation carried on by few malcontents who were out to create disorderly conditions in the state" (Brecher, 1953).

THE INSTRUMENT OF ACCESSION

The British government divides the subcontinent of India in two independent dominion states, India and Pakistan before departing in August 1947, based on the two nation theory. At that time of partition there are 565 princely states in India. The Hindu dominated states joined India and Muslim dominated states joined Pakistan. But Hyderabad, Junagadh, and Kashmir did not want to join either India or Pakistan.

Jammu and Kashmir was one of the largest princely states at the time of partition with Maharaja Hari Singh as king. The Maharaja of Jammu and Kashmir refused to accede either with India or Pakistan, he wanted to remain independent. An invasion by tribesmen with the support of Pakistan invaded the Kashmir valley from north-west frontier provinces (NWFP) August, September 1947 and the internal revolution led by the National Conference ultimately compelled the Maharaja to seek assistance from India. The Prime Minister of India Jawaharlal Nehru agreed to send troops only if the Maharaja signed the instrument of Accession with India. The Maharaja agreed to sign the instrument of accession on the condition that Kashmir is permitted to retain its own constitution. The accession was regarded as provisional until such time as the will of the people can be asserted. Pakistan rejected this instrument saying it was signed under the pressure by an unpopular ruler not representing the will of the public. Sheer Kashmir endorsed the accession; he was appointed the head of the emergency administration by the Maharaja. Nehru had promised Abdullah that the will of the people will be determined and the future of Kashmir will be decided according to the will of the people. India sent its military to repel the attack and thus the first India-Pakistan war on Kashmir began. The Indian army pushed back the attacker to the western third of the state, which then acceded to Pakistan as "Azad" (free) Kashmir (Panigrahi, 2012).

India went to the United Nations in January 1948 to resolve the Kashmir conflict. The United Nations Commission for India and Pakistan was constituted and a Security Council resolution was adopted. The United Nations Security Council gave three consequential non-binding steps to India and Pakistan.

1. Pakistan should withdraw all its nationals and irregulars from Jammu and Kashmir.
2. India should also withdraw its army and keep only minimal forces in the region to maintain law and order in the state.
3. Kashmir's accession should be settled by a plebiscite as soon as law and order was re-instated (Koithara, 2004).

Pakistan did not withdraw its forces and the plebiscite was not held. The intervention of the United Nations achieved the cease-fire line of 1948 became the line of control as the de-facto border. Sheikh Abdullah was made as first prime minister of

Kashmir in 1948 and headed the government till 1953; he was removed from post of prime minister and jailed for next 11 year for demanding plebiscite. In 1952 Jammu And Kashmir State was given a special status under Article 370 of Indian constitution. The draft of Article 370 was framed by Gopaldaswami Ayyangar and Sheikh Abdullah. The Praja samaj, the Baratya Jan Sangh and various other organization launched a protest movement against the provisions of the Article 370 under the slogan of “ Ek Pardhan, Ek Vidhan, Ek Nishan” (one president, one constitution, and one flag). They also demand for full integration of the state into the Indian union. Sheikh Abdullah dismissed the agitation by saying that they are few communal elements and revolt of handful of feudal land lords. Sheikh Abdullah sought limited interference of the central government in the administration of Jammu and Kashmir (Raina, 1990).

The Shimla Agreement was signed after the India Pakistan war of 1971 that led to the independence of Bangladesh. The treaty was signed on July 1972 between Indian Prime Minister Indra Gandhi and the Pakistan Prime Minister Zulfiqar Ali Bhutto in Shimla the capital city of the Indian state of Himachal Pradesh. According to the treaty both India and Pakistan agreed to respect the boundary line to resolve the difference over Kashmir by peaceful means and through bilateral negotiation and discussion. According to the treaty both countries agreed to respect the territorial integrity of each other and not interfere in the internal matter of each other (Mohan, 1992).

THE KASHMIR PANDITS TRAGEDY

Kashmiri Pandits, a minority Hindu living in the region of Kashmir were forced to leave the valley from early 1990 onwards, due to the threat from militants. Their overnight exodus came as a humanitarian tragedy as lakhs of Pandits lost their home, jobs and force to live like refuges in their own country without proper housings and other basic needs. The tragedy of Kashmiri Pandits lies in the political instability in the state. In 1983 Sheikh Abdullah died, leaving the leadership of the national conference passed on to his son Farooq Abdullah. In 1984 assembly elections Farooq Abdullah lead national conference won the election. But just after two years his government was brought down by the central government and installed Ghulam Mohammad Shah as chief minister. Shah administration which did not have the peoples mandate turned to the rise of militancy in the valley. It was during his regime

many incidents of riots were reported in various parts of Kashmir against the Kashmir Pandits. Many Hindus were killed and properties and temples were damaged and destroyed. Governor rule was imposed in 1986 when congress withdrew support to Shah. In December 1986 Farooq Abdullah was appointed as caretaker chief minister by Rajive Gandhi government. The 1987 election of the assembly was contested jointly by the National conference and congress went down in Kashmir history as one of the most fraudulent with allegation of open rigged in which the Muslim united front was defeated despite widespread popularity. The rigged election was turning point in the history of Kashmir which leads to the rise of pro independence militant organizations like JKLF, Hisbul Mujadhideen (HM) and Jamaat-e- Islami (Jagmohan, 1992).

By 1988 this insurgents had set in, with open demands for independence and Islamic rule in Kashmir and targeted the Kashmiri Pandits. In September 1989 Militants killed a Kashmiri pandit Tika Lal Taploo an advocate and prominent local leader of BJP. In December 1989 pandit Nilkanth Ganjoo, a retired judge (who sentenced the founder of JKLP to death in 1984) was shot death. In December 1989 the central government released five terrorists to secure the daughter of the then union home minister Mufti Mohammad Sayeed. In December 27 1989 a journalist and lawyer Prem Nath Bhat was shot death in Anantnag. This was the prominent killing before the mass exodus of Kashmiri Pandits. On January 1990 local Urdu news paper publishes a press release issued by Hisbul-Mujahadeen asking all Pandits to leave the valley immediately. Masked men carrying AK 47s took out military type marches openly, threatening Pandits to leave the valley. Hit list of Pandits was in circulation. Waves of panic hit the community; bomb explosions and sporadic firing by militant become a daily occurrence. Explosive and inflammatory speeches were being broadcast from public address (Sender, & Sender, 1988).

Highly provoking, communal and threatening slogans were raised all across the valley in unified and planned manner. On January 20 1990, the Kashmiri Pandits began leaving the valley with hastily belongings in whatever transport could find. According to accounts Pandits who fled, many women were kidnapped, raped and murdered, throughout the time of exodus. Many killings took place even during 1991-2004; different accounts give different statics of the total number of Kashmir Pandits

who fled. According to the Kashnmiri Pandit Sangharsh Samiti of 75,343 Kashmiri Pandits families living in Kashmir in January 1990, more than 70,000 fled between 1990- 1992. Most Pandits fled to Jammu, Delhi and other parts of the country. A mostly educated, affluent, middle-class community found itself living in makeshift tents in squalid filthy camps in Jammu (THAKAR, & MISHRA). Kashmiri Pandits observe Holocaust day to mark 30 years of mass exodus from valley on 19, January 2020. After 1990 the role of militancy become limited the people of the Kashmir valley understand that violence is not the way, they started non-violence movements the former militants surrender, in 2003-2004 there are hardly any violence in the valley, but once again after the death of a militant leader Burhan Wani and failure of non-violence movement and the anger and alienation of youths the valley become once again non-violent the educated and highly qualified youths become the parts of violent struggle. The civil society and the government should address the issues of the youths like unemployment otherwise the situation becomes once again worst like 1990.

CONCLUSION

After going through historical books and records this chapter has tried to trace the history of Jammu and Kashmir in ancient, medieval and modern time. In ancient time Hindus and Buddhist religion was prevalent in Kashmir region like other parts of India. From 6th century to 10th century some powerful kingdoms have ruled the Kashmir region. These empires were like Karkota Empire, Gupta Empire, Lohara Empire etc. Ashoka conquered the region during 3rd century and after that some of the noted Buddhist Empire like Kanishka and Kushana has also ruled for many years. Fourth Buddhist council held in Kashmir is well known for everyone and it depicts the importance of Buddhist religion in Kashmir region.

The medieval history of Kashmir region is recognized as the introduction of Islam in Kashmir region slowly and peacefully through the teachings of Sufi saints like Bulbul Shah and Mir Sayed Ali Hamdani. Under the influence of these two saints many Hindus and Buddhist converted to Islam. After that Islam become dominant religion of Kashmir region. During the medieval period some important independent kingdoms like Shah Mir dynasty, Chak dynasty have ruled the Kashmir region. After that Akbar established the Mughal rule in Kashmir and indirectly controlled the

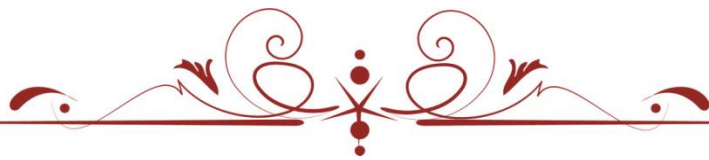
region. After Mughals, Afghans and Sikhs have ruled the region through their governors. During their rule there was lack of peace and harmony in society therefore their rule was considered as the darkest period in the history of Kashmir,

Jammu & Kashmir emerged as a modern state after the treaty of Amritsar in 1846 between Maharaja Gulab Singh and British government. Thereafter Dogra rulers ruled from 1846 A.D. to 1947 A.D. After independence and partition of India, Jammu and Kashmir become part of India after signing the Instrument of Accession by Maharaja Hari Singh with Indian government on 26 October 1947. During course of time mishandling the political situation of Jammu and Kashmir by central government of India and government of Jammu and Kashmir leads to the unpleasant among mass of Jammu and Kashmir consequently many aggressive militants group emerged in Jammu and Kashmir. Further these militant groups like JKLF, Hisbul Mujadhideen and Jamaat-e- Islami attacked the Kashmiri Pandits and forced to migrate from valley.

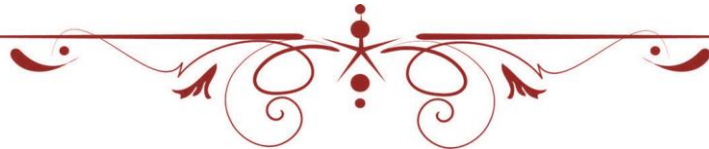
REFERENCE

1. Kaw, M. K. (2004). *Kashmir and Its People: Studies in the Evolution of Kashmiri Society* (Vol. 4). APH Publishing.
2. Hassan, K. W. (2009). *History Revisited: Narratives on political and constitutional changes in Kashmir (1947-1990)*. Institute for Social and Economic Change.
3. Lawrence, W. R. (1895). *The valley of Kashmir*. H. Frowde.
4. Mohan, K. (1958). *Kashmir under the Loharas, AD 1003-1171* (Doctoral dissertation, SOAS University of London).
5. Bamzai, P. N. K. (1994). *Culture and political history of Kashmir* (Vol. 1). MD Publications Pvt. Ltd...
6. Kaul, P. A. (1924). *The Kashmir Pandits*. Calcutta, Thacker Spink & Co.
7. R. N. Singh, "Buddhism in Kashmir", in Balraj Puri, (ed.), *5000 Years of Kashmir*, Ajanta Publications, Delhi, 1997, pp. 48-54.
8. Eliot, C. (1998). *Hinduism and Buddhism: An historical sketch* (No. 53-56). Psychology Press.
9. Hasan, M. (2005). *Kashmīr under the Sultāns*. Aakar Books.
10. Sufi, G. M. D. (1949). *Kashmir. A History of Kashmir*.
11. Bhattacharjea, A. (1994). *Kashmir: The wounded valley*. South Asia Books.
12. Khan, M. I. (1994). *Kashmir's transition to Islam: the role of Muslim Rishis (fifteenth to eighteenth century)*. Manohar.
13. Kaul, P. A. (1924). *The Kashmir Pandits*. Calcutta, Thacker Spink & Co.
14. Witzel, M. (2008). *The Kashmiri Pandits: Their early history*. *The valley of Kashmir: The making and unmaking of composite culture*, 37-95.
15. Bamzai, P. N. K. (1994). *Culture and political history of Kashmir* (Vol. 2). MD Publications Pvt. Ltd...
16. Kaul, P. A. (1924). *The Kashmir Pandits*. Calcutta, Thacker Spink & Co.
17. Bamzai, P. N. K. (1994). *Culture and political history of Kashmir* (Vol. 3). MD Publications Pvt. Ltd...
18. Sufi, G. M. D. (1949). *Kashmir. A History of Kashmir*.
19. Bamzai, P. N. K. (1994). *Culture and political history of Kashmir* (Vol. 3). MD Publications Pvt. Ltd...

20. Bamzai, P. N. K. (1994). *Culture and political history of Kashmir* (Vol. 3). MD Publications Pvt. Ltd...
21. Kaul, P. A. (1924). *The Kashmir Pandits*. Calcutta, Thacker Spink & Co.
22. Snedden, C. (2015). *Understanding Kashmir and Kashmiris*. Oxford University Press.
23. Wani, M. A. (2004). *Islam in Kashmir: Fourteenth to Sixteenth Century*. Oriental Publishing House.
24. Wani, M. A. (2004). *Islam in Kashmir: Fourteenth to Sixteenth Century*. Oriental Publishing House.
25. Sumantra Bose, *Kashmir roots of conflict and paths of peace, 1st ed.* (Harvard University Press, 2005), 14-17.
26. Brecher, M. (1953). *The struggle for Kashmir*.
27. Snedden, C. (2015). *Understanding Kashmir and Kashmiris*. Oxford University Press.
28. Sumantra Bose, *Kashmir roots of conflict and paths of peace, 1st ed.* (Harvard University Press, 2005), 14-17.
29. Bhattacharjea, A. (1994). *Kashmir: The wounded valley*. South Asia Books.
30. Brecher, M. (1953). *The struggle for Kashmir*.
31. Panigrahi, D. N. (2012). *Jammu and Kashmir, the cold war and the west*. Routledge.
32. Brecher, M. (1953). *The struggle for Kashmir*.
33. Panigrahi, D. N. (2012). *Jammu and Kashmir, the cold war and the west*. Routledge.
34. Koithara, V. (2004). *Crafting peace in Kashmir: Through a realist lens*. SAGE Publications India.
35. Raina, D. N. (1990). *Unhappy Kashmir: The Hidden Story*. Reliance Publishing House.
36. Mohan, A. (1992). The historical roots of the Kashmir conflict. *Studies in Conflict & Terrorism*, 15(4), 283-308.
37. Jagmohan. (1992). *My frozen turbulence in Kashmir*. South Asia Books.
38. Sender, H. M., & Sender, H. (1988). *The Kashmiri Pandits: A study of cultural choice in North India*. Oxford University Press, USA.
39. THAKAR, H., & MISHRA, V. *The Kashmiri Pandit Exodus: An Obliterated Chronicle*.



CHAPTER-3
SOCIO-ECONOMIC PROFILE OF
THE STUDY AREA



CHAPTER-3

SOCIO-ECONOMIC PROFILE OF THE STUDY AREA

INTRODUCTION

Socio-economic development of a society reflects the quality of life of people, living in a society. Social status of society always plays a crucial role in determining the social stratification of a country, which is based on the categorization of socio-economic factors like income, wealth, education, race, gender ethnicity, occupation, and power. A better socio-economic development of the society helps to reduce the disparities, assuring social justice and helps in improving the quality of life. The social status of a person such as education, housing facility, health, sanitation, and drinking water facility determines his/her social and economic well-being (UNO, 2006). In other words, the social status is a key indicator of the well-being among the masses. Socio-economic development is crucial for every country particularly for India, as India is committed to achieve the sustainable development goals, which comprehensively cover the social, economic, and environmental dimensions of development by ending up poverty and hunger in the country.

Development of the social status is associated with the consumption expenditure of the individuals and hence the income plays an important role in the development of the social status of individuals. Further, it is the social status through which the individual can be ranked like below poverty line and above poverty line etc. (Chan, T. W., & Goldhorpe, J. 2017). Nevertheless, the term socio-economic is a combined word of economic and sociological conditions of workers together which reflects the income, education, health, occupation, and other important indicators of the individuals. In most of the developing country like India, the social status and identification of an individual are determined by the household characteristics. Therefore, it is necessary to discuss the characteristics of the household's, i.e. social status of the study area.

The State of Jammu and Kashmir northern hilly state of India, which is situated between 32° 17' N and 37° 6' N latitude, and 73° 26' E and 80° 30' E

longitude. The state of Jammu and Kashmir shares a total geographical area of 2,22,236 square kilometers (Maji et.al, 2010) and is having three divisions namely Jammu, Kashmir and Ladakh. The Kashmir division comprises 10 districts, namely Anantnag, Budgam Bandipora, Baramulla Kulgam Ganderbal, Pulwama, Srinagar Shopian and Kupwara. Whereas, the Jammu division comprises 9 districts, namely, Doda, Kishtwar, Kathua, Udhampur, Jammu, Poonch Reasi Rajouri and Samba. Moreover, Ladakh division comprises only two districts i.e. Kargil and Leh districts (Economic Survey of Jammu & Kashmir 2019). However, every division of Jammu & Kashmir is having distinct social, economic, linguistic and cultural characteristics and these differ across divisions too.

According to 2001 census, the total number of male population in Jammu & Kashmir was 5360926 persons, which has increased to 6640662 persons. Similarly, the population of female persons in Jammu and Kashmir was 47822774 persons, in 2001 census, which has increased to 5900640 female persons in 2011 census. However, the overall population has increased from 10143700 persons in 2001 census to 12541302 persons in 2011 census respectively, with a decadal growth rate of 23.71 percent. The population density of Jammu and Kashmir has increased from 100 Persons per sq km in 2001 census to 124 Persons per sq km in 2011 census. However, the sex ratio of the population (number of females per 1,000 males) in the Jammu and Kashmir has declined from 892 in 2001 Census to 889 in 2011 census. In rural areas of Jammu and Kashmir, the sex ratio (number of females per 1,000 males) has declined from 917 persons in 2001 census to 908 persons in 2011 census.

In case of rural areas of Jammu and Kashmir it has increased from 819 persons in 2001 census to 840 persons in 2011 census respectively. The economy of Jammu and Kashmir is mostly informal economy with low level of income, livelihood earnings in vending, transport, and daily wage work, together with a significant number of people are relying on tourism and its allied activities (State Economic Profile 2018). Trends in the development of Jammu and Kashmir is unfortunately not encouraging, because of the political disturbances in the state. Due to political disturbances and conflict, the people of Jammu and Kashmir are facing highly human rights violations, insecurity of life with ongoing firing and shelling's between militants and armed persons in the state. Therefore, the present chapter explores the

socio-economic status of Jammu and Kashmir by using census data and also it explores the socio-economic profile of the respondents of the primary study area.

BRIEF PROFILE OF JAMMU AND KASHMIR

The state of Jammu & Kashmir is situated at the northern area of India and it shares its domestic borders with Himachal Pradesh and Punjab. The state of Jammu and Kashmir is also sharing its international borders with its neighboring countries, such as Pakistan, China and Afghanistan. The state is having three divisions i.e. Jammu division, Kashmir valley division and Ladakh division. Therefore, the present section explores the brief profile of Jammu and Kashmir territory. Table below shows that as per census 2011, the Jammu and Kashmir is having area of 222236 square K.m. The state is having 22 districts and 82 tehsils. Moreover, the state is having 143 CD blocks and 4128 number of Panchyats. Apart from this, the state of Jammu and Kashmir is also having 6551 number of villages and 86 towns respectively.

Table 3.1 Brief Profiles of Jammu & Kashmir

Area in square km	222236
No. of Districts	22
No. of Tehsils	82
No. of CD Blocks	143
No. of Pyts.	4128
No. of villages	6551
No. of towns	86

Source: Census 2011

CENSUS WISE POPULATION OF JAMMU AND KASHMIR

Population of any country is defined as a group of individuals or inhabitants living in a given place or a territory. Nonetheless, patterns of population distribution and density of any country helps us to understand the demographic characteristics of that particular country. Therefore, this section explores the census wise population in Jammu and Kashmir. Table reveals that in 2001 census, the total number of male population in Jammu and Kashmir was 5360926 male persons, which has increased to

6640662 male persons in 2011 census. In other words we can say that in 2001 census the total male population was 53.60 lakh male persons, which has increased to 66.40 lakh male persons in 2011 census. Similarly, the population of female persons in Jammu and Kashmir was 47822774 persons, or 47.82 lakh in 2001 census, which has increased to 5900640 numbers or 59.00 lakh female persons in 2011 census. However, the overall population has increased from 10143700 or 1.01 crore persons in 2001 census to 12541302 or 1.25 crore persons in 2011 census respectively.

Table 3.2 Census Wise Populations of Jammu & Kashmir

Census	Male	Female	Persons
2001	5360926	4782774	10143700
2011	6640662	5900640	12541302

Source: Census 2001 and Census 2011

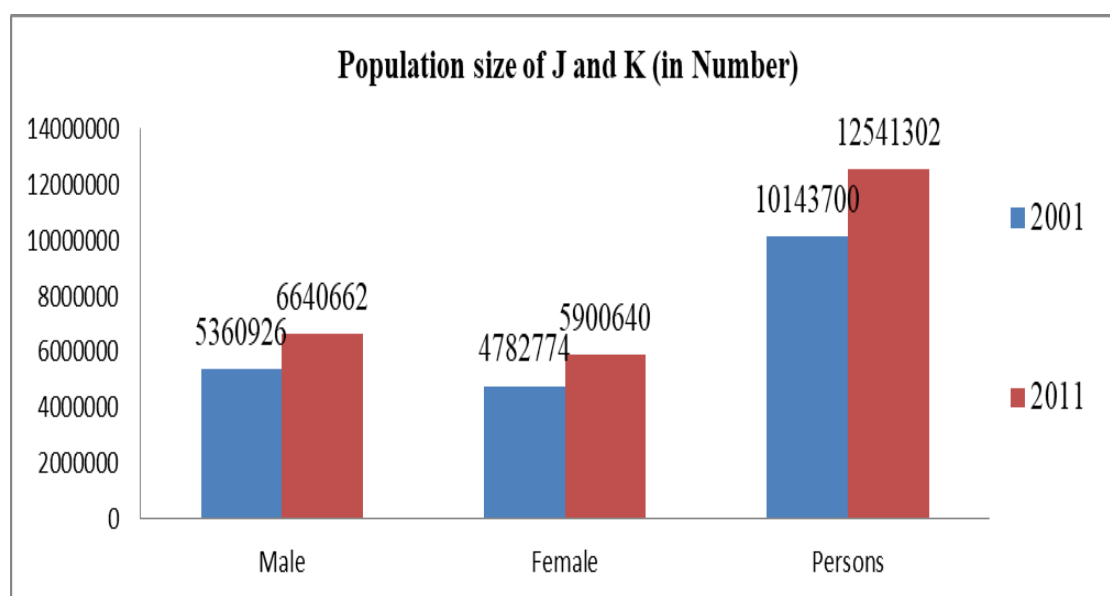


Figure 3.1 Census Wise Populations of Jammu & Kashmir

Figure 3.1 reveals that the overall population in Jammu and Kashmir has increased from 10143700 or 1.01 crore persons in 2001 census to 12541302 or 1.25 crore persons in 2011 census respectively.

CENSUS WISE RURAL POPULATION OF JAMMU AND KASHMIR

The distinction of any geographical location is divided as rural, urban areas. India is mainly a rural based country, where one third of population is living in rural areas

(Chand *et.al*, 2017). Therefore, the present section explores the census wise rural population in Jammu and Kashmir. The table below reveals that in 2001 census, the total number of rural male population in Jammu and Kashmir was 3977652 persons, which has increased to 4774477 persons in 2011 census. In other words we can say that in 2001 census, the total rural male population was 39.77 lakh male persons, which has increased to 47.74 lakh male persons in 2011 census. Similarly, the population of rural female persons in Jammu and Kashmir was 3649410 female persons, or 36.49 lakh in 2001 census, which has increased to 4333583 numbers or 43.33 lakh female persons in 2011 census. However, the overall rural population has increased from 7627062 or 76.27 lakh rural persons in 2001 census to 9108060 or 91.08 lakh rural persons in 2011 census respectively.

Table 3.3 Census Wise Rural Population of Jammu and Kashmir

Rural			
Census	Male	Female	Persons
2001	3977652	3649410	7627062
2011	4774477	4333583	9108060

Source: Census 2001 and Census 2011

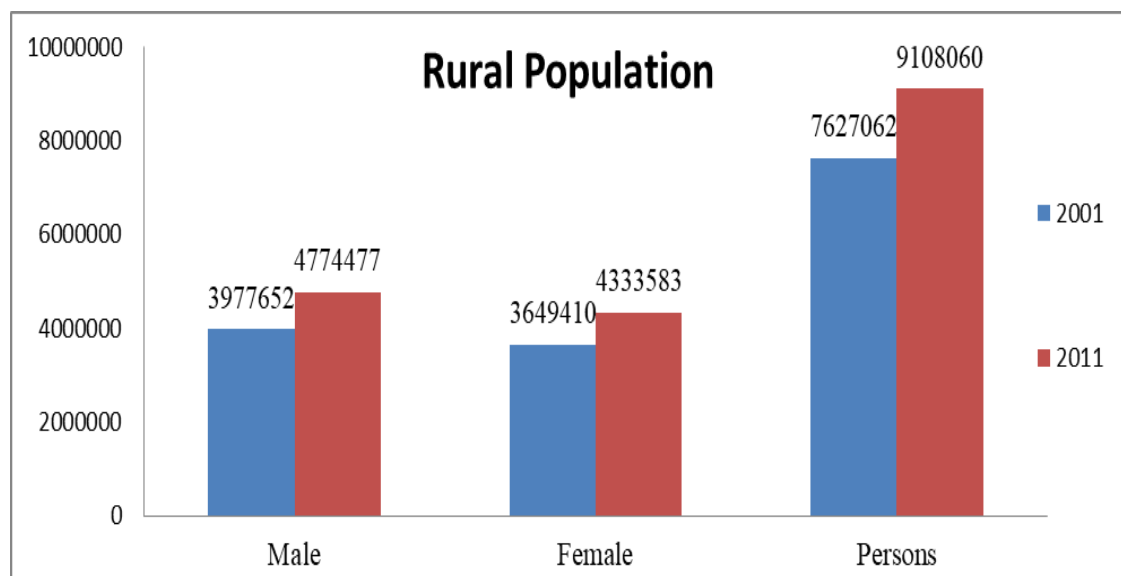


Figure 3.2 Census Wise Rural Population of Jammu and Kashmir

Figure 3.2 reveals that the overall rural population has increased from 7627062 or 76.27 lakh rural persons in 2001 census to 9108060 or 91.08 lakh rural persons in 2011 census respectively.

CENSUS WISE URBAN POPULATION OF JAMMU AND KASHMIR

India has accelerated its pace of urbanization over the period of time. Urbanization is very closely inter-linked with modernization, industrialization, and the sociological process of rationalization of society (Jaysawal, and Saha, 2014). On the other hand, urbanization is essential for the development of socio-economic welfare of a society (Colmer, 2015). Therefore, the present section explores the census wise urban population in Jammu and Kashmir. The table below reveals that in 2001 census, the total number of urban male population in Jammu and Kashmir was 1383274 persons, who have increased to 1866185 male persons in 2011 census or 13.83 lakh male persons, which have increased to 18.66 lakh male persons in 2011 census. Similarly, the population of urban female persons in Jammu and Kashmir was 1133364 female persons, or 11.33 lakh in 2001 census, who have increased to 1567057 numbers or 15.67 lakh female persons in 2011 census. However, the overall urban population has increased from 2516638 or 25.16 lakh urban persons in 2001 census to 3433242 or 34.33 lakh rural persons in 2011 census respectively.

Table 3.4 Census Wise Urban Population of Jammu and Kashmir

Urban			
Census	Male	Female	Persons
2001	1383274	1133364	2516638
2011	1866185	1567057	3433242

Source: Census 2001 and Census 2011

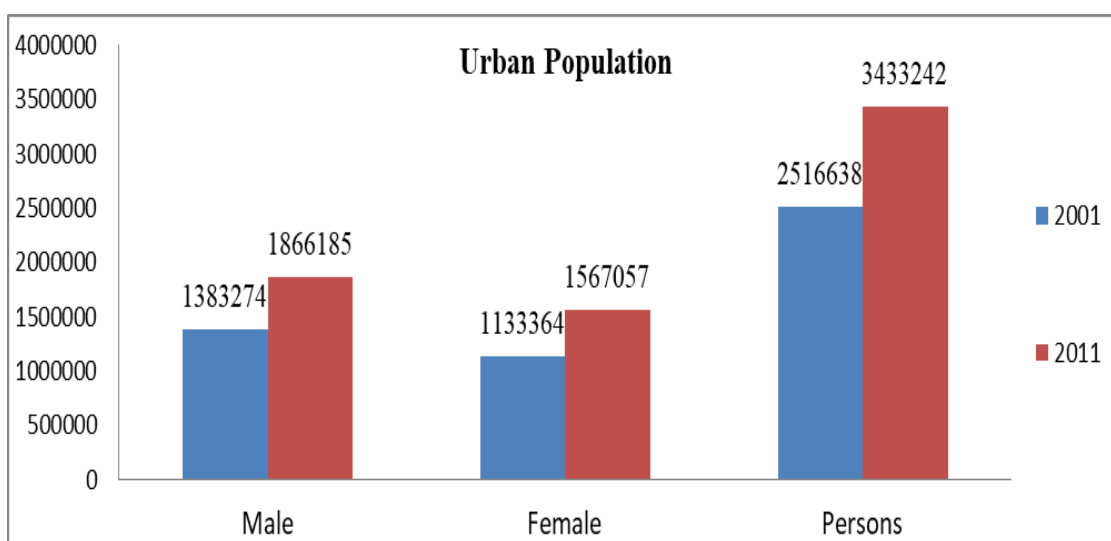


Figure 3.3 Census Wise Urban Population of Jammu and Kashmir

Figure 3.3 reveals the overall urban population has increased from 2516638 or 25.16 lakh urban persons in 2001 census to 3433242 or 34.33 lakh rural persons in 2011 census respectively.

POPULATION SIZE, 0-6 YEARS IN JAMMU AND KASHMIR

This section explores the population size of 0-6 years in Jammu and Kashmir. Table reveals that in 2001 census, the male population of 0-6 years was 765394 persons, which has increased to 720409 persons in 2011 census. Similarly, in case of female person's population of 0-6 years it has been increased from 1084355 persons in 2001 census, which has declined to 934550 persons in 2011 census. However, the overall results reveal that the total number of 0-6 year's population has increased from 1485803 or 14.85 lakh persons in 2001 census to 2018905 or 20.18 lakh persons in 2011 census.

Table: 3.5 Population size, 0-6 Years in Jammu and Kashmir

Population size, 0-6 Years			
Census	Male	Female	Persons
2001	765394	720409	1485803
2011	1084355	934550	2018905

Source: Census 2001 and Census 2011

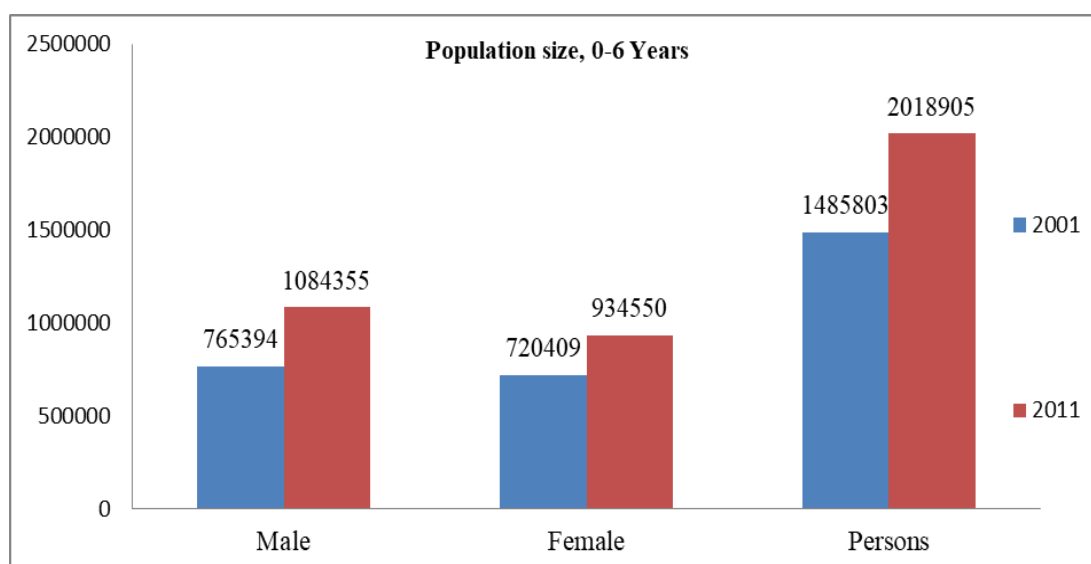


Figure 3.4 Population size, 0-6 Years in Jammu and Kashmir

Figure 1.4 reveals that the total number of 0-6 year's population has increased from 1485803 or 14.85 lakh persons in 2001 census to 2018905 or 20.18 lakh persons in 2011 census.

CENSUS WISE POPULATION DENSITY OF JAMMU AND KASHMIR

Population density refers to the number of people living in an area per square kilometer. The density of population distributions proposes a greater potential of understanding and portraying the ecological effects of rapid urbanization in particular area or country (Long, *et,al*, 2001). So the present section explores the census wise population density of Jammu and Kashmir. Table below reveals that in 2001 census the population density of Jammu and Kashmir was 100 per Sq. km which has increased to 124 per Sq. km, it mainly due to the increase in urbanization and population.

Table: 3.6 Census Wise Population Density of Jammu and Kashmir

Population Density Persons Per Sq Km	
2001	2011
100	124

Source: Census 2001 and Census 2011

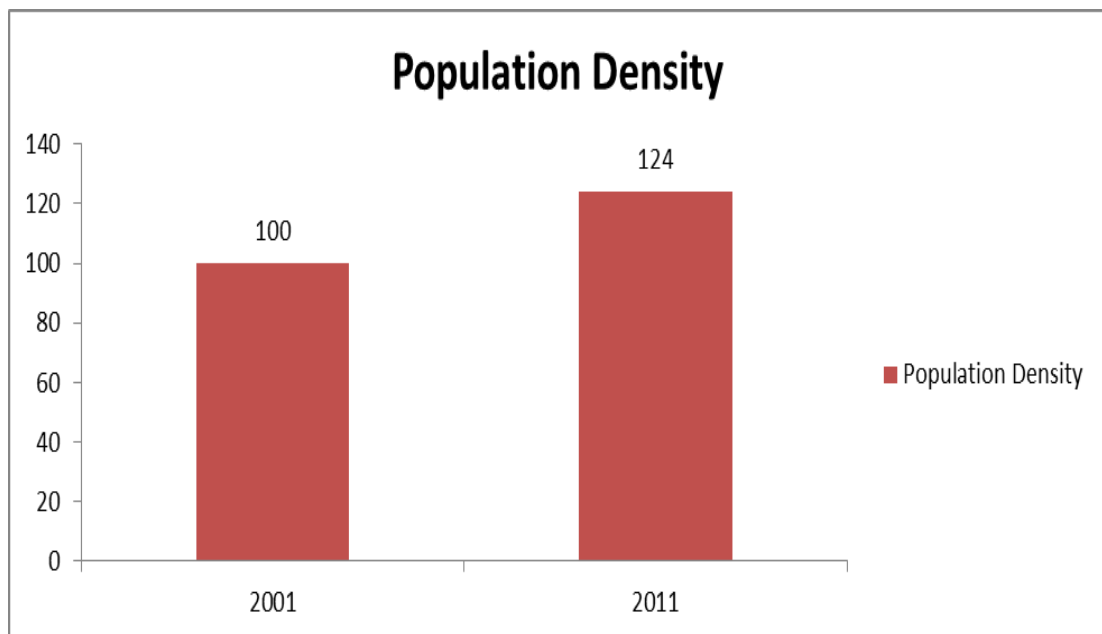


Figure 3.5 Census Wise Population Density of Jammu and Kashmir

Figure 1.5 reveals that in 2001 census the population density of Jammu and Kashmir was 100 per Sq. km which has increased to 124 per Sq. km, mainly due to the increase in urbanization and population.

CENSUS WISE SEX RATIO OF JAMMU AND KASHMIR

Sex ratio is used to describe the number of females per 1000 of males. Sex ratio is a valuable source for finding the population of female persons over males in India. Sex ratio explains the variation of population of male persons overall female persons (Hardy, 2002). So the present section examines the ratio of female population over male population. Table below reveals that in 2001 census the population of rural female over per thousand rural male was 917, which has declined to 908 females in 2011 census. In urban areas, the population of urban female to over per thousand urban male was 819, which has increased to 840 female per thousand male in 2011 census. Table also reveals that the overall population of female persons to over per thousand male populations is having a declining trend i.e. it has declined from a 892 persons in 2001 census to 889 persons in 2011 census.

Table: 3.7 Census Wise Sex ratio of Jammu and Kashmir

Census	Rural	Urban	Total
2001	917	819	892
2011	908	840	889

Source: Census 2001 and Census 2011

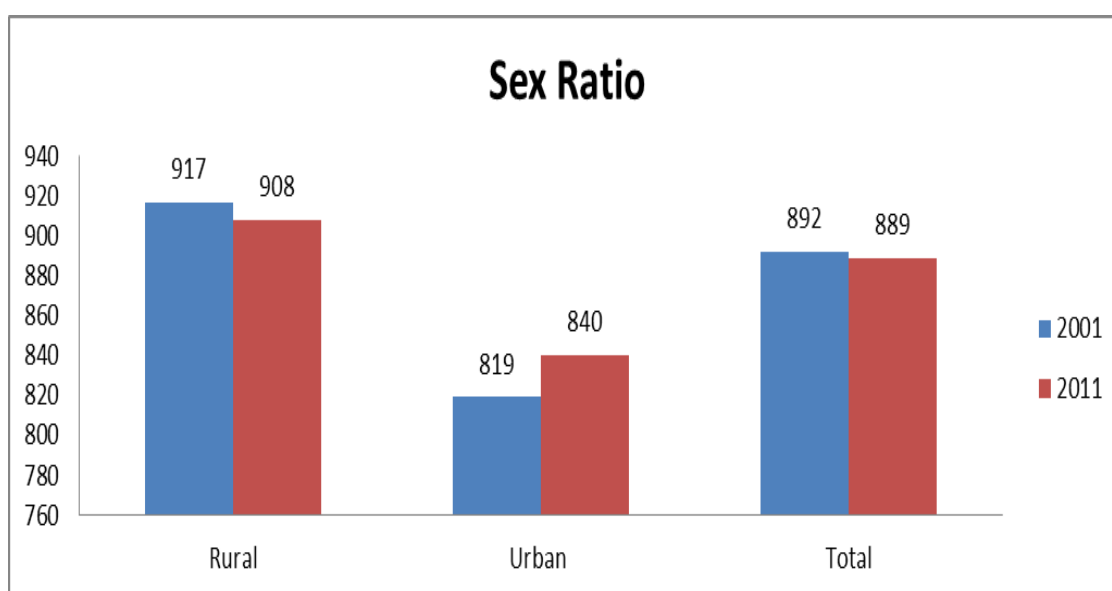


Figure 3.6 Census Wise Sex ratio of Jammu and Kashmir

Figure 1.6 reveals that the overall population of female persons over per thousand male populations is having a declining trend, i.e. it has declined from an 892 persons in 2001 census to 889 persons in 2011 census.

SEX RATIO, 0-6 YRS (FEMALES PER 1000 MALES) IN JAMMU AND KASHMIR

This section explores the sex ratio of 0-6 years (females per 1000 males) in Jammu and Kashmir. Table reveals that in rural areas the sex ratio of 0-6 years (females per 1000 males) has declined from 917 persons to 908 persons. Whereas, in case of urban areas the sex ratio of 0-6 years (females per 1000 males) has increased from 819 persons in 2001 census to 840 persons in 2011 census. The table shows that the total sex ratio population of 0-6 years (females per 1000 males) has declined from 892 persons in 2001 census to 889 persons in 2011 census respectively.

Table 3.8 Sex ratio 0-6 yrs (females per 1000 males) in Jammu and Kashmir

Sex Ratio			
Census	Rural	Urban	Total
2001	917	819	892
2011	908	840	889

Source: Census 2001 and Census 2011

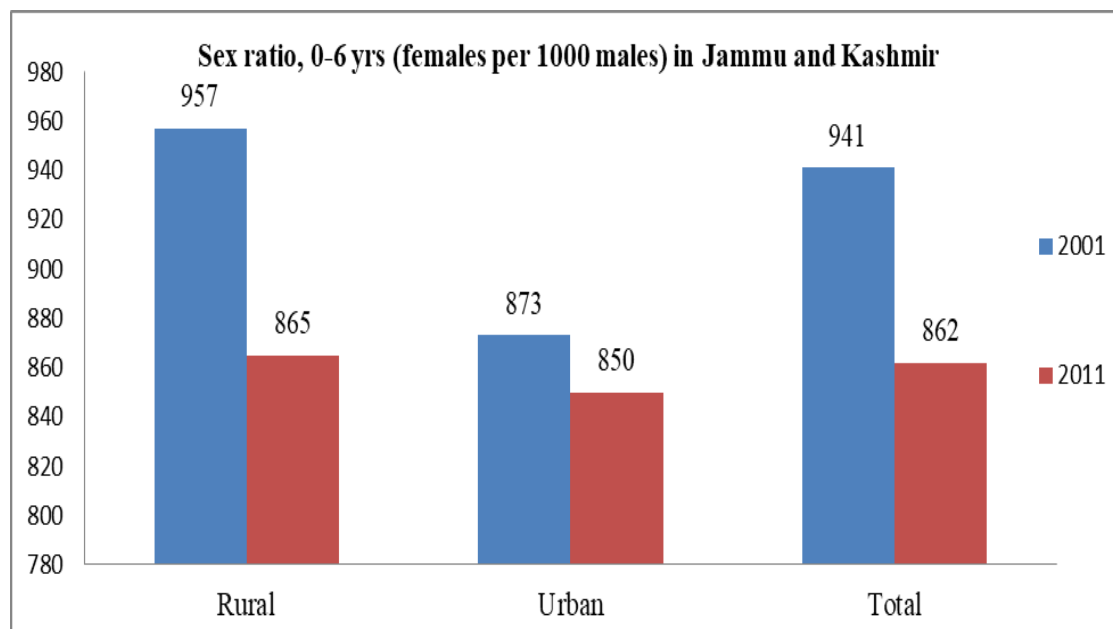


Figure 3.7 Sex ratio 0-6 yrs (females per 1000 males) in Jammu & Kashmir

Figure 1.7 reveals that the total sex ratio population of 0-6 years (females per 1000 males) has declined from 892 persons in 2001 census to 889 persons in 2011 census respectively.

CENSUS WISE LITERACY RATE OF JAMMU AND KASHMIR

Literacy in India is a major key for socio-economic progress of a country. The Government of India has taken several initiatives to increase the literacy rate in India. The definition of literacy drafted by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) defines literacy as that a person, who has the ability to identify, understand, interpret, create, communicate, compute and use printed and written materials associated with varying contexts. Literacy involves a continuum of learning in enabling individuals to achieve their goals, to develop their knowledge and potential, and to participate fully in their community and wider society.

Therefore, the literacy rate can be defined as a total percentage of population of an area at a particular time aged seven years or above who can read and write with understanding. Therefore, present section reveals the census wise Literacy rate of Jammu and Kashmir. Table shows that the literacy rate of male persons was 66 percent in 2001 census, which has increased to 76.75 percent in 2011 census. Similarly, the literacy rate of females was 43 percent in 2001 census, which has further increased to 56.43 percent in 2011 census. The total literacy rate has been increased from 55.52 percent in 2001 census to 67.16 percent in 2011 census.

Table: 3.9 Census Wise Literacy rate of Jammu and Kashmir

Total Literacy rate, 7+ yrs in Percentage			
Census	Male	Female	Persons
2001	66	43	55.52
2011	76.75	56.43	67.16

Source: Census 2001 and Census 2011

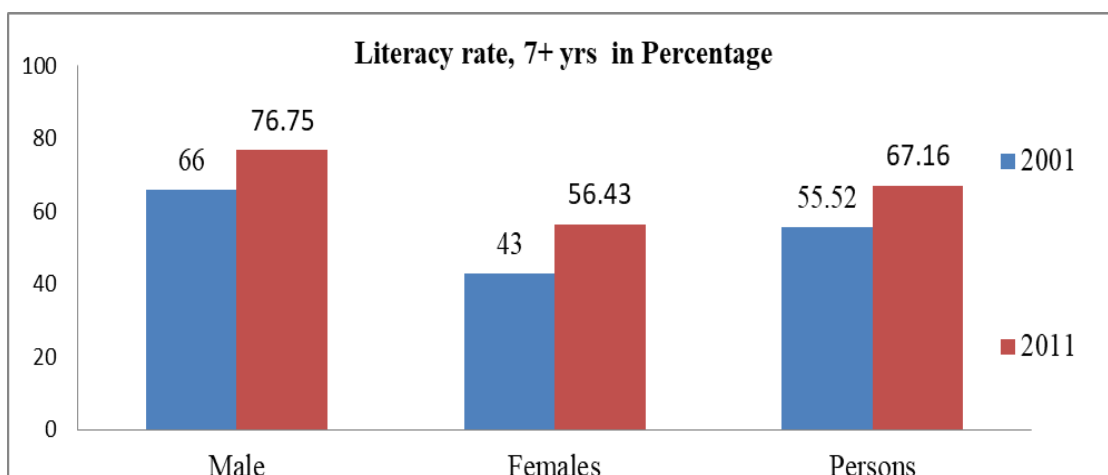


Figure 3.8 Census Wise Literacy rate of Jammu and Kashmir

Figure 3.8 reveals that the Literacy rate of Jammu and Kashmir was 43% of female and 66 % of male in 2001 and 56.43 % females and 76.75% males in 2011 census respectively.

CENSUS WISE RURAL LITERACY RATE OF JAMMU AND KASHMIR

The present section reveals the census wise Literacy rate of rural population of Jammu and Kashmir which shows that the literacy rate of rural male is 61.65 percent in 2001 which is increased to 73.76 percent in 2011 and the literacy rate of rural female is 36.74 percent in 2001 which further increased to 51.64 percent in 2011 and the total literacy rate of rural areas has been increased from 49.78 percent in 2001 to 63.18 percent in 2011.

Table: 3.10 Census Wise Rural Literacy rate of Jammu and Kashmir

Literacy Rural			
Census	Male	Female	Persons
2001	61.65	36.74	49.78
2011	73.76	51.64	63.18

Source: Census 2001 and Census 2011

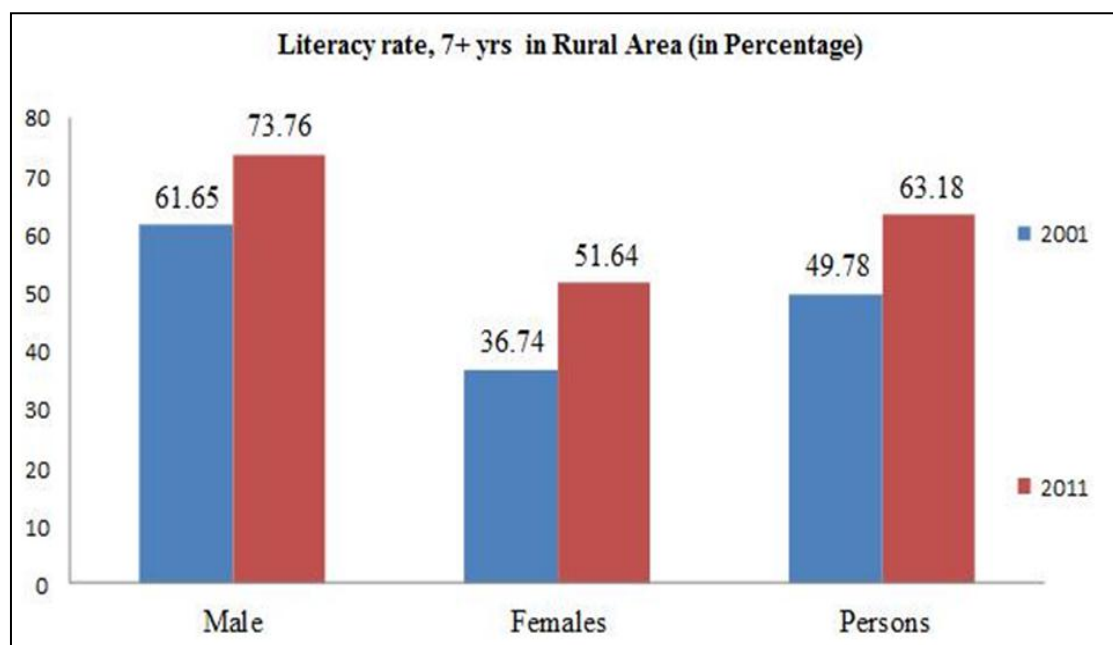


Figure 3.9 Census Wise Rural Literacy rate of Jammu and Kashmir

Figure 3.9 reveals that the total literacy rate of rural areas has been increased from 49.78 percent in 2001 census to 63.18 percent in 2011 census.

CENSUS WISE URBAN LITERACY RATE OF JAMMU AND KASHMIR

The present section highlights the census wise Literacy rate of urban population of Jammu and Kashmir which shows that the literacy rate of urban male is 80.0 percent in 2001 which is increased to 83.92 percent in 2011 and the literacy rate of urban female is 61.98 percent in 2001 which further increased to 69.01 percent in 2011 and the total literacy rate of urban areas has been increased from 71.92 percent in 2001 to 77.12 percent in 2011.

Table 3.11 Census Wise Urban Literacy rate of Jammu and Kashmir

Literacy Urban			
Census	Male	Female	Persons
2001	80	61.98	71.92
2011	83.92	69.01	77.12

Source: Census 2001 and Census 2011

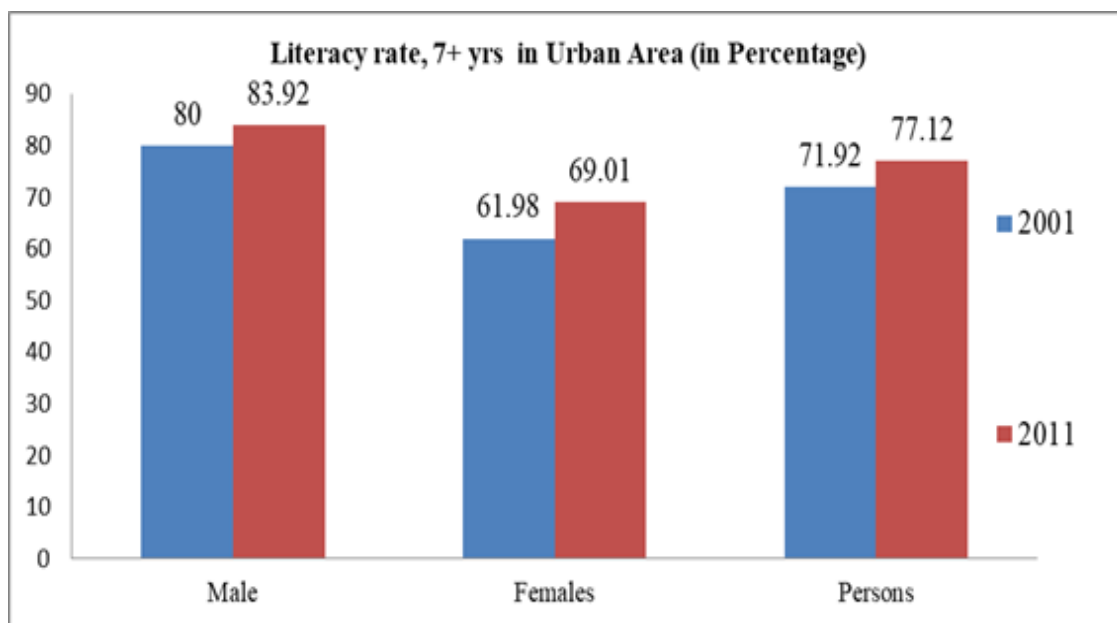


Figure 3.10 Census Wise Urban Literacy rate of Jammu and Kashmir

Figure 1.10 reveals the total literacy rate of urban areas has been increased from 71.92 percent in 2001 census to 77.12 percent in 2011 census.

SOCIO-ECONOMIC PROFILE OF THE STUDY AREA, BASED ON PRIMARY DATA

GENDER WISE DISTRIBUTION OF RESPONDENTS

Gender is a social construction of a society, which is biologically differentiated on the basis of sex i.e. men and women. Table 1 depicted below shows gender wise distribution of the respondents. Table highlights that out of 150 respondents 92 respondents are male and 58 respondents are female. Therefore, the highest proportion of the respondents are male persons, which comprises 61.3 percent whereas, 38.7 percent are female respondents.

Table 3.12 Gender Wise Distributions of Respondents

Gender	Frequency	Percentage
Male	92	61.3
Female	58	38.7
Total	150	100.0

Source: Field Survey Data

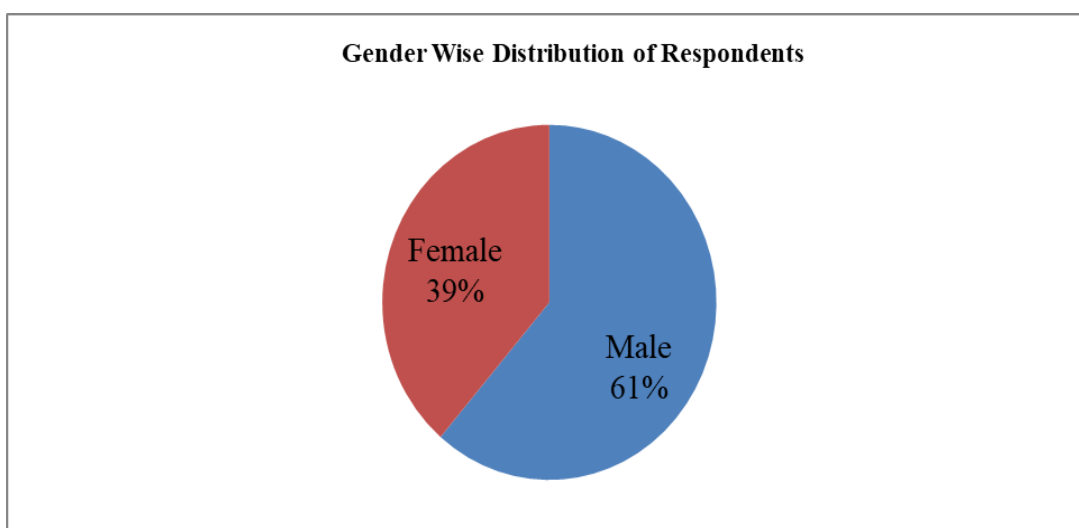


Figure 3.11 Gender Wise Distributions of Respondents

Figure 3.11 reveals, that the highest proportion of the respondents is male persons, which comprises 61.3 percent and 38.7 percent of the respondents, are female persons.

AGE WISE DISTRIBUTION OF THE RESPONDENT

Age of a respondent is a demographic variable, which gives us demographic information of an area or a location. Therefore, this section explores the age wise distribution of respondents in study area. Table 2 depicted below shows that out of 150 respondents, 87 respondents are belonging to age group of 18-25 years, which comprises 58.0 percent, 52 persons belongs to age group of 26-35 years, that comprises 34.7 percent, 5 and 6 respondents belongs to 36-45 years and 46-60 years, which comprises 3.3 percent and 4.0 percent respectively. Therefore, the overall results show that the highest proportion of respondents is belonging to the age group of 18-25 years which is considered as young population.

Table 3.13 Age Wise Distribution of the Respondents

Age Group	Frequency	Percentage
18-25	87	58.0
26-35	52	34.7
36-45	5	3.3
46-60	6	4.0
Total	150	100.0

Source: Field Survey Data

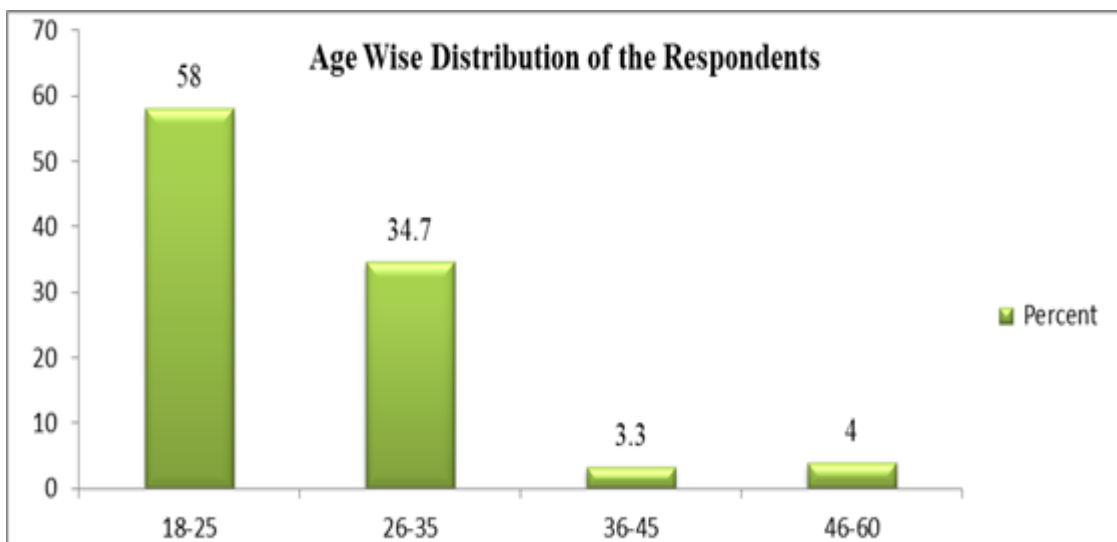


Figure 3.12 Age Wise Distribution of the Respondents

Figure 3.12 depicted below shows the percentage wise age distribution of respondents and it highlights that the highest proportion of the respondents belongs to the age group of 18-25 years, which comprises 58.0 percent of total respondents.

DISTRIBUTION OF RESPONDENTS BY MARTIAL STATUS

Marital status has great implications on individual's behavior. Marital status has been classified as un-married, married, and it also includes marriage problems, such as divorce and separation etc. (Han. *et.al*, 2014). Therefore, the present section explores the marital status of respondents and table 3 shows that out of 150 respondents, 127 persons are unmarried persons, which comprises 84.7 percent and 23 respondents are married which comprises 15.3 percent. However, none of the respondents were reported as divorced or separated. Therefore, the overall results show that the highest proportion of respondents is unmarried.

Table 3.14 Distributions of Respondents by Martial Status

Marital Status	Frequency	Percentage
Married	23	15.3
Unmarried	127	84.7
Total	150	100.0

Source: Field Survey Data

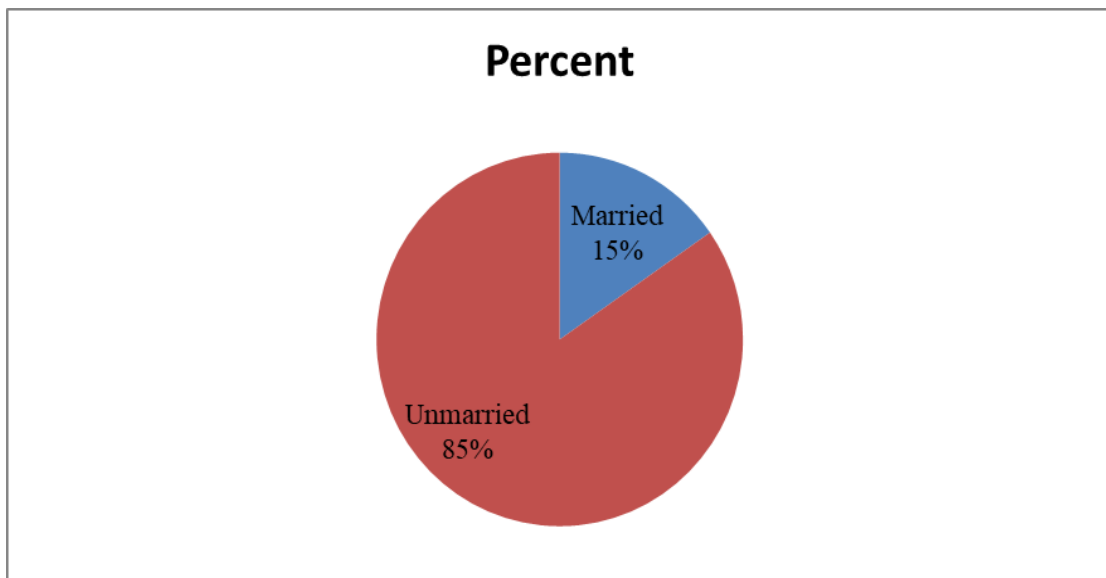


Figure 3.13 Distributions of Respondents by Martial Status

Figure 3.13 depicts below highlights that majority of the respondents are unmarried which comprises 85 percent of total respondents from the study area.

RELIGION WISE DISTRIBUTION OF RESPONDENTS

The religious diversity of India is having a long history, where people from different religions live together (Bhawuk, 2012). Therefore, it is necessary to examine the religion wise distribution of respondents in the study area. Therefore, the present section explores the religion wise distribution of respondents in study area. The table 4 highlights that all the respondents from the study area belongs to Muslim religion and it is mainly because the Jammu and Kashmir is Muslim majority state of India, particularly Kashmir division.

Table 3.15 Religion Wise Distributions of Respondents

Marital Status	Frequency	Percentage
Muslims	150	100.0
Others	0	0.00
Total	150	100.0

Source: Field Survey Data

LOCATION WISE DISTRIBUTION OF RESPONDENTS

The geographical location of any country is categorised into rural, urban dialogue. An urban area is mainly a region which is surrounded by a city and rural areas are opposite of it. Therefore, the present section explores the location wise distribution of respondents. Table 5 depicted below shows that out of 150 respondents 103 respondents are belonging from rural area, which comprises 68.7 percent and 47 respondents belongs to urban areas and comprises 31.3 percent of total respondents. Therefore, the overall results shows that majority of the respondents from our study are belonging from rural area.

Table 3.16 Location Wise Distributions of Respondents

Location Wise	Frequency	Percentage
Rural	103	68.7
Urban	47	31.3
Total	150	100.0

Source: Field Survey Data

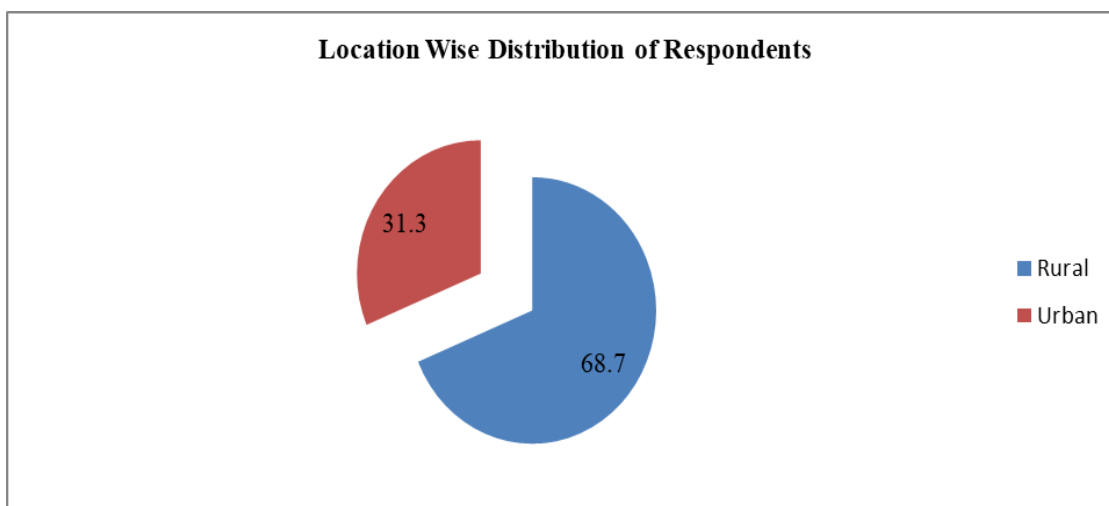


Figure 3.14 Location Wise Distributions of Respondents

Figure 3.14 shows the location wise distribution of respondents and it reveals that the highest proportion of respondents is belonging from rural areas, which comprises 68.7 percent respectively.

AREA WISE DISTRIBUTION OF THE RESPONDENTS

Geographical location are divided into rural and urban areas, however it is further sub-divided into central, South and North areas within the judiciary of the state or in the country. Therefore, this section explores the area wise distribution of respondent. The Kashmir division of Jammu and Kashmir is mainly divided into three areas i.e. South Kashmir, Central Kashmir and North Kashmir. Table 6 highlights that the distribution of respondents is equally distributed in all three areas i.e. 50 respondents from each area, and also it comprises 33.3 percent of respondents from each area.

Table 3.17 Area Wise Distributions of the Respondents

Area Wise	Frequency	Percentage
Central Kashmir	50	33.3
South Kashmir	50	33.3
North Kashmir	50	33.3
Total	150	100.0

Source: Field Survey Data.

OCCUPATIONAL DISTRIBUTION OF THE RESPONDENTS

The economic activity always plays an important role in determining the level of well-being of masses. Therefore, the present section explores the occupation distribution of the respondents. Table 6 highlights that highest proportion of respondents are students i.e. 55 respondents are students, which constitutes 36.8 percent, followed by i.e. 49 respondents are casual labors, which comprises 32.7 percent, Government employee which constitutes 36.7 percent and an insignificant proportion of respondents, which comprises 2.0 percent are having other occupational background. Therefore, the overall results reveal that highest proportion of the respondents is students and casual labors from our study area.

Table 3.18 Occupational Distributions of the Respondents

Occupation Type	Frequency	Percentage
Casual Labour	49	32.7
Govt Employee	43	28.7
Student	55	36.7
Others	3	2.0
Total	150	100.0

Source: Field Survey Data

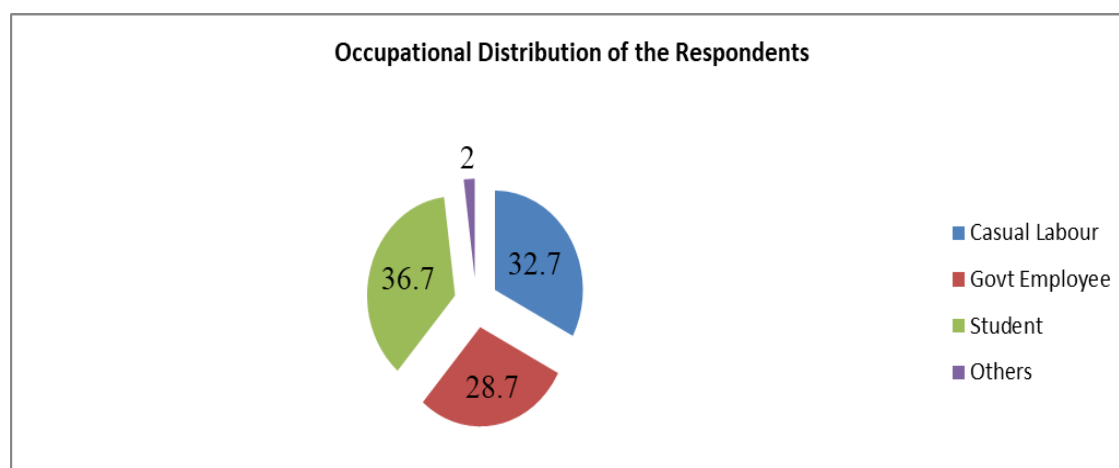


Figure 3.15 Occupational Distributions of the Respondents

Figure 3.15 reveals that highest proportion of the respondents is students and casual labors, which comprises 36.7 percent and 32.7 percent respectively and 28.7 percent are Govt. Employee.

EDUCATIONAL QUALIFICATIONS OF THE RESPONDENTS

Education is the key for successful life, because it plays a pivotal role in achieving the overall socio-economic development of individuals. Dr. Babasaheb Bhimrao Ambedkar has luminously highlighted the benefits of the education. According to Babasaheb it is the education, which can remove the social slavery, improve the socio-economic conditions of individuals and bring changes in the society. Therefore, it is important to examine the education status of the respondents. Table 7 highlights the educational status of the respondents and results reveal that out of 150 respondents 71 respondents are having Middle school qualifications, which comprises 47.3 percent. However, 30 each respondents, which constitutes 20 percent are having Graduate and Post-Graduate educational qualifications respectively. Moreover, 6 percent and 5.3 percent of the respondents are having Secondary and Primary school qualifications and 1.3 percent of the respondents are Illiterate Therefore, the overall results reveal that highest proportion of the respondents are having Middle School qualification's, which comprises 47.3 percent of total surveyed respondents.

Table 3.19 Educational Qualifications of the Respondents

Qualification Type	Frequency	Percentage
Illiterate	2	1.3
Primary	8	5.3
Middle	71	47.3
Secondary	9	6.0
Graduate	30	20.0
Post-graduate	30	20.0

Source: Field Survey Data

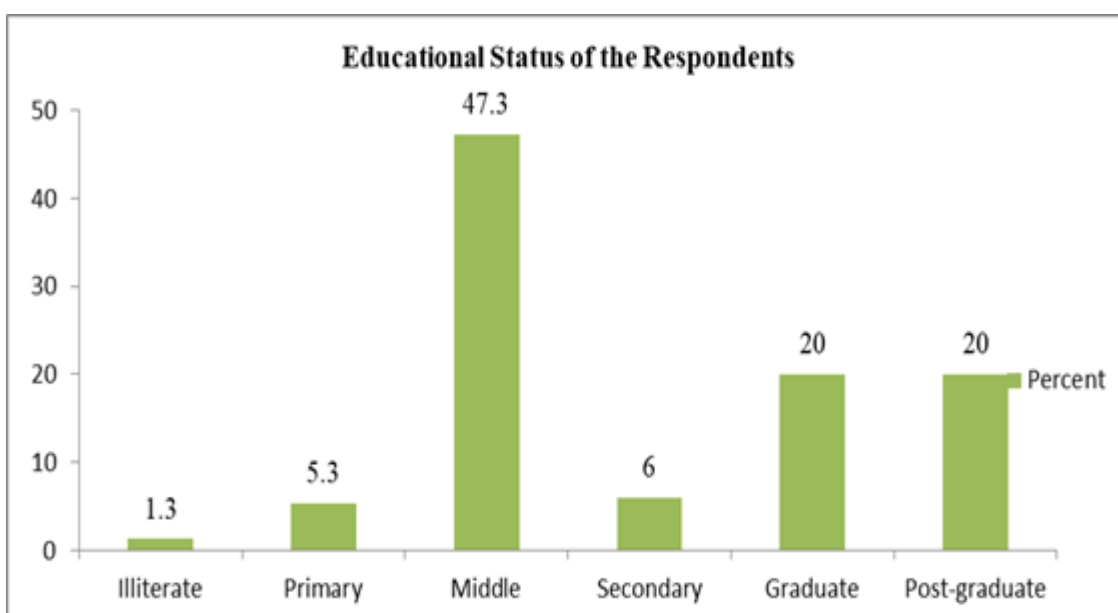


Figure 3.16 Educational Qualifications of the Respondents

Figure 3.16 reveal that School qualification's, which comprises 47.3 percent of total surveyed respondents. Figure highlights the educational status of the respondents and it reveals that the highest proportion of the respondents is having Middle.

CONCLUSION

The study concludes that after 2001 census, the total number of male population in Jammu & Kashmir was 5360926 persons, which has increased to 6640662 persons. Similarly, the population of female persons in Jammu and Kashmir was 47822774 persons, in 2001 census, which has increased to 5900640 female persons in 2011 census. However, the overall population has increased from 10143700 persons in 2001 census to 12541302 persons in 2011 census respectively, with a decadal growth rate of 23.71 percent. The population density of Jammu and Kashmir has increased from 100 Persons per sq km in 2001 census to 124 Persons per sq km in 2011 census. However, the sex ratio of the population (number of females per 1,000 males) in the Jammu & Kashmir has declined from 892 in 2001 Census to 889 in 2011 census.

The results of primary data reveals that the highest proportion of the respondents are male persons, which comprises 61.3 percent and 38.7 percent are female respondents and the highest proportion of respondents is belonging to the age group of 18-25 years

which is considered as young population. Majority of the respondents are belonging from rural area. Apart from this, the results reveal that highest proportion of the respondents are students and casual labors and the highest proportion of the respondents are having Middle School qualification's, which comprises 47.3 percent of total surveyed respondents.

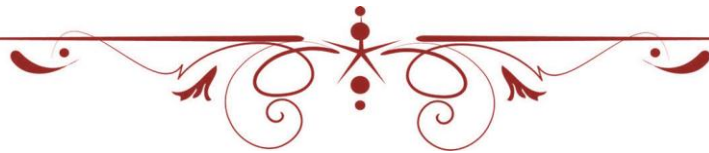
REFERENCES

1. Chand, R., Srivastava, S. K., & Singh, J. (2017). Changing structure of rural economy of India implications for employment and growth. *New Delhi: NITI Aayog*
2. Colmer, J. (2015). Urbanization, Growth, and Development: Evidence from India. *Unpublished Review Paper*.
3. Goldthorpe, J. H. (2017). Social stratification and cultural consumption: music in England. In *Music and Identity Politics* (pp. 309-327). Routledge.
4. Hardy, I. C. (2002). Sex ratios. In *Concepts and research methods*. Cambridge University Press UK.
5. Jaysawal, D., & Saha, S. (2014). Urbanization in India: An impact assessment. *International Journal of Applied Sociology*, 4(2), 60-65.
6. Long, J. F., Rain, D. R., & Ratcliffe, M. R. (2001, August). Population density vs. urban population: comparative GIS studies in China, India, and the United States. In *session S68 on "Population Applications of Spatial Analysis Systems (SIS)" at the International Union for the Scientific Study of Population Conference, Salvador, Brazil* (pp. 18-25).
7. Maji, A. K., Reddy, G. O., & Sarkar, D. (2010). Degraded and wastelands of India: status and spatial distribution. *Indian Council of Agricultural Research, New Delhi*, 167.
8. Qazi, S. A. (2005). *Systematic geography of Jammu and Kashmir*. APH Publishing.
9. United Nations. Division for Social Policy. (2006). *Social justice in an open world: The role of the United Nations*. United Nations Publications.



CHAPTER-4

A SAGA OF ARMED FORCES SPECIAL POWER ACT AND HUMAN RIGHTS IN KASHMIR VALLEY



CHAPTER-4

A SAGA OF ARMED FORCES SPECIAL POWER ACT AND HUMAN RIGHTS IN KASHMIR VALLEY

INTRODUCTION

ARMED FORCES SPECIAL POWER ACT 1958 (AFSPA)

The Armed Forces Special Power Act (AFSPA) is a law enacted to counter Naga insurgency by the parliament of India in September 1958. Very few parliamentarians in the parliament oppose the law, a member of parliament from Orissa, told the house that “we want a free India but not with barbed wires and concentration camps, where army personnel can shoot at sight any person with mere suspicion. The Naga insurgency or the militancy started in 1950s and rose to serious levels in Manipur in the 1960s (Kamboj, 2004). The controversial armed forces special power act provides legal protection to the armed forces and all paramilitary forces include the air forces and land forces for operation in hostile environments or disturbed areas in the north eastern state and Jammu and Kashmir. In 1958 only the state government had the power to declare an area as disturbed however it was modified in 1972, and this power is extended to the central government. The armed forces special power act is extended in Punjab and Chandigarh via armed force (Punjab and Chandigarh) special power act in 1983 in order to control the Khalistan (the land of the Khalsa) movement in Punjab is a Sikh separatist movement which seeks to create a separate home land of Sikhs in Punjab. Later in 1997 the act was withdrawn after the movement was controlled (Wani, & Desai, 2018).

The armed forces special power act 1958 was extended in Jammu and Kashmir under the title of armed force (Jammu and Kashmir) special power act 1990 after the situation became out of control with the rise of separatism and non state actors in the state. The insurgency in Jammu and Kashmir was sparked by the rigging of the 1987 state assembly election. The act was enforced by parliament of India with the request of the then Governor of Jammu and Kashmir Jagmohan, at that time the state was placed under governor rule. The act was effective since July 5 1990, initially to the

area falling within 20 kilometre of the control line with Poonch, Rajouri, in Jammu and Anantnag, Baramulla, Budgam, Kupwara, Pulwama, and Srinagar in Kashmir has declared as disturbed area. The act was also extended to Jammu, Kathua, Udampur, Poonch, Rajouri and Doda in August 2001 (Shah, 2005).

PROVISIONS OF THE ARMED FORCES SPECIAL POWER ACT (AFSPA)

The Armed forces Special Power act has six provisions or sections:-

Section 1- The first sections defines the title and its extends of the act, that is Armed Forces (Special Power) Act 1958 and it extends to the disturbed areas of Arunachal Pradesh, Assam, Manipur, Meghalaya, Nagaland, and Tripura of the north eastern states.

Section 2- Definition

“Armed forces” means all the armed forces including land forces, air forces, and paramilitary forces under union government and state government.

“Disturbed area” the section 3 of the armed forces special power act empowers the government of India to issue a notification to declare an area as disturbed for a time being.

Section 3- Power to declare areas to be disturbed areas

According to section 3 of the act the state or the central government can issue a notification to declare an area as disturbed area for a time being of three year according to the disturbed area act of 1976. The state or central government is entitled to declare an area as disturbed when there is a difference among communities on the basis of caste, race, religion, region, language and anarchical situation arising in an area.

Section 4- The section 4 of the act empowers a commissioned officer or anyone of the equivalent rank and above may use forces based on opinion and suspicion to kill anyone arrested without warrants, destroy any buildings, hide-out, training camp, army dump and can stop, search, seize without warrants in disturbed areas.

Section 5- The arrested person should hand over to the nearest police station with least possible delay and should submit a report of reason and circumstances of the arrest.

Section 6- The act gives immunity against prosecution to the armed forces in the disturb area. No legal proceeding shall be instituted except with the previous sanctions of the central government against any officers in respect of anything done or purported to be done in exercise of power conferred by this act (Tewari, & Khurana, 2016).

DISTURBED AREA ACT

The central government and the state government both have the right to declare an area to be disturbed by reason of any difference or disputes between members of different religious, racial, language or regional groups or cast or communities. In 1958 only the state government had the power to declare an area as disturbed area however it was also extended to the central government in 1972. The armed forces special power act enables the governor of the state or the president to declare the area as disturbed for a limited period of time with provision for periodic review in every six months. The section 3 of the armed forces special power act authorize the governor of the state to issue an official notification on the gazette of India, following which the centre has the authority to send in troops for civilian aid. It is still unclear whether the governor has prompted the centre to send in the army or whether the centre on its own sends in troops. On being declared disturbed, the region has to maintain status quo, for a maximum of three months, according to the disturbed area act 1976 (Baruah, 2010).

GENESIS OF ARMED FORCE SPECIAL POWER ACT

In the pre-independent movement the British government imposed several draconian laws to suppress the Indian independence movement. The Rowlatt act also known as Anarchical and Revolutionary crime Act was one such law passed by the imperial legislative council in March 1919 to suppress the independence movement. According to the Rowlatt Act, the British government has the special power to arrest and detain anyone for two years without any trial; search without a warrant, restriction on the freedom of the press. The Rowlatt Act was widely condemned and criticized by

Indian freedom fighters like Gandhi, Nehru and many others. A protest against the controversial Rowlatt Act led to the famous Jallianwala Bagh massacre of 1919 in which at least 1000 people were shot dead and 1500 people were injured. Later the British government repealed the Rowlatt Act and twenty-two other laws in March 1922 (Rajan, 2009).

The legacy of imposing draconian law was continued by the British government once again in 1942, by the then viceroy, lord Linlithgow of the British India and promulgated the armed force (special power) ordinance on 15 August 1942 to suppress the Quit India movement launched by Mahatma Gandhi a week earlier. The important leaders of the Indian national congress like Gandhi, Nehru and many others were imprisoned which led to the large number of protests all over India the protesters burned down railway, police offices, and telegraph lines. The colonial government responded to the protest with violence in which around 2500 protesters were killed and ten thousand were arrested and villages were torched.

In 1947 the government of India issued four ordinances and declared the four areas as disturbed areas like Assam, Bengal, Punjab and Delhi, and united province disturbed areas and granted special power to the armed forces to meet the situation arising on the account of partition of India and Pakistan. Later the ordinances were replaced by the Armed Forces Special Power Act 1948 and it was made as temporary status enacted for a period of maximum one year, though it continued till it was replaced by the Armed Forces (Assam and Manipur) Special Power Act, 1958 due to the growing Naga insurgency, and gradually the scope of the act was extended to all seven states of the North East. The act was extended to Punjab and Chandigarh in 1983. The act was further extended in Jammu and Kashmir in the year 1990 (Baruah, 2010).

REVIEW OF THE ARMED FORCES SPECIAL POWER ACT

Nagaland peoples movement of human rights vs. union of India

The controversial AFSPA was challenged by the Nagaland people's movement in Supreme Court in 1997, in which the supreme court stated that it would not look at the conduct of the army and the paramilitary forces in Manipur but it would examine the constitutionality of the law. The five judge bench of the Supreme Court found that the

power given to the army and paramilitary are not found that the power given to the army and paramilitary force are not arbitrary or unreasonable and concluded that they did not violate the provisions of Indian constitution. Although the judgment was criticized by many human rights organizations all over India but it made some notable conclusion such as:-

1. The central government is empowered to declare an area disturbs but it is desirable that it consult the state government.
2. The declaration should be for limited duration and should be reviewed at the sixth month.
3. The Supreme Court advice the officers to use minimal force necessary for effective actions, the advice the concerning authorities should follow the Dos and Don'ts (ICHRI, 1997).

JUSTICE JEEVAN REDDY COMMITTEE BACKGROUND OF THE COMMITTEE

The committee to review Armed Forces Special Power Act (AFSPA) was set up after the death of Monorma Devi on 11/07/2004 while in the custody of the Assam rifle, which led to the mass agitation by the civil society groups in Manipur. Ms Irom Sharmila was also on indefinite fast since 2001 in demanding repeal of the AFSPA act of 1958. The union home minister Shivraj Patil visited Manipur in September 2004 and met many delegations of civil society groups, security agencies. The civil society groups argued the union home minister for revocation of AFSPA. There are also many other groups who demanded a review of the act and made it a more humane act. The prime minister also visited Manipur in November 2004 and met several organizations and assured them the central government would consider their demand. After the visit of the union home minister and the prime minister the unions' government agree to setup a five judge member committee to review the Armed Force Special Power Act of 1958 under the chairmanship of a retired judge of Supreme Court justice B.P Jeevan Reddy and four other members on November 2004. The committee was mandated to amend AFSPA keeping in view of the concerns of the people of that region and the Human Rights issues and if required AFSPA to be replace or repeal with a more humane Act (Bhattacharyya, 2018).

After extensive and in-depth study and analysis of the problem in consultation with representatives of various social groups, ethnic groups, civil society, individual groups, groups of lawyers, university students, from different parts of the north east and the army in the state and central level. The committee held 13 public meetings, 17 public hearings; met with 54 individual groups, 51 organizations, five political parties, 169 men and 27 women most of them demanded the repeal of the controversial AFSPA. The report of the committee was submitted in June 2005 (Jha, 2016).

RECOMMENDATIONS OF THE COMMITTEE

Keeping in view of the legitimate concerns of the people of the north Eastern region, uphold human rights, security and the maintenance of the public order to review the provisions of the controversial Armed Forces Special Power Act (AFSPA) 1958 or to replace the act by a more humane act. The committee also recommend that the govt could utilize the Unlawful Activities (Prevention) Act (UAPA) 1967 (UAPA) with some amendment to give the armed forces the protection they needed as the UAPA is design to deal with terrorism and is applicable pan-India. The committee also suggested setting up grievance cells with members from local administration, the police and the army (Noorani, 2009).

JUSTICE HEGDE COMMISSION 2013

In 2013 the supreme court of India appointed a commission under the chairmanship of Justice Retd Santosh Hegde and two other members to investigate the possible misuse of the controversial Armed Forces Special Power Act (AFSPA) and extrajudicial deaths in the state of Manipur from 1978 to 2010. The commission got the mandate to review the role of the army and the paramilitary force in the state. The commission meets various civil society groups, human rights groups and also seeks evidence and documentary records from various members of the security force and the local police. The commission found that the investigation of the security force is inadequate and says that the army and the police use forces more than required at many places. The commission submitted its report on 30 March 2013, in the report the commission found that the security forces and the local police in some places use disproportionate use of forces and miss use of the immunity. The commission also advocates the strengthening of the police force which is not trained to deal with insurgency in the state. The commission was criticized by the senior officers of the army and other

paramilitary forces and called it as unrealistic in context of insurgency operations in sensitive border area states. The government has not taken any action on these recommendations (Bhattacharyya, 2018).

REVIEW OF ARMED FORCES SPECIAL POWER ACT BY INTERNATIONAL HUMAN RIGHTS BODIES

The Armed Forces Special Power Act was criticized by many international human rights organizations and put pressure on Indian government from time to time to review the controversial Armed Forces Special Power Act. There are many international human rights bodies like committee on the elimination of racial discrimination (CERD) on May 2007 argue the Indian government to review the AFSPA and seeks periodic and give report and information on the steps taken to abolish or reform and to ensure impartial investigation. The convention on the elimination of all form of discrimination against women (CEDAW) February 2007 and February 2004 argue the Indian government to ensure the investigation and prosecution of act of violence against the women in the disturbed area particularly in Jammu and Kashmir and the north eastern states. The international committee of children rights in 2004 expressed their serious concerns of the children rights in India particularly in Jammu and Kashmir and the north eastern states. The committee recommended the Indian government to ensure impartial investigation in the case of the rights of children and prosecute those who are responsible. The united nation special Rapporteur also constantly raised concern on the continuous dependence on the Armed forces special power act. The international convention on civil and political rights remained with the Indian government many times to repeal the controversial armed forces special power and replace it with more humane acts (Baruah, 2010).

REVIEW OF AFSPA IN JAMMU AND KASHMIR

The former chief ministers of Jammu and Kashmir Farooq Abdullah and Mehbooba Mufti constantly demand the gradual withdrawal of the armed forces special power act from the peaceful areas in Jammu and Kashmir. A meeting was held in Jammu and Kashmir in 2012. The meeting was chaired by the then home minister P Chidambaram and chief minister Omar Abdullah with various civil society groups, paramilitary forces, police and army officials to review the act in peaceful areas of

Jammu and Kashmir. The chief minister Omar Abdullah suggested the central government to withdraw the act from peaceful areas like Jammu, Srinagar and Budgam as these three districts have been peaceful for a long time. The coalition government of people democratic party (PDP) and the Bharatiya Janata party in their common minimum program also agreed to examine the disturb area act in the state. The Hurriya conference accessed both the regional political parties for doing vote bank policy on armed forces special power act and said that both parties called the act as draconian and should be revoked when they are in opposition. Although both the groups of the Hurriyat conference demanded the withdrawal of the act, the extremist camp of the separatist believed that by not amending or withdrawing the act New Delhi has betrayed its nervousness to face the Kashmir resistance. They believed that the AFSPA were offshoots of the unresolved Kashmir problem. Some moderate leaders of the Hurriyat conference like Mirwaiz Omar Farooq demand the withdrawal of the troops from the civilian areas and revocation of the armed forces power act and term it as black law. The moderate Hurriyat leaders also welcome the revocation of armed forces special power act from Tripura in May 2015 (Singh, etl)

ARMED FORCES SPECIAL POWER ACT AND HUMAN RIGHTS

There are many national and international civil society groups and committees from time to time criticizing the armed forces special power act in Jammu and Kashmir and North east. They considered the armed forces special power act as anti people and anti democratic which gave the armed forces the licence to act with impunity and committed human rights violations without any accountability. The committee on the elimination of racial discrimination (CERD) and the convention on the elimination of all form of discrimination against women (CEDAW) say that in democracy the army cannot employed indefinitely. Many other international human rights organizations of the world have criticized the Indian government for prolonging the continuous armed forces special power act and put pressure on the Indian government from different time to time to repeal or review the controversial act. The section 4 of the armed forces special power act empowers a commissioned officer or anyone of the equivalent rank and above may use forces based on opinion and suspicion to kill anyone, arrest without warrants in the disturbed areas violates the basic fundamental right to life of person. The section 4 of the act directly violates the right to life, right to liberty and security of a person and the right to remedy. The armed forces special

power act violates the article 7 of the international convention on civil and political rights (ICCPR) which says that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. There are several instances where the armed forces have found to be misusing the oppressive powers given by the act like fake encounters, sexual exploitation, and extra judicial killing in the disturb areas in Jammu and Kashmir and the north eastern state in India (Saikia, 2014).

ENFORCED DISAPPEARANCE

The association of parents of disappearance in Kashmir found that 8,000 to 10,000 civilians have disappeared in Kashmir valley since 1989. The association of parents of disappearances is an oldest human rights organisation in Kashmir. The organisation was formed in 1994 by a woman named Praveena Ahangar her son Javaid Ahmad disappeared on the night of 17 august 1990, Parveena Ahangar embarked on a journey to search her son, which led to the formation of the association. While fighting a legal battle, her son Praveena met many other peoples like her whose sons, fathers, brothers, and husbands who had been enforced disappeared. She recognized their grief and organized them and formed the association. The case of disappearances began in Kashmir valley in 1989 after the rise of militant movement, but in September 1990 the armed forces special power act was enforced in the state which provides impunity for the armed forces in the state. The association of parents of disappearances persons not only documenting human rights abuses, but also give legal and livelihood support to the families of the victims of the enforced disappearances (Zia, 2016).

PATHRIBAL FAKE ENCOUNTER

From 1990, after the enforcement of the controversial armed forces special power act the paramilitary forces were accused of many fake encounters in Kashmir valley. The Pathribal encounter started after the killings of 36 people of sikh community by unidentified gunmen in Chittisinghpura village in Anantnag district of south Kashmir on the night of 20 March 2000. An encounter was planned on 25 March 2000 by the Rashtriya Rifles (RR) and special Task forces (STF) in which they claimed five foreign militants were to be killed, who are responsible for the killings in Chattisinghpura. Around 25 March some of the locals of the Anantnag had filed missing reports of their family members in the police station. Soon the people of the

town realised that the encounter was fake and the so called militants were not foreigners, but the local civilians who were missing on 21 and 24 of the same year. Soon the news of fake encounters was spread and the valley was rocked by a series of protests and demonstrations in which 9 people were killed and many were injured. The case was transferred to the central bureau of investigation (CBI) after the immense public pressure and demand for an independent inquiry the DNA samples tested and later proved the people killed were the villagers who were missing, not foreign militants. The army from day one opposed the investigation in the civil court and challenged the Supreme Court and demanded impunity in the armed forces special power act (Peer, 2012).

MACHIL FAKE ENCOUNTER

Similar killings were also carried out in Michel area of Kupwara districts of north Kashmir in which three civilians were gunned down by army and branded them as foreign militants. The Machil encounter triggered the 2010 mass protest in which a large number of protesters came out to the streets in which 120 civilians were killed. After lots of pressure from civil society and international human rights organizations the officers involved in this fake encounter were sentenced to life imprisonment by a civilian court later get bailed by military court. The army carried out a court martial and convicted five army personnel for the killings of the three civilians, the decision was welcomed by all the mainstream state political parties and human rights organizations called it a watershed moment which creates faith in the institution. But in 2017, the armed forces tribunal (AFT) suspended the sentence and granted bail to five of the six accused in this case (Bukhari, 2010).

SHOPIAN FAKE ENCOUNTER

On 18th of July 2020, three unidentified militants were killed in an operation at Amshipora district Shopian. Army claimed that the three militants were foreign militants. The pictures of the so called militants went viral on local news and social media; follow which families from Rajouri district of Jammu claimed that the people killed were their kin who had travelled to Shopian to work as labourers. On 10th of August 2020, information from district Rajouri of three men- Imtiyaz Ahmed, Abrar Ahmed, and Mohammed Ibrar who had gone to Kashmir for work on 16th of July, but gone missing since, was noted. A police party of Shopian ran a DNA test, comparing

samples of the missing men, given by the claimant families, the DNA samples were matched. The dead bodies of the three labourers were handed over to their families in Rajouri in October. The police arrested two people who were under suspicion. An army inquiry transpired that conspiracy had been hatched by Captain Bhoopendra Singh of 62 Rastriya Rafale (RR) with the help of two locals Tabish Nazir and Bilal Ahmed Lone. During the investigation a statement of 49 witnesses was recorded under relevant sections of law and a total 75 witnesses were listed under the list of annexes. In a significant move, one accused was later made approver in the case. The charge sheet indicated that the army officer and two others stating that “they deliberately and purposefully chose not to follow Standard operating process (SOP), they planted illegally acquired weapons and materials on their dead bodies after stripping them of their identities and tagged them as hardcore terrorists in possession of war-like stories and deliberately provided false information to colleagues and seniors. The army initiated a disciplinary action against the army personnel and may face court martial for violating the power vested under the Armed forces special power act and not following the Dos and Don'ts of Chief of Army Staff as approved by the Supreme Court. The Jammu and Kashmir lieutenant Governor Manoj Sinha had met the families of Rajouri and expressed condolences and assured the families that the government will extend full support to them and assured them that justice is done in the case. He also conveyed the message of Prime Minister Narendra Modi that the government stands with the families and will be taken care of with all support from the government. The opposition political parties in Jammu and Kashmir argued the government to take actions against those officials who were involved in such inhuman acts so that there is a sense of justice for the family member in Rajouri (outlook, 2020). The army also think that such action will defame whole organization and actions should take against those who involved in such inhuman action and create a sense of justice and faith in organizations among the people. The army also take action in the case like before in the case of Machil in which six army personnel's are give life sentences.

VIEW OF THE ARMY ON ARMED FORCES SPECIAL POWER ACT

The army always considered the armed forces special power act an enabling law which enables armed forces to carry out certain operations, basically when the level of violence is very high and militancy from inside and outside. Many human rights

organizations and civil society groups criticised the act as a draconian act which gave sweeping power to the armed force, but the army called it an enabling act which is very important for the army to operate in an alien environment. The armed forces special power act enabled the security forces to carry out certain operations that were not even their own choice but an order of the central government at the request of the state government. The army believed that Indian army is world known for using minimum use of forces as compared to other countries of the world. The Indian army uses small arms and has zero tolerance for human rights violations. The army is strongly against dilution of armed forces special power act, they say that if you do not want armed forces special power act you can withdraw the act but when you dilute it you actually weaken the armed forces. Any government of the day has the right to withdraw the armed forces special power act from a particular area. The army from time to time defends the armed forces special power act and stated that the provisions of the act is absolutely essential to tackle insurgency in Jammu and Kashmir and says that without the act army will not be able to function in an insurgency situation. The army stated that there should be no question on the legality of the act as the highest court of the country upheld it and gave certain guidelines to operation. The army accepts that there are some cases of human rights violations by the army personnel in the disturbed areas. Several preventive measures taken by the army to prevent human rights violations, like setting up a human rights cell to monitor the case of human rights and maintain records. There are 1,485 cases of human rights violations reported in Kashmir since 1990 to July 2011. Out of 1,485 cases 1,439 cases were proved false. So according to the army 96.9% of the registered cases were fake with mala fide intent in collusion with anti state elements.

CURRENT STATUS OF ARMED FORCES SPECIAL POWER ACT

Currently, Armed Forces Special Power Act is enforced in Jammu and Kashmir, Assam, Nagaland, and parts of Arunachal Pradesh, and parts of Manipur. The law has been repealed when governments have attained confidence in managing the region using their own police forces. The central government has removed Armed Forces Special Power Act from Tripura and Meghalaya in 2015 and 2018 respectively in consultation with army and the government of the respective states. The central government also partially withdrawn AFSPA from three out of nine districts of

Arunachal Pradesh after 35 years, but it will remain in forces in the area bordering Myanmar.

OPINION OF THE RESPONDENTS FOR ARMED FORCES SPECIAL POWERS ACT (AFSPA)

The public perception is developed by the writing of the human rights organization and human rights activists and the day to day developments and the news of fake encounters and enforced disappearance. The sweeping power given to the armed force in the section 4 and section 7 of the armed forces special power act is always in controversy since the act was passed by the parliament and upheld by the Supreme Court. But many human rights activists and organization questions the legality of the act. I have also done a field survey in my research work to understand the perception of the people of the Kashmir on Armed Forces Special Power act, my hypothesis is rise of militancy is the root causes of all the human rights violation in Kashmir valley.

Armed Forces Special Powers Act, which is known as (AFSPA), is a legislation of Government of India, which is promulgated in the disturbed areas of India particularly in North-East from 1958 and in Jammu and Kashmir it is since from 1990s. Under this act special powers are given to the armed forces and is one of the more draconian legislations, in which armed forces are given wide powers to shoot, arrest and search, all in the name of “aiding civil power. Nonetheless, there has been allegedly great misuse of this act by military and the paramilitary forces for maintaining law and order in the AFSPA implemented areas (Noorani, 2009, Bhattacharyya 2018). Therefore, this section explores the perception of respondents regarding the Armed Forces Special Powers Act (AFSPA) in Kashmir. Table highlights that 46.06 percent of male respondents said that it is undemocratic law, which is prevailing in the world’s largest democratic country of India, 12.67 percent of respondents said that it is draconian law and 2.67 percent of male respondents said that it is unconstitutional law.

Similarly, in case of female respondents, majority of the respondents, which constitutes 24.00 percent said that it is undemocratic law, 12.33 percent said that it is draconian law, 1.33 percent of female respondents said that it is enabling law and 0.67 percent said it is unconstitutional law. However, the overall results reveal that highest

proportion of respondents said that it is undemocratic law, which must be withdrawn from the democratic country of India.

Table: 4.1 Opinions of Respondents for Armed Forces Special Powers Act (AFSPA)

Category	Draconian law	Enabling law	Unconstitutional law	Undemocratic law	Total
Male	19 (12.67)	0 (0.00)	4 (2.67)	69 (46.00)	92 (61.33)
Female	19 (12.33)	2 (1.33)	1 (0.67)	36 (24.00)	58 (38.67)
Total	38 (25.33)	2 (1.33)	5 (3.33)	105 (70.00)	150 (100.00)

Source: Field survey data.

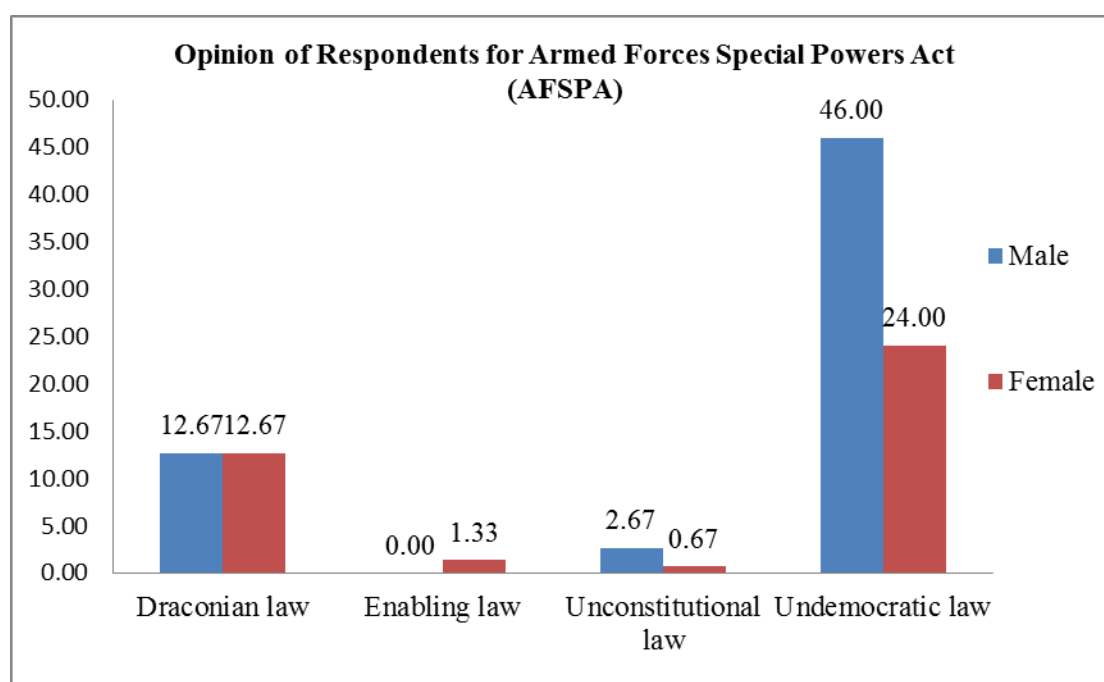


Figure: 4.1 Opinions of Respondents for Armed Forces Special Powers Act (AFSPA)

Figure 4.1 reveals that the highest proportion of respondents, which constitutes 70.00 percent, believes that Armed Forces Special Powers Act (AFSPA) is undemocratic law, which must be withdrawn from the democratic country of India.

IMPACT OF ARMED FORCES SPECIAL POWERS ACT (AFSPA)

We have already discussed above that Armed Forces Special Power Act is one of the more draconian legislations, in which armed forces are given wide powers to shoot, arrest and search, all in the name of “aiding civil power. Therefore, this act is opposed by various national and international human rights organizations, social activist organizations and other organizations on ground that its leads to human rights, abuses, unleash violence and it also fuels cycles of violence. Moreover, several human rights activists have questioned about the validity of the AFSPA act (Iralu, 2017). Apart from this, many international experts have also raised the question about the constitutionality of the AFSPA because it couldn’t be justified in light of Article 4 of the International Covenant on Civil and Political Rights, ICCPR. Thus, the international agencies have appealed to removal of AFSPA and termed it as outdated and colonial-era law that breach contemporary human rights standards. Therefore, the present section explores, the impact of AFSPA in Jammu and Kashmir and table reveals that among male respondents, the highest proportion of the respondents, which constitutes 46.67 percent said that AFSPA leads to human rights violation in Jammu and Kashmir, 10.66 percent of respondents responded that it gives rise in Radicalisation of youths in Kashmir, 2.66 percent of the respondents said that it helps to maintain law and order situation in Jammu and Kashmir and a very little i.e. 1.33 percent of respondents said that it curb militancy in the state.

Similarly, in case of female respondents, 28.00 percent said that APSPA leads human rights violation in Kashmir, 8.67 percent said that it gives rise in Radicalisation of youths in Kashmir, 1.33 percent of female respondents responded that it helps to maintain law and order situation in Jammu and Kashmir and 0.67 percent said that it gives rise in alienation in Kashmir. Therefore, the overall results reveal that majority of the respondents i.e. 74.67 percent said that AFSPA has led to human rights violation in Kashmir, followed by Radicalisation of youths, which constitutes 19.33 percent respectively.

Table: 4.2 Impact of Armed Forces Special Powers Act (AFSPA)

Category	Human rights violation	Rise in alienation	Radicalisation of youths	Maintain law and order	Curb militancy	Total
Male	70 (46.67)	0 (0.00)	16 (10.66)	4 (2.66)	2 (1.33)	92 (61.33)
Female	42 (28.00)	1 (0.66)	13 (8.67)	2 (1.33)	0 (0.00)	58 (38.67)
Total	97 (74.67)	1 (0.66)	10 (19.33)	38 (3.99)	2 (1.33)	150 (100.00)

Source: Field Survey Data

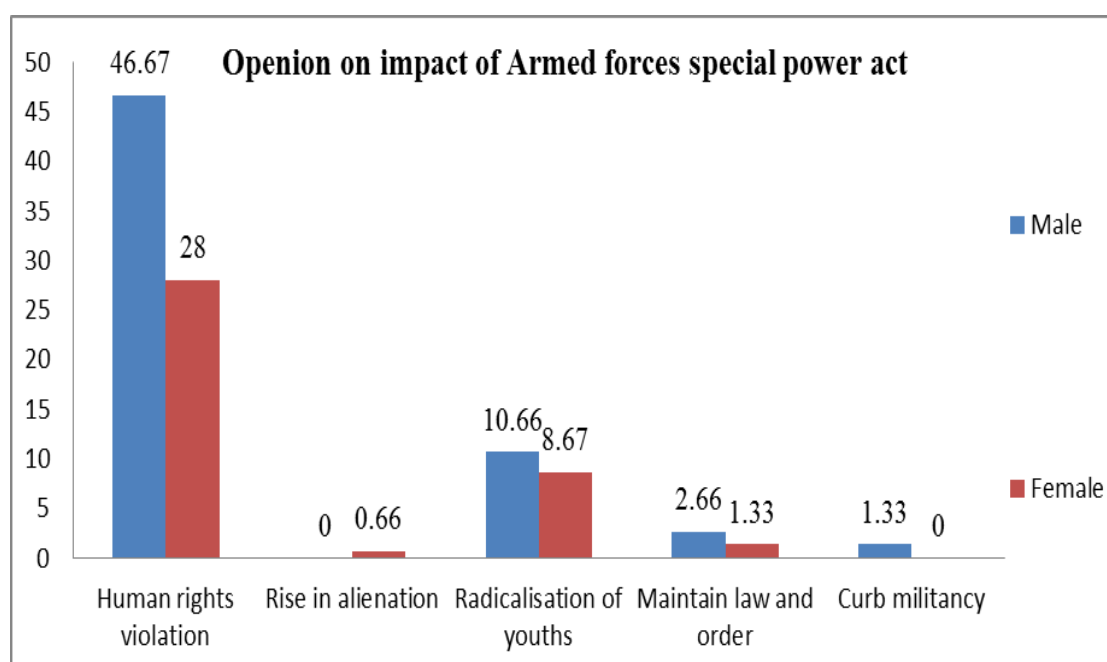


Figure: 4.2 Impact of Armed Forces Special Powers Act (AFSPA)

Figure 4.2 reveals that majority of the respondents i.e. 74.67 percent said that AFSPA has led to human rights violation in Kashmir, followed by Radicalization of youths, which constitutes 19.33 percent respectively.

ROLE OF ARMED FORCES SPECIAL POWER ACT IN KASHMIR CONFLICT

This section explores, the perception of respondents regarding Armed Forces Special Power Act for solving the Kashmir conflict. The table depicted below reveals that among male respondents 46.00 percent of respondents said that AFSPA aggravates the problem in Kashmir, rather than to solve. Whereas, 9.33 percent of the

respondents believes that AFSPA helps to manage the problem and 6 percent of respondents said that it helps to solve the problem to some extent. Similarly, in case of female respondents 26.00 percent of respondents said that AFSPA aggravates the problem in Kashmir, 6.67 percent said that it helps to manage the problem and 6.00 percent responded that it helps to solve the problem to some extent. Therefore, the overall results reveal that highest proportion of respondents, which constitutes 72.00 percent, said that AFSPA aggravates the problem in Kashmir, rather than to solve it.

Table: 4.3 Role of Armed Forces Special Power Act in Kashmir Conflict

	Yes, it helps to manage the problem	No, it aggravates the problem	To some extent	Total
Male	14 (9.33)	69 (46.00)	9 (6.00)	92 (61.33)
Female	10 (6.67)	39 (26.00)	9 (6.00)	58 (38.67)
Total	24 (16.00)	108 (72.00)	18 (12.00)	150 (100.00)

Source: Field Survey Data

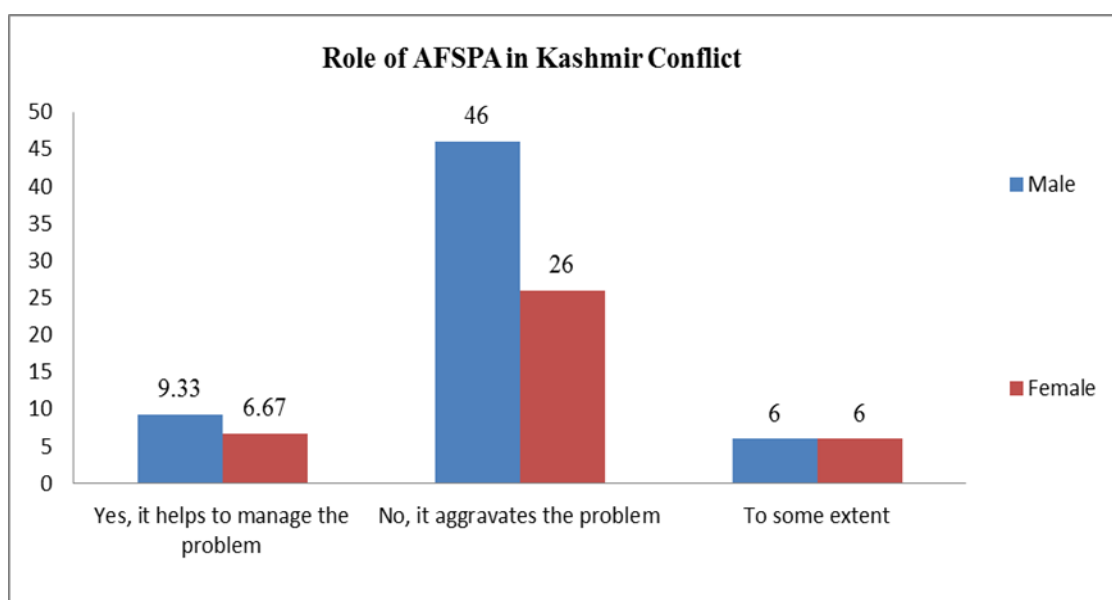


Figure: 4.3 Role of Armed Forces Special Power Act in Kashmir Conflict

Figure 4.3 reveals that highest proportion of respondents, which constitutes 72.00 percent, said that AFSPA aggravates the problem in Kashmir.

SUPPORT AND UN-SUPPORT OF AFSPA IN KASHMIR

The present section explores the support and un-support of AFSPA in Kashmir. Table depicts below reveals that among male respondents, highest proportion of respondents, which comprises 52.00 percent that they didn't support the AFSPA, 5.33 percent of the respondents said that they did not know and 4.00 percent said that they support AFSPA. Similarly, in case of female respondents, majority of them, which constitutes 35.33 percent, said that they did not support AFSPA, 2.00 percent of respondents said that they support AFSPA and 1.33 percent of respondents said that they did not know it. Therefore, the overall results reveal that majority of the respondents, which constitutes 87.33 percent did not support AFSPA in Kashmir.

Table: 4.4 Support and Un-support of Armed Forces Special Power Act in Kashmir

	Yes	No	Do not know	Total
Male	6 (4.00)	78 (52.00)	8 (5.33)	92 (61.33)
Female	3 (2.00)	53 (35.33)	2 (1.33)	58 (38.67)
Total	80 (6.00)	60 (87.33)	10 (6.67)	150 (100.00)

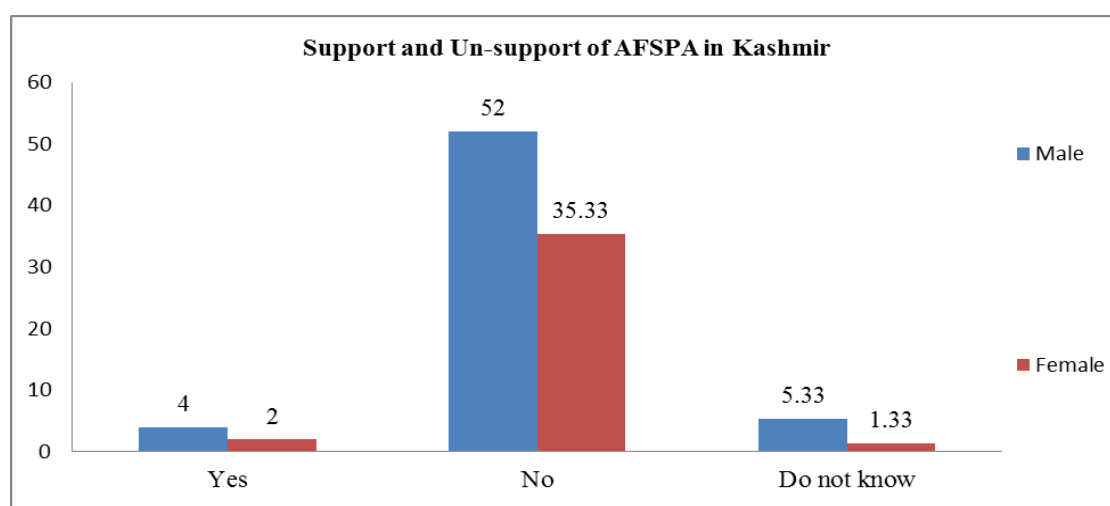


Figure: 4.4 Support and Un-support of Armed Forces Special Power Act in Kashmir

Figure 4.4 reveals that majority of the respondents, which constitutes 87.33 percent did not support AFSPA in Kashmir.

PERCEPTION OF RESPONDENTS FOR ARMED FORCES SPECIAL POWER ACT AND ITS OPERATION ON THE GROUND IN KASHMIR

As we have already discussed above, that as per Indian legislation the AFSPA is meant to maintain law and order in the disturbed areas. In other words we can say it gives special powers to the armed forces to maintain public order in disturbed areas. However, in many times it leads to misuse of powers by armed forces in disturbed areas. Therefore, present section explores perception of respondents for AFSPA and its operation on the ground in Kashmir. Table depicted below reveals that 40.00 percent of male respondents said that operation of AFSPA on ground leads to fake encounters, 10 percent said that armed forces are misusing it for disappearance of youth, 8 percent responded that it led to sexual violence and torture among women in Kashmir and 3.33 percent said that it helps to maintain law and order situation.

Similarly, in case of female respondents, highest proportion of female respondents, which comprises 18.00 percent said that it has been misused by armed forces in fake encounters, 10.67 percent said that 10 percent said that armed forces are misusing it for disappearance of youth, 8 percent responded that it led to sexual violence and torture among women in Kashmir and 2.00 percent said that it helps to maintain law and order situation. Therefore, the overall results reveal that highest proportion of respondents, i.e. 58.00 percent believes that operation of AFSPA on ground leads to fake encounters.

Table: 4.5 Perception of Respondents for Armed Forces Special Power Act and its operation on the ground in Kashmir

	To maintain Law and order	Fake encounters	Disappearance	Sexual violence/Torture	Total
Male	5 (3.33)	60 (40.00)	15 (10.00)	12 (8.00)	92 (61.33)
Female	3 (2.00)	27 (18.00)	16 (10.67)	12 (8.00)	58 (38.67)
Total	8 (5.33)	87 (58.00)	31 (20.67)	24 (16.00)	150 (100.00)

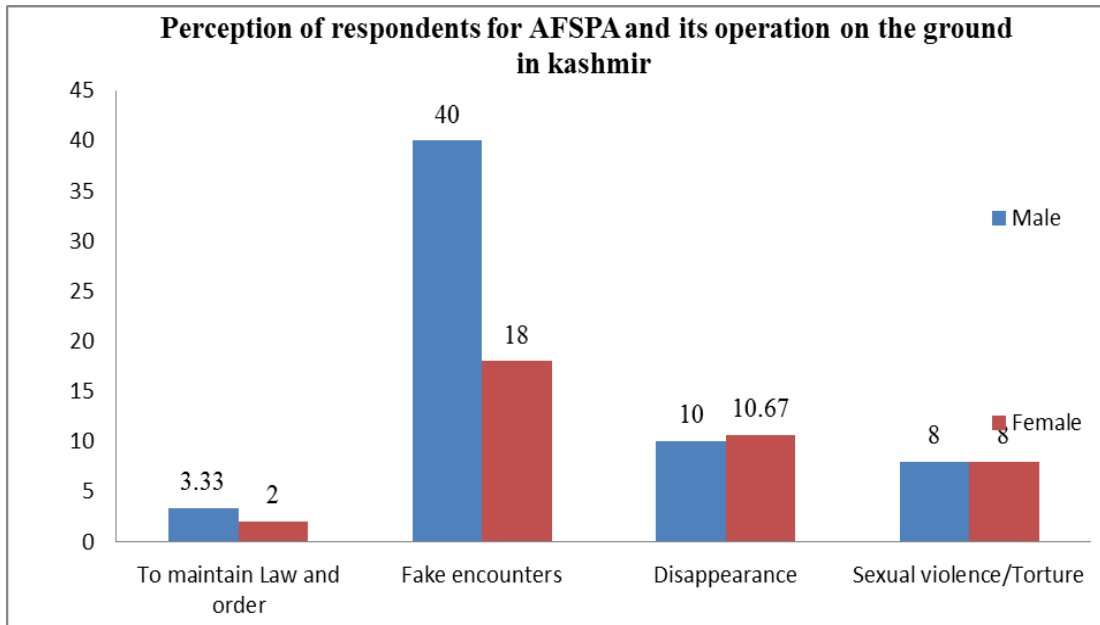


Figure: 4.5 Perception of Respondents for Armed Forces Special Power Act and its operation on the ground in Kashmir

Figure 4.5 reveals that highest proportion of respondents, i.e. 58.00 percent believes that operation of AFSPA on ground leads to fake encounters.

PERCEPTION OF RESPONDENTS REGARDING ARMED FORCES SPECIAL POWER ACT AS A DRACONIAN LAW AND BLOT ON DEMOCRACY

This section explores, the perception of respondents regarding Armed Forces Special Power Act as a draconian law and blot democracy, and table reveals that 57.33 percent of male respondents believe AFSPA act as a draconian law and blot on democratic setup, 2.67 believes it to some extend and 1.33 percent said no it is not a draconian law and neither blot on democratic setup. However, in case of female respondents 37.33 percent of respondents believe AFSPA act as a draconian law and blot on democratic setup, 1.33 believes it to some extend and none of the female respondent believes that it is not an draconian law and as a blot on democratic setup.

Table: 4.6 Perception of respondents regarding Armed forces Special Power Act as draconian law and blot on democratic setup

	Yes	No	To some extent	Total
Male	86 (57.33)	2 (1.33)	4 (2.67)	92 (61.33)
Female	56 (37.33)	0 (0.00)	2 (1.33)	58 (38.67)
Total	142 (94.67)	2 (1.33)	6 (4.00)	150 (100.00)

Source: Field Survey

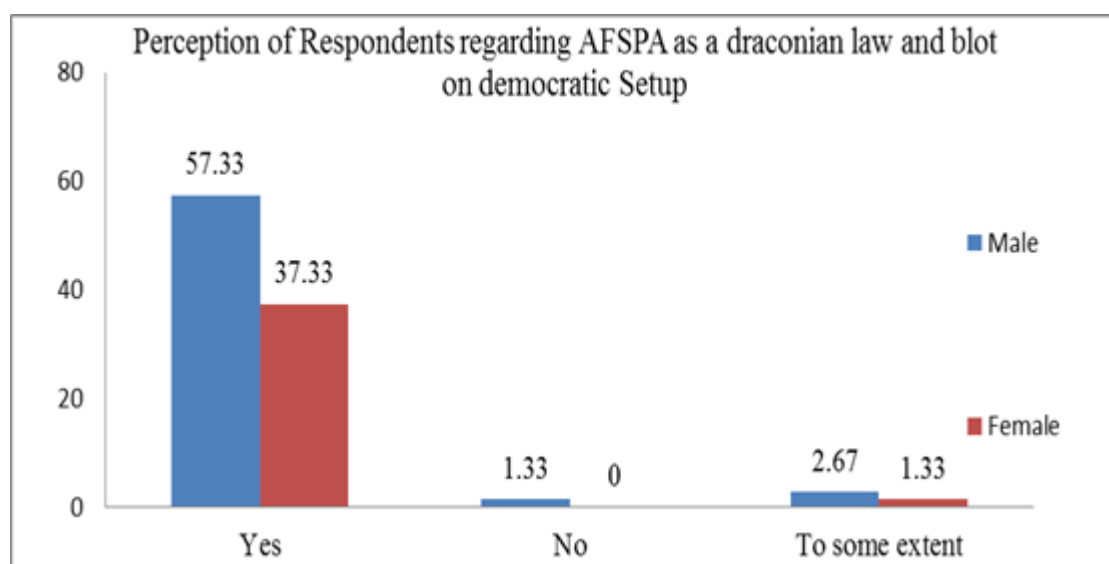


Figure: 4.6 Perception of Respondents regarding Armed Forces Special Power Act as a draconian law and blot democratic Setup.

CONCLUSION

Armed Forces Special Powers Act, which is known as (AFSPA), is a legislation of Government of India, which is promulgated in the disturbed areas of India particularly in North-East from 1958 and in Jammu and Kashmir it is since from 1990s. Under this act special powers are given to the armed forces and is one of the more draconian legislations, in which armed forces are given wide powers to shoot, arrest and search, all in the name of “aiding civil power. Nonetheless, there has been allegedly great misuse of this act by military and the paramilitary forces for maintaining law and order in the AFSPA implemented areas. The AFSPA has been targeted as draconian law by various human rights commission and put pressure on Indian government to

review the act. There are several instances where the armed forces have found to be misusing the oppressive powers given under the act. Many national and international committees argues the Indian government to review the act from time to time but the Indian government refuses saying that army is acting in good faith, if the laws was revoke the army will demoralized and cannot act in the disturb areas. In my study I have also found that the majority of the people say that the act was undemocratic and it was bolt of democracy which needs to be revoke to bring normalcy in Kashmir majority of the respondent said that AFSPA aggravates the problem in Kashmir, rather than to solve it.

Reference

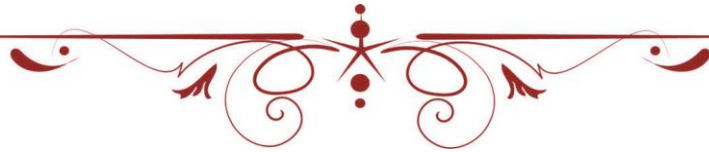
1. Kamboj, A. (2004). Manipur and armed forces (special powers) act 1958.
2. Wani, A. A., & Desai, D. D. (2018). *The Road to Peace in Kashmir: Public Perception of the*
3. Shah, A. R. (2015). AFSPA and Clash of Realities in Kashmir. *Economic and Political Weekly*, 50(29), 5-5.
4. Tewari, D. B., & Khurana, T. K. (2016). North east India: Questions of regional ethnicity and AFSPA, 1958. *VIDHIGYA: The Journal of Legal Awareness*, 11(2), 47-53.
5. Baruah, S. (2010, November). AFSPA: Legacy of colonial constitutionalism. In *online*. *Seminar* (No. 615).
6. Rajan, V. (2009). The Natives Continue to Be Restless. *Economic and Political Weekly*, 15-17.
7. Baruah, S. (1999). *India against itself: Assam and the politics of nationality*. University of Pennsylvania Press.
8. Bhattacharyya, R. (2018). Living with armed forces special powers act (AFSPA) as everyday life. *GeoJournal*, 83(1), 31-48.
9. Dobhal, H. (2009). *Manipur in the shadow of AFSPA: Independent people's tribunal report on human rights violations in Manipur*. Socio Legal Information Cent.
10. Noorani, A. G. (2009). Armed forces (special powers) act: urgency of review. *Economic and Political Weekly*, 8-11.
11. Jha, M. (2016). Unveiling the Armed Forces Special Powers Act. *Indian Journal of Public Administration*, 62(3), 522-532.
12. Bhattacharjya, C. State Security and Human Rights: A study of Armed Forces Special Power Act.
13. Baruah, S. (2005). Durable disorder. *Understanding the Politics of Northeast India*.
14. Singh, Y. O., & Khuraijam, G. Armed Forces (Special Powers) Act 1958: A Source of National Disintegration.
15. Saikia, S. (2014). 9/11 of India: A Critical Review on Armed Forces Special Power Act (Afspa), and Human Right Violation in North East India. *Journal of Social Welfare and Human Rights*, 2(1), 265-279.

16. Zia, A. (2016). The Spectacle of a Good Half-Widow: Women in Search of their Disappeared Men in the Kashmir Valley. *PoLAR: Political and Legal Anthropology Review*, 39(2), 164-175.
17. Peer, G. (2012). In Pursuit of Justice: Pathribal Fake Encounter Case. *Economic and Political Weekly*, 29-32.
18. Noorani, A. G. (2009). Armed forces (special powers) act: urgency of review. *Economic and Political Weekly*, 8-11.
19. Iralu, K. (2017). *Effects of the Armed Forces Special Powers Act on Gender: Influence of Social Ecology on Psychological well-being of Women in Nagaland* (Master's thesis, UIT Norges Arktiske University).



CHAPTER-5

STATE AND ITS DEALINGS OF KASHMIR AFFAIRS AND THE ROLE OF NON-STATE ACTORS IN KASHMIR CONFLICT



CHAPTER-5

STATE AND ITS DEALINGS OF KASHMIR AFFAIRS

AND THE ROLE OF NON-STATE ACTORS IN KASHMIR

CONFLICT

INTRODUCTION

The conflict between India and Pakistan over the princely state of Jammu and Kashmir has remained one of the main pretexts for war between these two countries." It is quite terrifying that prospect of two nuclear powers can be facing off in this conflict land of Jammu and Kashmir, which can be dangerous not only for South Asia but also for the entire world. India and Pakistan have fought major wars on this conflict land of Jammu and Kashmir (Tavares, 2008). The tension has always escalated between these two countries over this disputed land. However, over the years due to highly advance armed and ammunition technology the fear among the United Nations and other non-state actors have risen because it could have higher consequences for peace and stability in the entire world. It is believed that in South Asia, the root cause of turmoil and animosity stems from the unresolved existence of India and Pakistan's Kashmir conflict. (Diehl *et.al*, 1996) It has in the past contributed to two major wars and many close miss. A 'proxy war' has arisen over Kashmir between India and Pakistan since the early 1990s. The onset of the proxy war took diplomatic relations between the two states to their nadir and led directly to South Asia's overt nuclearisation in 1998 (Cohen, 2002). It also weakened the hopes for regional integration and raised questions about the future of a deadly nuclear exchange in Indo-Pakistan. Therefore, to bring stability and cooperative ties between Pakistan and India, the non-state actors are playing a crucial role over these two nuclear and conventional arms countries.

Non-State Actors (NSA) are people or organisations who are interested in interfering in international affairs, while they do not belong to current state department; they are organisations with the power to effect a change and to influence

it. Admitting non-state actors in the theory of international relations refutes the assumptions of realism and other black box theories of international relations, which argue that the only relationships of interest in the study of international events are relations between states. Non state actors are increasingly raising their voices against suppression and inequality in Kashmir (Thomas *et.al*, 2005). Non state actors are playing a crucial role in addressing Kashmir conflict, but over a period of time due to turmoil in Kashmir, the role of civil societies is not encouraging as much it should be in Kashmir (Chaudhry, R. 2013). However, on the other hand, it is the civil society, that has the authority to speak truth about abuses and violations and to make Government accountable and transparent for violations and abuses. Moreover, the people of Kashmir are demanding that the civil society should highlight and question of human rights violations in Kashmir. People of Kashmir believe that non state actors can pressurise the government to take better measures for peace and prosperity. Therefore, based on the primary data of 150 respondents, which includes 92 male respondents and 58 female respondents, the present chapter explores the state and its dealings of Kashmir affairs and the role of Non-state actors in Kashmir conflict.

VICTIMS OF THE KASHMIR CONFLICT

The conflict of Kashmir is well recognized at both national and international level. This conflict has victimized a large number of people, which includes civilians, political workers, army men including police personals etc. (Bhat, 2019). Therefore, this section explores perception of the respondents about the victims of Kashmir conflict. Table shows male female wise perception of respondents about the victims of Kashmir conflict and results reveal that, 38.67 percent of the male respondents, have responded that civilians are the main victims of the Kashmir conflict, whereas 21.33 percent of male respondents have responded that all i.e. civilians, Jammu and Kashmir police, political workers and army men are equally the victims of Kashmir conflict. Moreover, very low percent of male respondents i.e. 0.67 each have responded that political workers and Army men are the main victims of Kashmir conflict. Similarly, in case of female respondents' 19.33 percent of the respondents have responded that civilians are the main victims of Kashmir conflict, 14.23 percent have responded that all civilians, Jammu and Kashmir police, political workers and army men are equally victims of Kashmir conflict. However, a very low percent of

respondents has responded i.e. 2.00 percent and 1.33 percent each, that political workers, Jammu and Kashmir police and army men are the victims of Kashmir conflict. Therefore, the overall results show that highest proportion of the respondents, which constitutes 58.00 percent have responded that civilians are the main victims of Kashmir conflict.

Table: 5.1 Victims of the Kashmir Conflict

Category	Civilians	J&K police	Political workers	Army Men	All of the four	Total
Male	58 (38.67)	1 (0.67)	1 (0.67)	0 (0.00)	32 (21.33)	92 (61.33)
Female	29 (19.33)	2 (1.33)	3 (2.00)	2 (1.33)	22 (14.67)	58 (38.67)
Total	87 (58.00)	3 (2.00)	4 (2.67)	2 (1.33)	54 (36.00)	150 (100.00)

Source: field survey data.

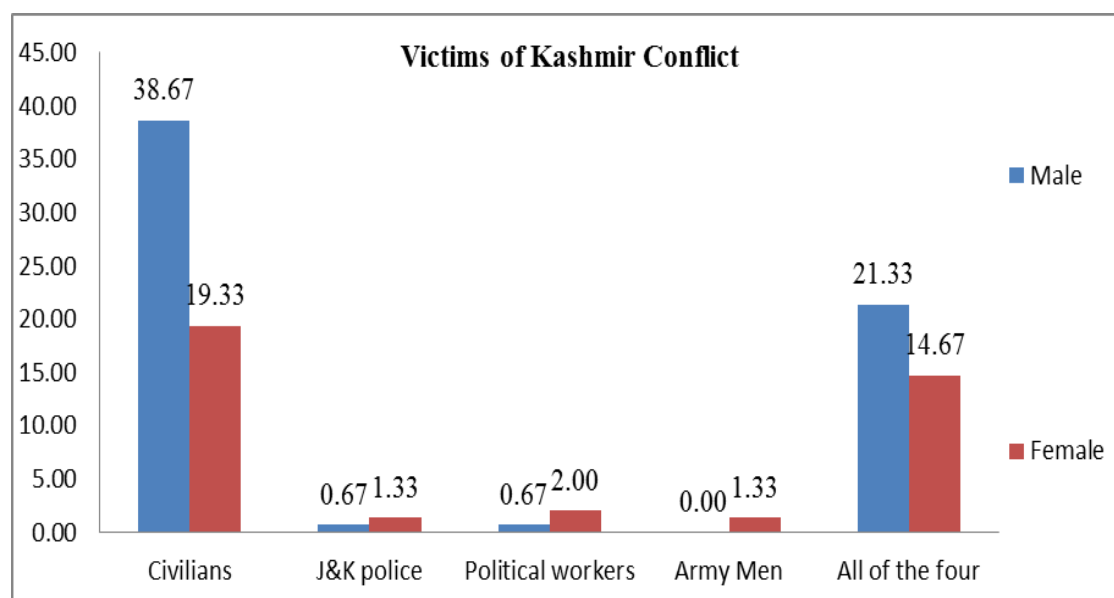


Figure: 5.1 Victims of the Kashmir Conflict

Figure 5.1 reveals that highest proportion of the respondents, which constitutes 58.00 percent have responded that civilians are the main victims of Kashmir conflict.

SEPARATISTS MOVEMENT IN KASHMIR

Separatism is an alliance to raise the cause of Kashmir separatism in the world. In 1993, 26 political social and religious organizations have formed an alliance as a united political front to raise the voice of Kashmiri freedom in the conflict area. In Jammu and Kashmir political parties are contesting elections side by side and other side the separatist parties are playing the role of separatism (Chowdhary et.al, 2004). Therefore, this section explores, the perception of the respondents regarding separatism and separatists movement in Kashmir. Table highlights that among male respondents, highest proportion of respondents i.e. 20.67 percent said that they represent the voice of Kashmir, 22.67 percent responded that they are raising the voice against human rights violation in Kashmir, 10.67 percent said that they don't support separatism and separatist's movement in Kashmir, while a low percentage of respondents, which constitutes 7.33 percent said that they represent the oppressed section of Kashmiri people. However, in case of female respondents, highest proportion of respondents, which comprises 17.33 percent said that they are raising the voice against human rights violation in Kashmir, 10.67 percent said that they don't support the separatist's movement in Kashmir and very low percent of respondents i.e. 7.33 percent and 3.33 percent respectively said that they are representing the voice of Kashmir people and they are representing the oppressed section of Kashmiri people in the Jammu and Kashmir. However, the overall results reveal that highest proportion of respondent's perception is that separatists are representing the oppressed section of Kashmiri people in Jammu and Kashmir, which constitutes 40.00 percent of total respondents.

Table: 5.2 Separatists Movement in Kashmir

Category	They represent the voice of Kashmir	They represent the oppressed section	They rise the voice against human right violation	No, I don't support	Total
Male	31 (20.67)	11 (7.33)	34 (22.67)	16 (10.67)	92 (61.33)
Female	11 (7.33)	5 (3.33)	26 (17.33)	16 (10.67)	58 (38.67)
Total	42 (28.00)	16 (10.67)	60 (40.00)	32 (21.33)	150 (100.00)

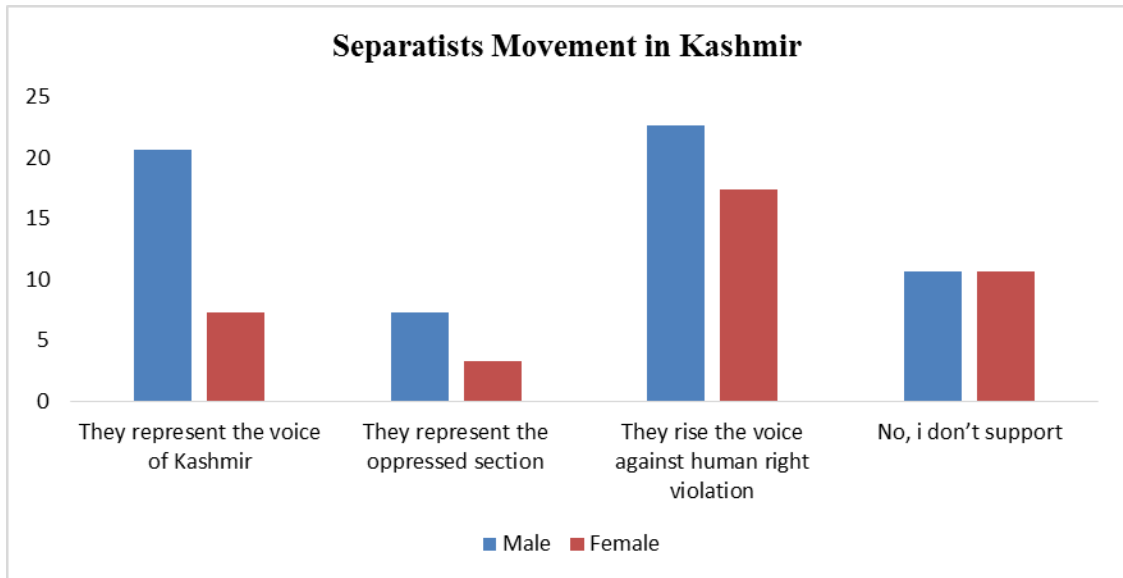


Figure: 5.2 Separatists Movement in Kashmir

Figure 5.2 reveals that highest proportion of respondent's perception is that separatists are representing the oppressed section of Kashmiri people in the Jammu and Kashmir, which constitutes 40.00 percent of total respondents.

REASONS OF KASHMIR CONFLICT DUE TO WHICH IT COULD NOT TO BE CURBED

This section explores the reasons of Kashmir conflict, due to which it could not be curbed. Table reveals that among male respondents, 22.67 percent of the respondents said that Kashmir conflict can't be curbed due to Indo-Pak uncompromising attitude, 17.33 percent said, it can't be curbed because of ethnic differences, 14.67 percent said, Kashmir conflict can't be curbed because of economic backwardness and 6.67 percent said because of rampant corruption it can't be curbed respectively.

Similarly, in case of female respondents, 26.00 percent said that Kashmir conflict can't be curbed due to Indo-Pak uncompromising attitude, 8.00 percent said that, it can't be curbed because of economic backwardness, 2.67 percent and 2.00 percent of respondents said that it can't be curbed because of ethnic differences and rampant corruption respectively. Therefore, the overall results reveal that majority of the respondents, which constitutes 48.67 percent, said that Kashmir conflict can't be curbed due to Indo-Pak uncompromising attitude.

Table: 5.3 Reasons of Kashmir conflict due to which it could not to be curbed

Category	Ethnic differences	Rampant corruption	Economic backwardness	Indo-Pak Uncompromising Attitude	Total
Male	26 (17.33)	10 (6.67)	22 (14.67)	34 (22.67)	92 (61.33)
Female	4 (2.67)	3 (2.00)	12 (8.00)	39 (26.00)	58 (38.67)
Total	30 (20.00)	13 (8.67)	34 (22.67)	73 (48.67)	150 (100.00)

Source: Field Survey Data

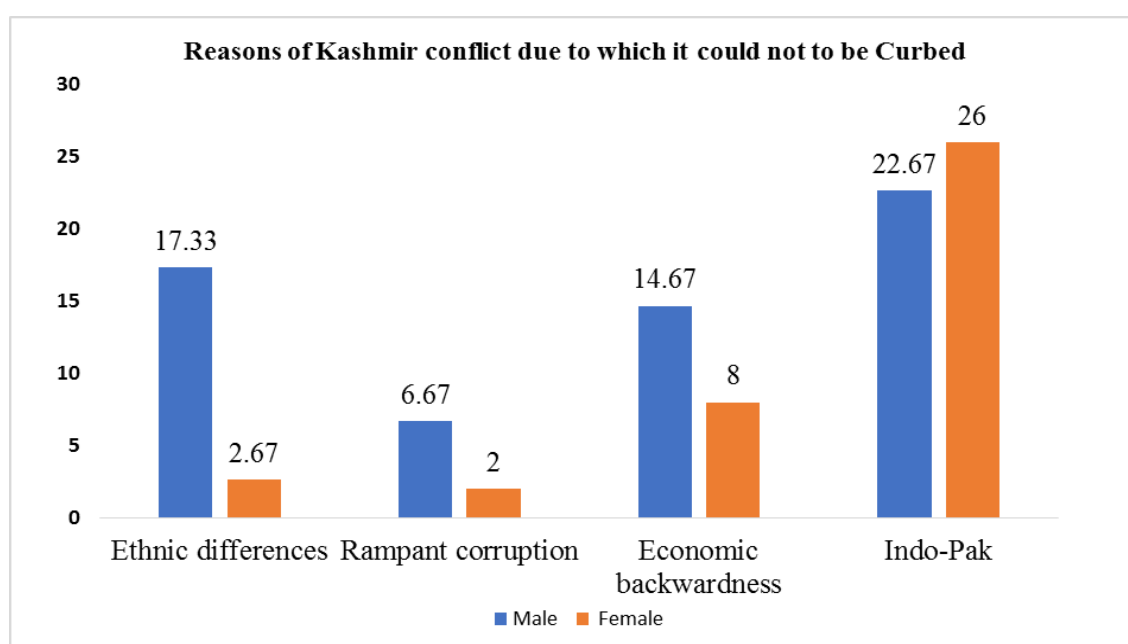


Figure: 5.3 Reasons of Kashmir conflict due to which it could not to be curbed

Figure 5.3 reveals that majority of the respondents, which constitutes 48.67 percent, said that Kashmir conflict can't be curbed, due to Indo-Pak uncompromising attitude.

MAIN CAUSES THAT COMPEL YOUTH TO JOIN MILITANCY IN KASHMIR

Militancy in Kashmir has always remained on critical juncture, although the number of militants in Kashmir has declined drastically over one and a half decade. But still a significant number of youths are joining militancy in Kashmir, which includes highly qualified students and scholars. Unrest in the valley has led many debates at centre level, as many Politicians, Bureaucrat's, social activists and academicians believes

that unrest and human rights violation is major cause of youth to join militancy in Kashmir (Pandya, 2019). This section explores the causes of youth to join militancy in Kashmir, Table reveals, that 44.00 percent of male respondents said that Kashmir conflict are the main cause of youth to join militancy in Kashmir. Whereas, 13.22 percent said that human rights violation led youth to join militancy, 3.33 percent said that police harassment are the cause of youth to join militancy and very insignificant percent which comprises 0.67 percent of respondents said that unemployment is the main cause of militancy in Kashmir.

Similarly, in case of female respondents, 23.33 percent said that Kashmir conflict is the main cause of youth to join militancy in Kashmir. Whereas, 12.00 percent said that human rights violation led youth to join militancy, 2.67 percent said that police harassment is the cause of youth to join militancy and only 0.67 percent of respondents said that unemployment is the main cause of militancy in Kashmir. Therefore, the overall results reveal that highest proportion of respondents, which constitutes 64.00 percent, said that Kashmir conflict itself is the main cause of youth to join militancy in Kashmir.

Table: 5.4 Main Causes that Compels youth to join militancy in Kashmir

	Kashmir conflict itself	Human rights violation	Police Harassment	Unemployment	Total
Male	66 (44.00)	20 (13.33)	5 (3.33)	1 (0.67)	92 (61.33)
Female	35 (23.33)	18 (12.00)	4 (2.67)	1 (0.67)	58 (38.67)
Total	96 (64.00)	38 (25.33)	9 (6.00)	2 (1.33)	150 (100.00)

Source: Field Survey Data

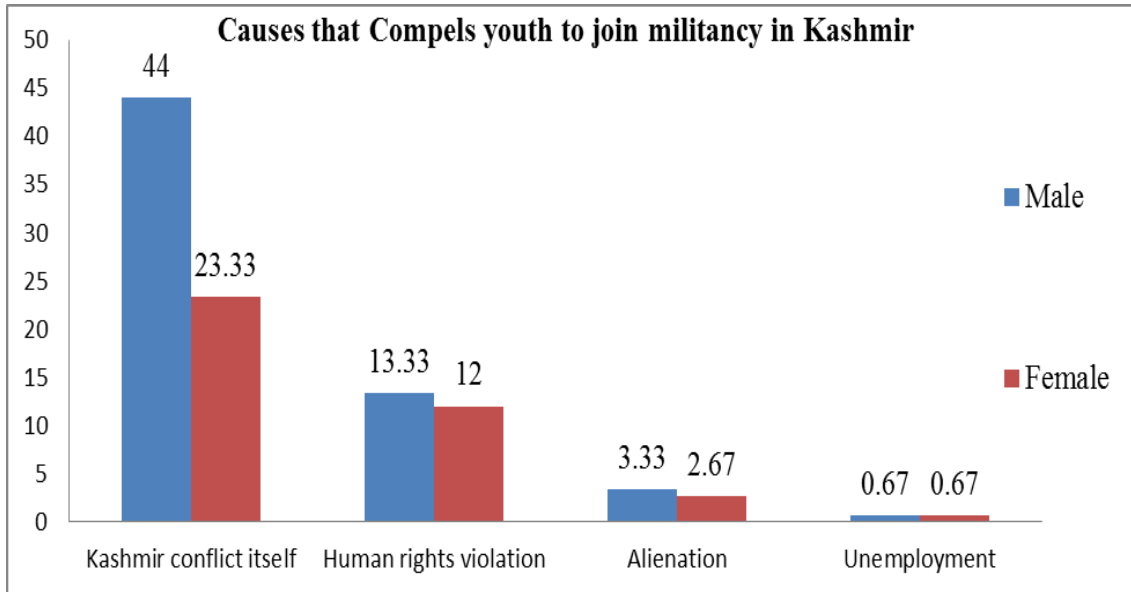


Figure: 5.4 Main Causes that Compels youth to join militancy in Kashmir

Figure 5.4 reveal that highest proportion of respondents, which constitutes 64.00 percent, said that Kashmir conflict itself is the main cause of youth to join militancy in Kashmir.

PERCEPTION ABOUT THAT ISLAMIC RADICALIZATION IS INDOCTRINATING THE MINDS OF KASHMIR YOUTH TOWARDS MILITANCY

Islamophobia or Islamic extremism/terrorism word has nowadays attained much attention of many political leaders and many other Organizations in the world. However, there is no such evidence that Islam religion is compelling or insisting people to join militancy or terror groups, just because of few vested interested countries have raised the new slogan of Islamic terrorism extremism (Bleich, 2011). Therefore, the present section explores the perception of respondents about that is Islam insisting minds of Kashmiri youth towards radicalization and militancy or not. Table below reveals that among male respondents only 3.33 percent said yes it insists youth massively towards militancy in Kashmir, 23.33 percent said that Islamic radicalization insists partially to Kashmiri youth to join militancy and the highest proportion of respondents, which constitutes 34.67 said that it is not insisting youth to join militancy in Kashmir.

Similarly, in case of female respondent's highest proportion of respondents i.e. 28.00 percent said that Islam is not leading youth to join militancy, 9.33 percent said yes, it is insisting partially and 1.33 percent said that Islam radicalization is insisting youth massively to join militancy in Kashmir. However, the overall results reveal that majority of the respondents, which constitutes 62.67 percent said that, Islam is not insisting Kashmiri youth to join militancy or there is no role of Islam in triggering radicalization.

Table: 5.5 Perception about that Islamic radicalization is indoctrinating the minds of Kashmiri youth towards militancy

	Massively	Partially	No impact at all	Total
Male	5 (3.33)	35 (23.33)	52 (34.67)	92 (61.33)
Female	2 (1.33)	14 (9.33)	42 (28.00)	58 (38.67)
Total	7 (4.67)	49 (32.67)	94 (62.67)	150 (100.00)

Source: Field Survey Data

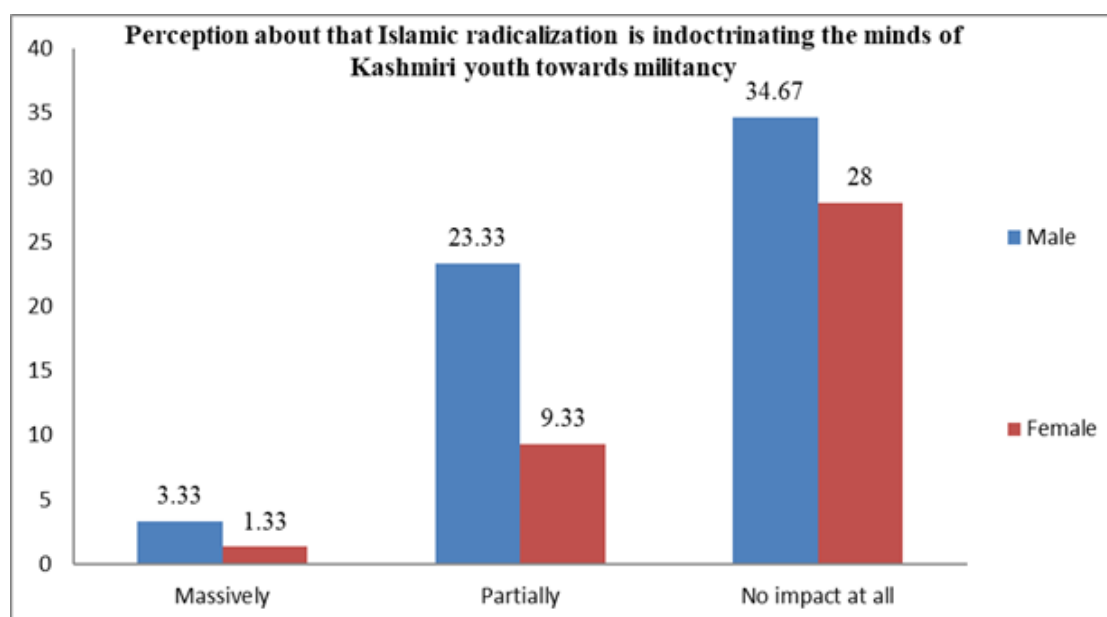


Figure: 5.5 Perception about that Islamic radicalization is indoctrinating the minds of Kashmiri youth towards militancy

Figure 5.5 reveals, that majority of the respondents, which constitutes 62.67 percent said that, Islam is not insisting Kashmiri youth to join militancy or there is not any role of Islam religion to insist for radicalization.

ROLE OF SEPARATISTS TO CURB RISING MILITANCY IN KASHMIR

As we have already discussed above that separatists or separatism is political social and religious organizations, which have formed an alliance as a united political front to raise the voice of Kashmiri freedom. Therefore, the present section explores that there any role of separatists to curb the rising militancy in Kashmir. Table highlights that, highest proportion of male respondents, which comprises 31.33 percent said that there is no role of separatists for curbing or insisting youth for militancy, 26.00 percent, responded that they have aggravated militancy and only 4.00 percent said that they are playing a role in curbing militancy in Kashmir.

Similarly, in case of female respondents, majority of respondents which comprises 26.67 percent said that there is no role of separatists for curbing or insisting youth for militancy, 13.33 percent, responded yes, they have aggravated militancy and only 2.00 percent said that they are playing a significant role in curbing militancy in Kashmir. The overall results reveals that majority of the respondents, which constitutes 54.00 percent, said that there is no role of separatists either to curb or to give rise to militancy in Kashmir.

Table: 5.6 Role of separatists to curb rising militancy in Kashmir

	Yes, they are helping to subdue militancy	No role	They have aggravated militancy	Total
Male	6 (4.00)	47 (31.33)	39 (26.00)	92 (61.33)
Female	4 (2.67)	34 (22.67)	20 (13.33)	58 (38.67)
Total	10 (6.67)	81 (54.00)	59 (39.33)	150 (100.00)

Source: Field Survey Data

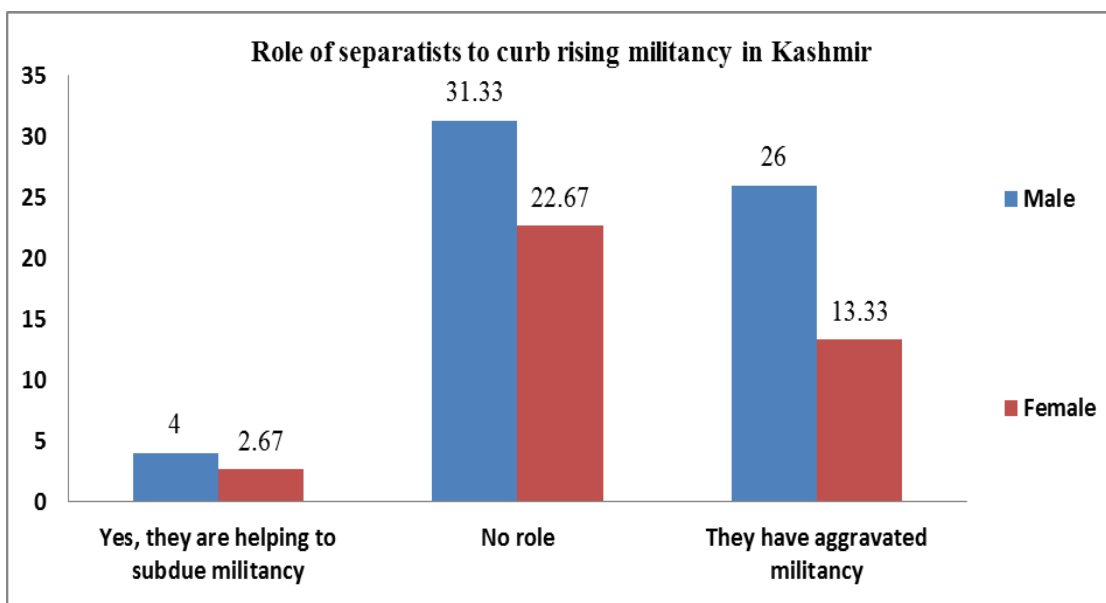


Figure: 5.6 Role of separatists to curb rising militancy in Kashmir

Figure 5.6 reveals that majority of the respondents, which constitutes 54.00 percent, said that there is no role of separatists either to curb or to give rise to militancy in Kashmir.

This section explores the awareness of State Human Rights Commission among respondents. Table reveals that 46.00 percent of male respondents are aware about State Human Rights Commission and 15.33 percent of respondents are unaware about it. Similarly, in case of female respondents' 24.67 percent are aware and 14.00 percent are unaware about State Human Rights Commission in Kashmir, Therefore, overall results reveal that 70.67 percent of respondents are aware about State Human Rights Commission in Kashmir.

Table: 5.7 Awareness of State Human Rights Commission among Respondents

	Yes	No	Total
Male	69 (46.00)	23 (15.33)	92 (61.33)
Female	37 (24.67)	21 (14.00)	58 (38.67)
Total	106 (70.67)	44 (29.33)	150 (100.00)

Source: Field Survey Data

PERCEPTION OF RESPONDENTS ABOUT THE FUNCTIONING OF STATE HUMAN RIGHTS COMMISSION IN KASHMIR

This section explores the perception of respondents about the functioning of State human rights commission in Kashmir. Table 3.6 reveals that highest proportion of male respondents, which constitutes 22.00 percent said that they strongly disagree that State Human Rights Commission is functioning properly in state, 34.67 percent said that they disagree and only 4.00 percent said that they agree that State Human Rights Commission is functioning properly in state. Similarly, in case of female respondent's 22.00 percent said that they disagree and 12.00 said that they strongly disagree that State Human Rights Commission is functioning properly in state and only 4.00 percent said that they agree that State Human Rights Commission is functioning properly in state. Therefore, the overall results highlight that highest proportion of respondents i.e. 56.67 percent disagree that Human Rights Commission is functioning properly in Jammu and Kashmir.

Table: 5.8 Perception of Respondents about the functioning of State Human Rights Commission in Kashmir

	Agree	Disagree	Strongly disagree	Disagree	Total
Male	6 (4.00)	52 (34.67)	33 (22.00)	1 (0.67)	92 (61.33)
Female	7 (4.67)	33 (22.00)	18 (12.00)	0 (0.00)	58 (38.67)
Total	13 (8.67)	85 (56.67)	51 (34.00)	1 (0.67)	150 (100.00)

Source: Field Survey Data

MAJOR SORT OF HUMAN RIGHTS VIOLATION IN KASHMIR

This section explores the sort of human rights being violated very often in Kashmir. Therefore, Table reveals that among male respondents' highest proportion of respondents, which constitutes 46.00 percent, said that all economic, socio-cultural, political and religious sorts of human rights are being violated in Kashmir and 8 percent of respondents said that political sort of human rights are being violated very often in Kashmir. Similarly, in case of female respondents' 28.00 percent of respondents said that all economic, socio-cultural, political and religious sorts of

human rights are being violated in Kashmir and 7.33 percent said that that political sort of human rights is being violated very often in Kashmir. Rest sort of human rights violation is very low in percentage in both male and female respondents. The overall results reveal that majority of respondents, which constitutes 74.00 percent said that all economic, socio-cultural, political and religious sorts of human rights are being violated in Kashmir. The political, social, political and religious rights are violated like denial of right to bail, misuse of laws through AFSPA, UAPA, and PSA.

Table: 5.9 Major sort of human rights violation in Kashmir

	Economic	Socio-cultural	Political	Religious	All of the above	Total
Male	2 (1.33)	4 (2.67)	12 (8.00)	5 (3.33)	69 (46.00)	92 (61.33)
Female	0 (0.00)	1 (0.67)	11 (7.33)	4 (2.67)	42 (28.00)	58 (38.67)
Total	2 (1.33)	5 (3.33)	23 (15.33)	9 (6.00)	111 (74.00)	150 (100.00)

Source: Field Survey Data

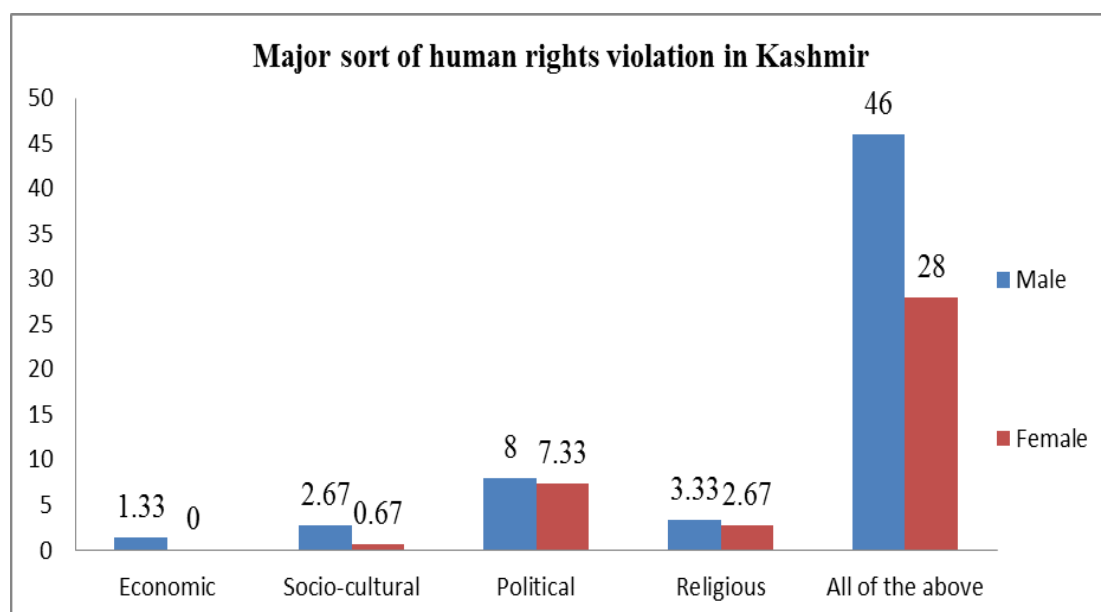


Figure: 5.7 Major sort of human rights violation in Kashmir

Figure 5.7 reveals that all economic, socio-cultural, political and religious sorts of human rights are being violated in Kashmir.

MAIN VICTIMS OF HUMAN RIGHTS VIOLATION IN KASHMIR

This section explores the main section of the victims, whose human rights are often violated in Kashmir. Table explores, that 56.00 percent of male respondents said that all men, women and rural people's human rights are often violated in Kashmir and very low percent of respondents, which constitutes 2.67 percent each said that human right of men and rural people are often violated in Kashmir. Similarly, in case of women 33.33 percent of respondents said that all men, women and rural people's human rights are often violated in Kashmir. However, 4.67 of respondents also said that human rights of women are often violated in Kashmir. Therefore, the overall results said that highest proportion of respondents, which comprises 89.33 percent, said that all men, women and rural people's human rights are often violated in Kashmir.

Table: 5.10 Main Victims of Human Rights Violation in Kashmir

	Men	Women	Rural people	All of the above	Total
Male	4 (2.67)	0 (0.00)	4 (2.67)	84 (56.00)	92 (61.33)
Female	0 (0.00)	7 (4.67)	1 (0.67)	50 (33.33)	58 (38.67)
Total	4 (2.67)	7 (4.67)	5 (3.33)	134 (89.33)	150 (100.00)

Source: Field Survey Data

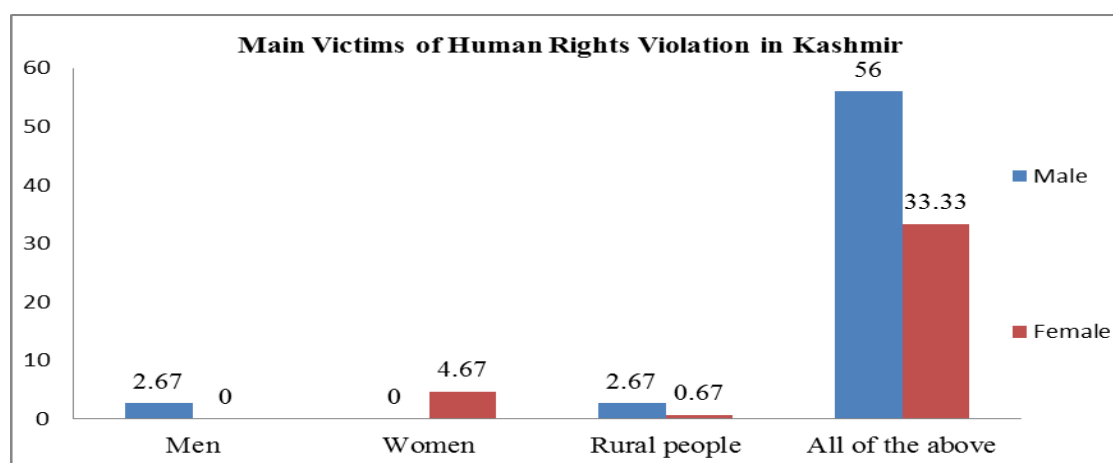


Figure: 5.8 Main Victims of Human Rights Violation in Kashmir

Figure 5.8 reveals that highest proportion of respondents, which comprises 89.33 percent, said that all men, women and rural people's human rights are often violated in Kashmir.

MAJOR STEPS HAVE BEEN TAKEN BY THE CENTRAL GOVERNMENT TO BRING THE NORMALCY IN KASHMIR

This section explores the perception of the respondents regarding steps taken by Central Government to bring the normalcy in Kashmir in which major four questions were asked to the respondents. Table highlights that 41.33 percent of the respondents said that the government of India has neither talked with Hurriyat nor has talked with Pakistan and common people of Kashmir to bring normalcy in Kashmir. However, 9.33 percent of respondents said that Government of India has talked with common people to solve the problem of Kashmir. Moreover, 6.67 percent and 4.00 percent of respondents said that Government of India has talked with Hurriyat and Pakistan to bring normalcy in Kashmir. Similarly, in case of female respondents the response is almost same i.e. 21.33 percent of the respondents responded that government of India has neither talked with Hurriyat nor has talked with Pakistan and common people of Kashmir to bring normalcy in Kashmir. However, 12.00 percent said that it has talked with common people, while 2.00 percent and 3.33 percent of female respondents said that Government of India has always talked with Hurriyat and Pakistan to bring normalcy in Kashmir. Therefore, the overall results reveal that highest proportion of respondents, which comprises 62.67 percent, said that neither the Government of India has talked with Hurriyat nor it has talked with Pakistan and common people of Kashmir to bring normalcy in Kashmir.

Table: 5.11 Major Steps have been taken by the Central Government to bring the normalcy in Kashmir

	talk with Hurriyat	talks with common people	talks with Pakistan	None of the Above	Total
Male	10 (6.67)	14 (9.33)	6 (4.00)	62 (41.33)	92 (61.33)
Female	3 (2.00)	18 (12.00)	5 (3.33)	32 (21.33)	58 (38.67)
Total	13 (8.67)	32 (21.33)	11 (7.33)	94 (62.67)	150 (100.00)

Source: Field Survey Data

REASONS FOR BATTLE BETWEEN INDIA AND PAKISTAN ON KASHMIR

This section explores, why Kashmir has been as issue in battle between India and Pakistan. Therefore, table reveals that 38.00 percent of male respondents said that it has remained close contest battle between India and Pakistan because of human rights violation in Kashmir whereas, 11.33 percent of the respondents said that it is mainly because of cross border terrorism. Moreover, 6.67 percent and 5.33 percent of respondents said that it is because of foreign intervention and militancy respectively. Similarly, in case of female respondents, 17.33 percent said that there has been close contest battle between India and Pakistan because of human rights violation in Kashmir, 9.33 percent said that, it is mainly because of cross border terrorism, 7.33 percent and 4.67 percent of respondents said that it is because of foreign intervention and militancy respectively. Therefore, the overall results highlight that, highest proportion of respondents, which constitutes 55.33 percent believes that Kashmir has been an issue in the battle between India and Pakistan because of human rights violation in Kashmir.

Table: 5.12 Reasons for Close Contest Battle between India and Pakistan on Kashmir

	Human rights Violations	Militancy	Foreign intervention	Cross-border Terrorism	Total
Male	57 (38.00)	8 (5.33)	10 (6.67)	17 (11.33)	92 (61.33)
Female	26 (17.33)	7 (4.67)	11 (7.33)	14 (9.33)	58 (38.67)
Total	83 (55.33)	15 (10.00)	21 (14.00)	31 (20.67)	150 (100.00)

Source: Field Survey Data

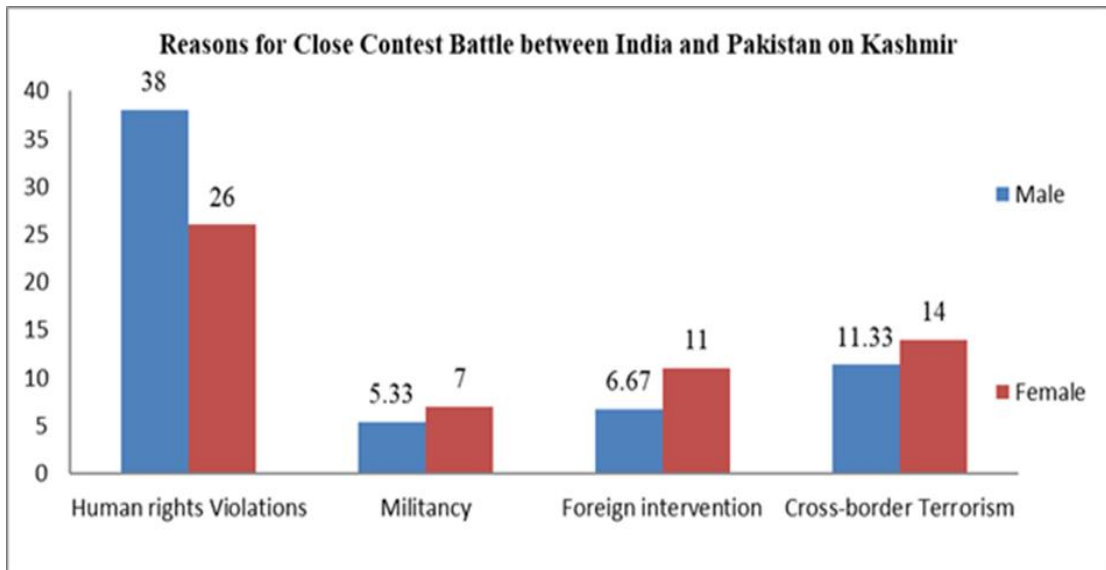


Figure: 5.9 Reasons for Close Contest Battle between India and Pakistan on Kashmir

Figure 5.9 highlights that, highest proportion of respondents, which constitutes 55.33 percent believes that Kashmir has remained close contest battle between India and Pakistan because of human rights violation in Kashmir.

ROLE OF GOVERNORS RULE IN DEALING KASHMIR CONFLICT

This section explores the role of Governor’s rule in dealing Kashmir conflict. The respondents were asked how you took the functioning of Governors rule in dealing with the Kashmir conflict. Table reveals that 33.33 percent of respondents said that role of Governors rule in dealing with the Kashmir conflict is unsatisfied, 22.67 percent said that they are highly unsatisfied with Governors rule in dealing with the Kashmir conflict. However, 4.00 percent and 1.33 percent of the respondents said that they are satisfied and highly satisfied about the Governor’s role in dealing Kashmir conflict respectively. Similarly, in case of female respondent’s 17.33 percent said that role of Governors rule in dealing with the Kashmir conflict is highly unsatisfied, 16.00 percent said that they are unsatisfied about Governor’s role in dealing Kashmir dispute. Whereas, 5.33 percent said that they are highly satisfied about the Governor’s role in dealing Kashmir dispute. Therefore, the overall results reveal that majority of the respondents, which comprises 49.33 percent said that they are unsatisfied about the Governor’s role in dealing Kashmir dispute in Jammu and Kashmir.

Table: 5.13 Role of Governors Rule in dealing Kashmir Conflict.

	Highly Satisfied	Satisfied	Unsatisfied	highly Unsatisfied	Total
Male	2 (1.33)	6 (4.00)	50 (33.33)	34 (22.67)	92 (61.33)
Female	0 (0.00)	8 (5.33)	24 (16.00)	26 (17.33)	58 (38.67)
Total	2 (1.33)	14 (9.33)	74 (49.33)	60 (40.00)	150 (100.00)

Source: Field Survey Data

MAIN CAUSES OF KASHMIR CONFLICT

This section explores the main responsible cause of Kashmir conflict. The respondents were asked what the main cause for Kashmir conflict is and table explores, that highest proportion of male respondents, which consists 24.67 percent said that Dogra rule, Partition, India, Pakistan and Militancy are equally responsible for Kashmir conflict. Whereas, 8.67 percent of respondents said that India is the main responsible for Kashmir conflict, followed by 6.00 percent of respondents, which said Pakistan is main responsible. However, 4.00 percent and 2.67 percent of respondents said that partition and Dogra rule are responsible for Kashmir conflict respectively.

Similarly, in case of female respondents, 18.67 percent of respondents said that Dogra rule, Partition, India, Pakistan and Militancy are equally responsible for Kashmir conflict. Whereas, 6.67 percent each of respondents said that India and Dogra rule is the mainly responsible for Kashmir conflict, and 5.00 percent of respondents, said militancy is mainly responsible of Kashmir conflict. Therefore, the overall results reveal that majority of respondents which constitutes 43.33 percent said that that Dogra rule, Partition, India, Pakistan and Militancy are equally responsible for Kashmir conflict respectively.

Table: 5.14 Main causes for Kashmir Conflict

	Dogra Rule	Partition	India	Pakistan	Militancy	All of the above	Total
Male	4 (2.67)	6 (4.00)	13 (8.67)	9 (6.00)	23 (15.33)	37 (24.67)	92 (61.33)
Female	10 (6.67)	0 (0.00)	10 (6.67)	2 (1.33)	8 (5.33)	28 (18.67)	58 (38.67)
Total	14 (9.33)	6 (4.00)	23 (15.33)	11 (7.33)	31 (20.67)	65 (43.33)	150 (100.00)

Source: Field Survey Data

PERCEPTION OF RESPONDENTS FOR WHICH POLITICAL PARTY YOU THINK CAN HELP IN PROMOTION AND PROTECTION OF HUMAN RIGHTS VIOLATIONS IN KASHMIR.

This section explores, the perception of respondents regarding that which political party they believe can help in promotion and protection of human rights violations in Kashmir. The majority of male respondents, which constitutes 30.67 percent, said that NC can help in promotion and protection of human rights violations in Kashmir, 6.00 percent said BJP, 5.33 percent said INC and 1.33 percent said that JKPA can help in promotion and protection of human rights violations in Kashmir. Similarly, in case of female respondent's 10.00 percent said that NC can help in promotion and protection of human rights violations in Kashmir, 4.68 said BJP and 2.00 percent and 1.33 percent of female respondents said that JKPA and INC can help in promotion and protection of human rights violations in Kashmir. Whereas, 17.33 percent of male respondents and 20.67 percent of female respondents said that none of the political party can help in promotion and protection of human rights violations in Kashmir. Therefore, the overall results reveal that majority of respondent's which constitutes 40.67 percent said that National Conference can help in promotion and protection of human rights violations in Kashmir.

Table: 5.15 Perception of Respondents for which Political Party you think can help in promotion and protection of human rights violations in Kashmir

	INC	BJP	NC	PDP	JKPA	None of the above	Total
Male	8 (5.33)	9 (6.00)	46 (30.67)	1 (0.67)	2 (1.33)	26 (17.33)	92 (61.33)
Female	2 (1.33)	7 (4.68)	15 (10.00)	0 (0.00)	3 (2.00)	31 (20.67)	58 (38.67)
Total	10 (6.67)	61 (10.68)	16 (40.67)	1 (0.67)	5 (3.33)	57 (38.00)	150 (100.00)

Source: Field Survey Data

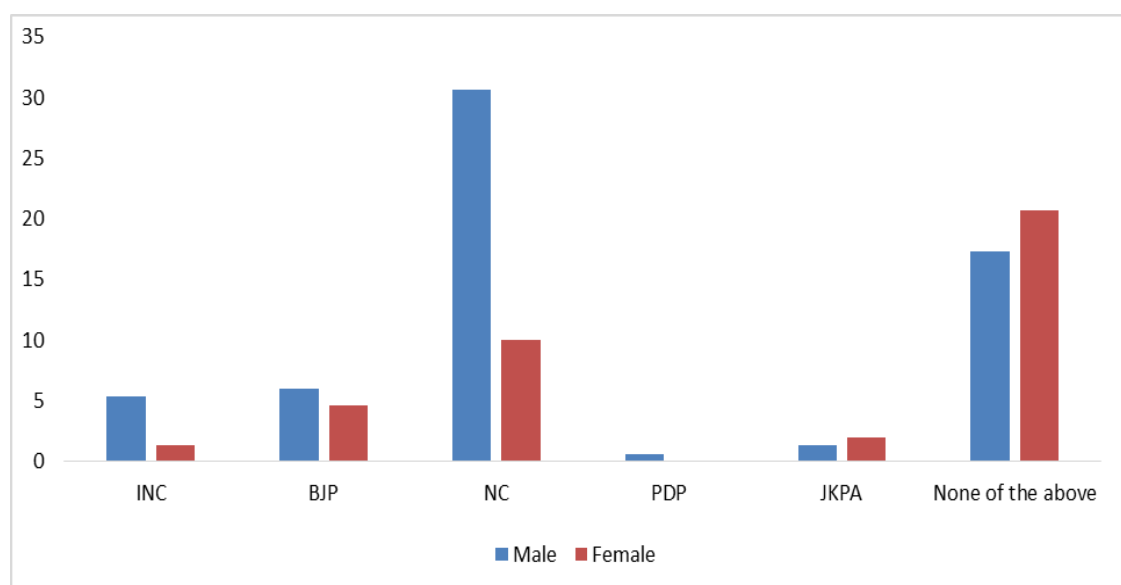


Figure: 5.10 Perception of Respondents for which Political Party you think can help in promotion and protection of human rights violations in Kashmir

Figure 5.10 reveals that majority of respondent's which constitutes 40.67 percent said that National Conference can help in promotion and protection of human rights violations in Kashmir

MAJOR CAUSES OF THE ALIENATION AND DISTRUST AMONG YOUTH AGAINST THE STATE

This section explores the causes of alienation and distrust among youth against the state. Table reveals that 38.67 percent said that human rights violations are the main causes of alienation and distrust among youth against the state, 16.00 percent said that miss-governance are the main reasons for it. Whereas, 4.67 percent said

unemployment is the main cause of alienation and distrust among youth against the state. Similarly, in case of female respondents the figures are almost same, i.e. highest proportion of female respondents, which comprises 20.67 said that human rights violation are main causes of alienation and distrust among youth against the state. However, 11.33 percent of female respondents said that miss-governance is the main cause of it and 4.00 percent said that un-employment are the main causes of alienation and distrust among youth against the state. Therefore, the overall results reveal that majority of respondents, which constitutes 59.33 percent said that human rights violations are the main causes of alienation and distrust among youth against the state in Jammu and Kashmir.

Table: 5.16 Major Causes of the Alienation and Distrust among Youth against the State

	Miss-governance	Unemployment	Human rights Violations	Others	Total
Male	24 (16.00)	7 (4.67)	58 (38.67)	3 (2.00)	92 (61.33)
Female	17 (11.33)	6 (4.00)	31 (20.67)	4 (2.67)	58 (38.67)
Total	41 (27.33)	13 (8.67)	89 (59.33)	7 (4.67)	150 (100.00)

Source: Field Survey Data

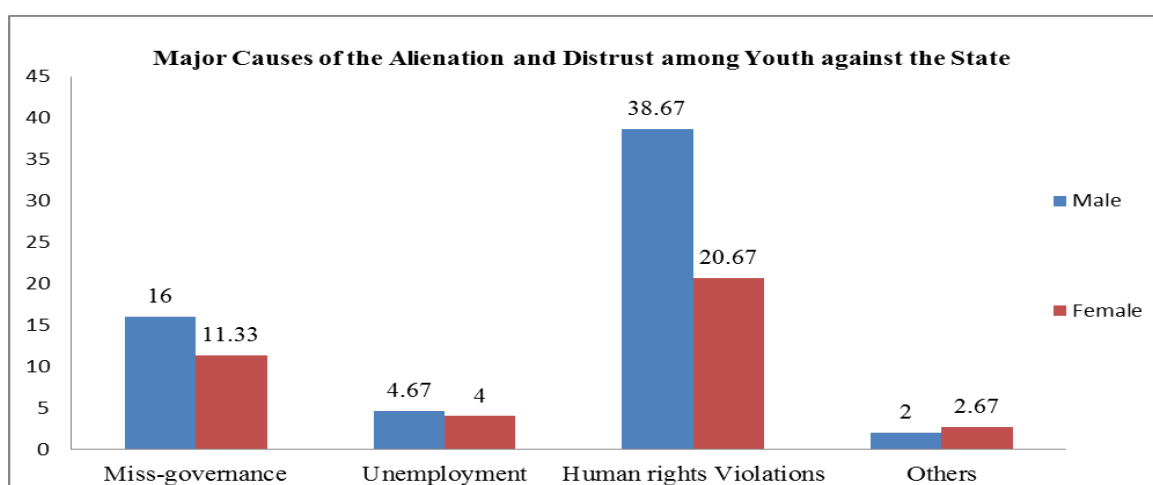


Figure: 5.11 Major Causes of the Alienation and Distrust among Youth against the State

Figure 5.11 reveals that majority of respondents, which constitutes 59.33 percent said that human rights violations are the main causes of alienation and distrust among youth against the state in Jammu and Kashmir.

HAVE NON-STATE ACTORS HAVE PLAYED ANY ROLE IN KASHMIR CONFLICT

This section explores the role of non-state actors in Kashmir conflict. Respondents were asked whether non-state actors have played any role in Kashmir conflict or not. Table reveals that among male respondents, 34.00 percent of respondent said yes non-state actors have played some role in Kashmir conflict, 18.00 percent said no and 9.33 percent said they don't know whether non-state actors have played any role in Kashmir conflict or not. Similarly, in case of female respondents, 15.33 percent said yes that non-state actors have played significant role in Kashmir conflict. Another 15.33 percent said that they don't know. Whereas, 8.00 percent said that no non-state actors have not played any role in Kashmir conflict. The overall results reveal that highest proportion of respondents, which constitutes 49.33 percent, said that yes non-state actors have played any role in Kashmir conflict.

Figure 5.17 Have Non-State Actors have played any Role in Kashmir Conflict

	Yes	No	Do not know	Total
Male	51 (34.00)	27 (18.00)	14 (9.33)	92 (61.33)
Female	23 (15.33)	12 (8.00)	23 (15.33)	58 (38.67)
Total	74 (49.33)	39 (26.00)	37 (24.67)	150 (100.00)

Source: Field Survey Data

WHAT KIND OF ROLE HAS NON-STATE ACTORS HAVE PLAYED IN KASHMIR CONFLICT?

Another question was asked to the respondents, what type of role the non-state actors have played in Kashmir conflict, in which highest proportion of male respondents i.e. 56.76 said that they have played a mixed role, 9.45 percent said that they have played constructive role and 2.70 percent said that they have played destructive role. Similarly, in case of female respondents, 21.62 said that said that they have played a mixed role, 5.40 said that they have play constructive role and 2.70 percent said that non-state actors have played a destructive role in Kashmir conflict. Therefore, the

overall results reveal that majority of respondents, which comprises 78.33 percent said that the non-state actors have played mixed role in Kashmir conflict.

Table: 5.18 Role of Non-state actors have played in Kashmir Conflict

	Constructive	Destructive	Mixed role	Total
Male	7 (9.45)	2 (2.70)	42 (56.76)	51 (68.91)
Female	4 (5.40)	3 (4.05)	16 (21.62)	58 (29.72)
Total	11 (14.85)	5 (6.75)	58 (78.38)	150 (100.00)

Source: Field Survey Data

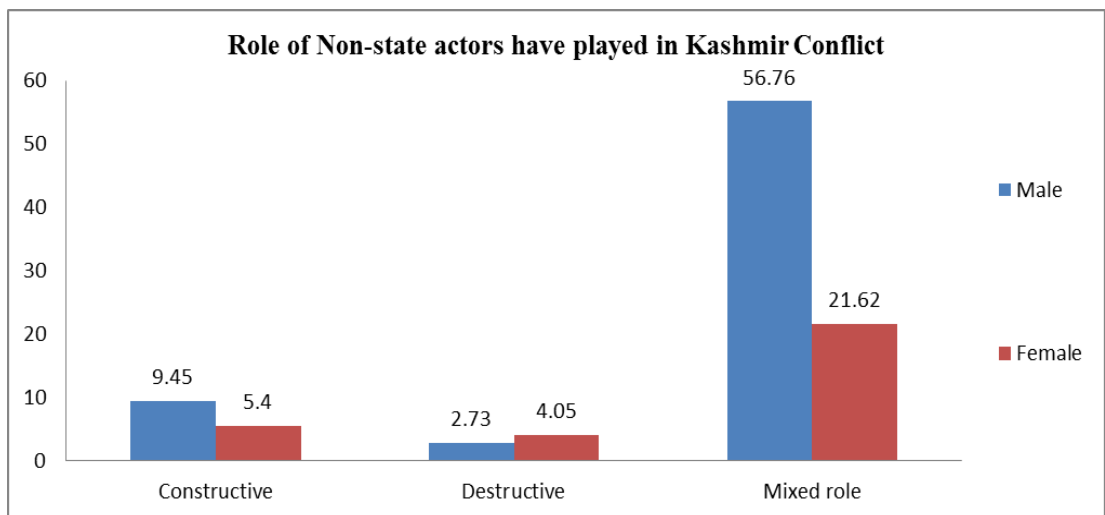


Figure: 5.12 Role of Non-state actors have played in Kashmir Conflict

Figure 5.12 reveals that majority of respondents, which comprises 78.33 percent said that the non-state actors have played mixed role in Kashmir conflict.

DO YOU THINK THAT BECAUSE OF ECONOMIC INTERESTS OF NON-STATE ACTORS THE KASHMIR CONFLICT IS STILL LINGERING?

This section explores the perception of respondents about non-state actors for their economic interests to keep Kashmir conflict going on. The results reveal that 27.33 percent of male respondents said that they agree on it, 20.67 percent said they disagree on in it. Whereas, 7.33 percent said that they strongly agree and 6.00 percent said they strongly disagree. Similarly, in case of female respondents, 18.67 percent

said that they agree on it, 15.33 percent said that they disagree and 2.67 percent said that the strongly disagree on it. Whereas, 2.00 percent of female respondents said that they strongly agree. Therefore, the overall results reveal that majority of the respondents, which constitutes, 46.00 percent said that they agree.

Table: 5.19 Perception of respondents about non-state actors for their economic interests to keep Kashmir conflict going on

	Strongly agree	Agree	Disagree	Strongly disagree	Total
Male	11 (7.33)	41 (27.33)	31 (20.67)	9 (6.00)	92 (61.33)
Female	3 (2.00)	28 (18.67)	23 (15.33)	4 (2.67)	58 (38.67)
Total	14 (9.33)	69 (46.00)	54 (36.00)	13 (8.67)	150 (100.00)

Source: Field Survey Data

DO YOU THINK THAT DIVERGING INTERESTS OF NON-STATE ACTORS IS THE MAJOR CAUSE OF THE KASHMIR CONUNDRUM

This section explores the perception of respondents about non-state actors diverging interests to keep Kashmir conflict going on. The results reveal that 29.33 percent of male respondents said that they agree on it, 22.00 percent said they disagree on in it. Whereas, 5.33 percent said that they strongly agree it and 4.67 percent said they strongly disagree on it. Similarly, in case of female respondents, 16.00 percent said that they agree on it, 14.00 percent said that they disagree on it and 2.67 percent said that the strongly agree on it. Whereas, 6.00 percent of female respondents said that they strongly disagree on it. Therefore, the overall results reveal that majority of the respondents, which constitutes, 45.33 percent said that they agree on it.

Table: 5.20 Perception of respondents about Non-state Actors diverging interests to keep Kashmir conflict going on

	Strongly agree	Agree	Disagree	strongly disagree	Total
Male	8 (5.33)	44 (29.33)	33 (22.00)	7 (4.67)	92 (61.33)
Female	4 (2.67)	24 (16.00)	21 (14.00)	9 (6.00)	58 (38.67)
Total	12 (8.00)	68 (45.33)	54 (36.00)	16 (10.67)	150 (100.00)

Source: Field Survey Data

ROLE OF PAKISTAN IN SUPPORTING MILITANCY IN KASHMIR

This section explores, what is role of Pakistan in supporting militancy in Kashmir, in which respondents were asked, how do you see the role of Pakistan in supporting militancy in Kashmir Table depicted below shows that highest proportion of respondents, which comprises 24.00 percent said the role of Pakistan in supporting militancy is for moral support, 14.00 percent said neither moral support nor they provide support of arms and personal support or proxy war, 13.33 percent said that they support for proxy war and 10 percent said that they support for arms and personal support. Moreover, in case of female respondents' 20.00 percent, said that neither moral support nor they provide support of arms and personal support or proxy war, 12.67 percent said that they provide moral support. Whereas, 3.33 percent and 2.67 percent of female respondents said that they provide arms and personal support and proxy war role respectively. The overall results reveal that highest percent of respondents, which comprises 36.67 percent, said that role of Pakistan in supporting militancy is for moral support.

Table: 5.21 Role of Pakistan in Supporting Militancy in Kashmir

	Moral support	Arms and personnel support	Proxy war	None of the above	Total
Male	36 (24.00)	15 (10.00)	20 (13.33)	21 (14.00)	92 (61.33)
Female	19 (12.67)	5 (3.33)	4 (2.67)	30 (20.00)	58 (38.67)
Total	55 (36.67)	20 (13.33)	24 (16.00)	51 (34.00)	150 (100.00)

Source: Field Survey Data



Figure: 5.13 Role of Pakistan in Supporting Militancy in Kashmir

Figure 5.13 reveals that highest percent of respondents, which comprises 36.67 percent, said that role of Pakistan in supporting militancy is for moral support.

PERCEPTION OF RESPONDENTS THAT WHETHER ALL NORMS AND PRINCIPLES OF HUMAN RIGHTS ARE FLOUTED BLATANTLY IN THE GARB OF PROTECTING THE SOVEREIGNTY OF THE STATE

This section explores the perception of respondents regarding that whether you really supported the view that all norms and principles of human rights are flouted blatantly in the garb of protecting the sovereignty of the state. Table reveals that 36.67 percent of male respondents said yes, 19.33 percent of respondents said no. whereas, 5.33 percent of respondents said no, they didn't support the view that all norms and principles of human rights are flouted blatantly in the garb of protecting the sovereignty of the state. Moreover, in case of female respondents, 17.33 percent said yes, 16.00 percent said they don't know. Whereas, 5.33 percent said no, they didn't support the view that all norms and principles of human rights are flouted blatantly in the garb of protecting the sovereignty of the state. Overall results reveal that majority of respondents, which constitutes 54.00 percent said yes, that they support the view that all norms and principles of human rights are flouted blatantly in the garb of protecting the sovereignty of the state.

Table: 5.22 Perception of respondents that whether all norms and principles of human rights are flouted blatantly in the garb of protecting the sovereignty of the State

	Yes	No	Do not know	Total
Male	55 (36.67)	8 (5.33)	29 (19.33)	92 (61.33)
Female	26 (17.33)	8 (5.33)	24 (16.00)	58 (38.67)
Total	81 (54.00)	16 (10.67)	53 (35.33)	150 (100.00)

Source: Field Survey Data

DO YOU THINK PAKISTAN'S AIDING AND ABETTING LEADS VIOLENCE IN KASHMIR?

This section explores, the perception of respondents about whether Pakistan's aiding and abetting leads violence in Kashmir and Table reveals that highest proportion of respondents i.e. 25.33 percent said that they don't know, and 22.67 percent of male

respondents said no, whereas, 13.33 percent of respondents said yes. Similarly, in case of female respondents, 16.67 percent of respondents said they don't know, 16.00 percent said no, whereas, 6.00 percent said yes it causes violence in Kashmir. Therefore, the overall results reveal that highest proportion of respondents, which constitutes 42.00 percent said that they don't know whether Pakistan aiding and abetting cause violence in Kashmir.

Table: 5.23 (Do you think Pakistan's aiding and abetting leads Violence in Kashmir?)

	Yes	No	Do not know	Total
Male	20 (13.33)	34 (22.67)	38 (25.33)	92 (61.33)
Female	9 (6.00)	24 (16.00)	25 (16.67)	58 (38.67)
Total	29 (19.33)	58 (38.67)	63 (42.00)	150 (100.00)

Source: Field Survey Data

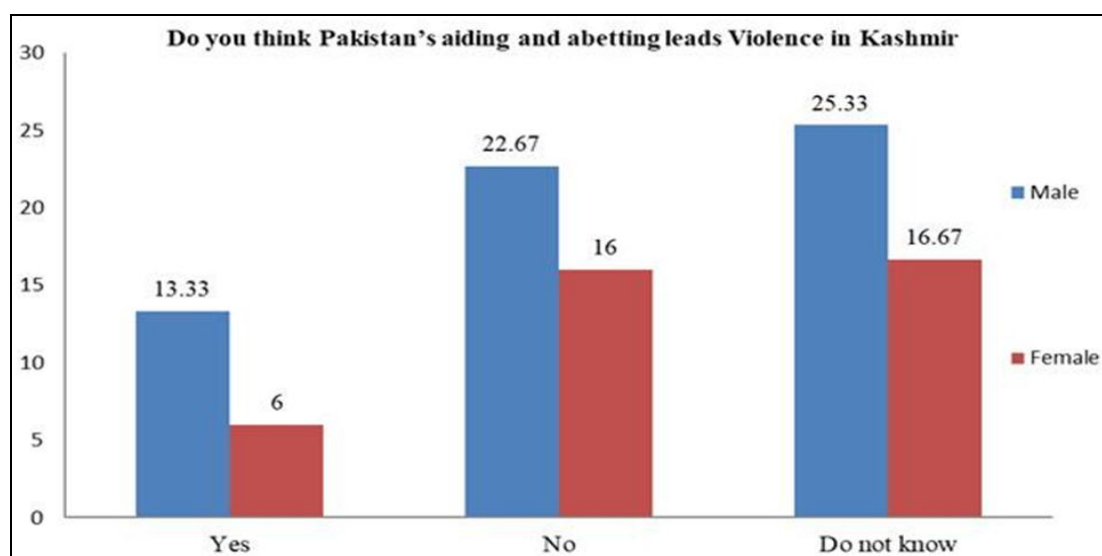


Figure: 5.14 Do you think Pakistan's aiding and abetting leads Violence in Kashmir

Figure 5.14 reveal that highest proportion of respondents, which constitutes 42.00 percent said that they don't know whether Pakistan aiding and abetting cause violence in Kashmir.

PERCEPTION OF RESPONDENTS THAT THERE IS A CONNIVANCE OF PAKISTAN MILITANTS AND CITIZENS OF KASHMIR IN ADMINISTERING VIOLENCE ON THE SECURITY PERSONNEL

This section explores the perception of respondents on whether they think there is a connivance of Pakistan militants and citizens of Kashmir in administering violence on the security personnel and table reveals that highest proportion of male respondents, which comprises 30.00 percent disagree with it, 16.67 percent said that they strongly disagree with it. However, 14.00 percent said that they agree on it and 0.67 percent said that they strongly agree on it respectively. Similarly, in case of female respondents, 18.67 percent said that they disagree with it, 12.67 percent said that they strongly disagree with it. However, 6.00 percent said that they agree on it and 1.33 percent said that they strongly agree on it respectively. Therefore, the overall results reveal that highest proportion of respondents, which constitutes 48.67 percent said that they disagree that there is a connivance of Pakistan militants and citizens of Kashmir in administering violence on the security personnel

Table: 5.24 Perception of Respondents that there is a connivance of Pakistan militants and citizens of Kashmir in administering violence on the security Personnel

	Strongly-Agree	Agree	Disagree	Strongly-Disagree	Total
Male	1 (0.67)	21 (14.00)	45 (30.00)	25 (16.67)	92 (61.33)
Female	2 (1.33)	9 (6.00)	28 (18.67)	19 (12.67)	58 (38.67)
Total	3 (2.00)	30 (20.00)	73 (48.67)	44 (29.33)	150 (100.00)

Source: Field Survey Data

STEPS TAKEN BY GOVERNMENT TO CHECK RADICALIZATION OF YOUTH

This section explores whether government taken any steps to check radicalization of youth in Kashmir or Not. Table highlights that 43.33 percent of male respondents said no and 18.17 percent said yes government has taken fruitful steps to check the radicalization of youth in Kashmir. Similarly, in case of female respondents 30.67

percent of respondents said no and 18.17 percent said yes, government has taken fruitful steps to check the radicalization of youth in Kashmir. Therefore, the overall results reveal that majority of respondents which constitutes, 74.00 percent said no, that Government has not taken any fruitful steps to check the radicalization of youth in Kashmir.

Table: 5.25 Steps taken by Government to check Radicalization of Youth

	Yes	No	Total
Male	27 (18.00)	65 (43.33)	92 (61.33)
Female	12 (8.00)	46 (30.67)	58 (38.67)
Total	39 (26.00)	111 (74.00)	150 (100.00)

Source: Field Survey Data

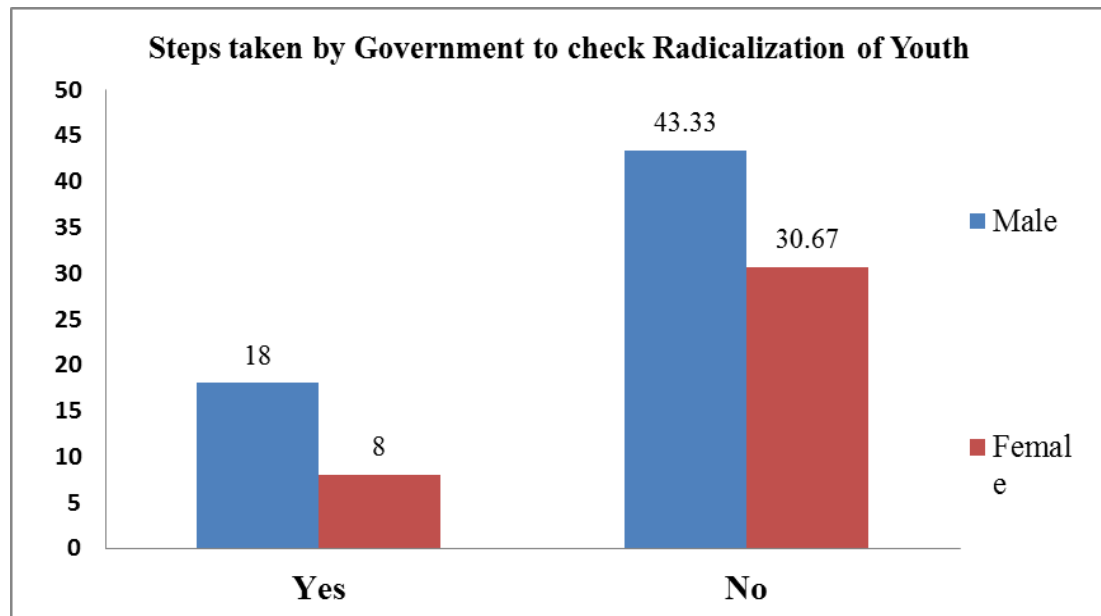


Figure: 5.15 Steps taken by Government to check Radicalization of Youth

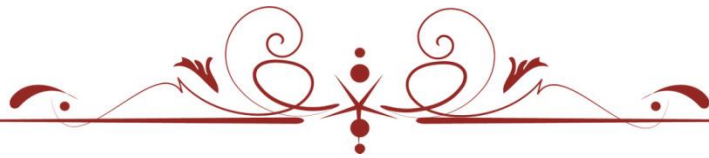
Figure 5.15 reveals that majority of respondents which constitutes, 74.00 percent said no, that Government has not taken any fruitful steps to check the radicalization of youth in Kashmir.

CONCLUSION

The above study concludes that the people of Kashmir are becoming the victims of political conflict of India and Pakistan. This political conflict of India and Pakistan has increased the abuses and human rights violation in Kashmir. The increased abuses and human rights violence among youth leads them to join militancy, which is destruction of Kashmiri youth. Moreover, the study concludes that the highest proportions of victims of Kashmir conflict are civilians. The study also concludes that the non-state actors are playing a vital role in Kashmir conflict and they have played a mixed role to protect the human rights violations in Jammu and Kashmir. The study also concludes that the people of Kashmir believe that the Government of India has failed to solve the dispute of Kashmir, because they have taken adequate steps of talks with stake holders of Kashmir. Moreover, the people of Kashmir believe that National Conference is the main political party which can that National Conference can help in promotion and protection of human rights violations in Kashmir.

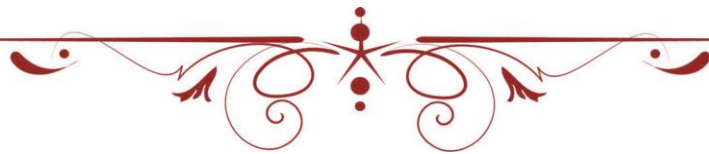
REFERENCES

1. Bhat, S. A. (2019). The Kashmir conflict and human rights. *Race & Class*, 61(1), 77-86.
2. Bleich, E. (2011). What is Islamophobia and how much is there? Theorizing and measuring an emerging comparative concept. *American behavioral scientist*, 55(12), 1581-1600.
3. Chaudhry, R. (2013). Violent Non-State Actors: contours, challenges and consequences. *CLAWS journal*, 7(2), 167-187.
4. Cohen, S. P. (2002). India, Pakistan and Kashmir. *Journal of Strategic Studies*, 25(4), 32-60.
5. Diehl, P. F., Reifschneider, J., & Hensel, P. R. (1996). United Nations intervention and recurring conflict. *International Organization*, 683-700.
6. Malik, A. H. What Drives Kashmir's Youth to Join Militancy: Inter. J. Polit. Sci. Develop. 4(6): 231-235
7. Pandya, A. (2019). Militancy in Kashmir: A Study. *Vivekananda International Foundation, March*.
8. Tavares, R. (2008). Resolving the Kashmir conflict: Pakistan, India, Kashmiris and religious militants. *Asian Journal of Political Science*, 16(3), 276-302.
9. Thomas, T. S., Kiser, S. D., & Casebeer, W. D. (2005). *Warlords rising: Confronting violent non-state actors*. Lexington Books.



CHAPTER-6

CONCLUSION FINDINGS AND RECOMMENDATION



CHAPTER-6

CONCLUSION FINDINGS AND RECOMMENDATION

CONCLUSION

Every nation state of the modern era has a responsibility to protect the national interest and also human rights of its citizens. Almost every nation has pledged to follow the human rights guidelines issued by the international Human Rights Commission of United Nation Organizations. Indian constitution has also features to protect the human rights of its citizens. Further Indian governments have also incorporated many provisions and have made regulation to govern the human right issues at various levels. But these human rights are often reported to be violated by the state while dealing with the insurgency and militancy at various levels in Kashmir since 1947.

The historical background helps us to understand the present socio-political events in Kashmir history. Kashmir has the privilege of having a rich long written history literature in Sanskrit language. The Kalhans Rajtarangini and Nilamata Purana provide comprehensive historical information of Kashmir from 300 B.C to 1149 A.D. After going through many historical books and records I have tried to trace the history of Jammu and Kashmir in ancient, medieval and modern times. In ancient times Hindus and Buddhist religion was prevalent in Kashmir region like other parts of India. From 6th century to 10th century some powerful kingdoms ruled the Kashmir region. These empires were like the Karkota Empire, Utpala dynasty, Gupta Empire, Lohara Empire etc.

The Karkota Empire was the first independent empire of Kashmir founded by Durlabhvardhan. This empire reached its zenith during the time of Lalitaditya Muktapida. The Karkotas rule Kashmir for two centuries, during which seventeen kings are said to ascend the throne one after another. After the collapse of the Karkota Empire Avantivarman ascended the throne and established the Utpala dynasty in 855 A.D. The dynasty ruled Kashmir for 84 years. The last empire of the Utpala dynasty was Gopalavarman. The Lohara dynasty came after the collapse of the Utpala

dynasty. Queen Didda and her husband Kshemagupta was the founder of Lohara dynasty. The time period of Lohara dynasty is 1003-1171 A.D. Ashoka conquered the region during 3rd century and after that some of the noted Buddhist Empires like Kanishka and Kushana have also ruled for many years. Ashoka's reign was a glorious period for the development of literature, architecture and socio-cultural activities of Kashmir and Kashmir became the centre of learning. Fourth Buddhist council held in Kashmir during the Kanishka reign is well known for everyone and it depicts the importance of Buddhist religion in the Kashmir region. Buddhism was divided into two major sections named as Hinayana and Mahayana during the fourth Buddhist council.

The medieval history of Kashmir region is recognized as the introduction of Islam in Kashmir region slowly and peacefully through the teachings of Sufi saints like Bulbul Shah and Mir Sayed Ali Hamdani. Bulbul Shah through his teachings attract the people of Kashmir and it was due to him Kashmir came under the first Muslim king; Rinchana who was a Buddhist converted in Islam and become the first Muslim ruler of Kashmir. Under the influence of these two Sufi saints many Hindus and Buddhist converted to Islam. After that Islam become dominant religion of Kashmir region. There are various reasons behind the rapid and mass conversion to Islam, like corruption, economic and political deterioration, oppressive rites and rituals etc. During the medieval period some important independent kingdoms like the Shah Mir dynasty, Chak dynasty ruled the Kashmir region. Sultan Shams-ud-din ascended the throne of Kashmir in 1339 A.D and established Shah Mir dynasty the first Muslim empire, which ruled Kashmir for 222 years. The Shah Mir dynasty also known as the Sultan dynasty gave some great rulers like Sultan Sham-ud-din, Sultan Zain-ul-Abidin and Sultan Sikandar. While both Sham-ud-din and Zain-ul-Abidin were liberal and tolerant rulers their period was one of the glorious periods in the history of Kashmir. Sultan Zain-ul-Abidin was known as Akbar of Kashmir for his policy of religious tolerance. He was still remembered as Bud Shah or great king. But Sultan Sikandar was the most intolerant ruler of this dynasty, he was also known as Butshikan (destroyer of idols). He destroyed many Hindu temples and forces Hindus to convert in Islam. In 1561 chak rule was established by Ghazi Chak, they came to Kashmir from Dardistan region the present northern part of Pakistan and Afghanistan in the time of Shah Mir dynasty. The Chak rule Kashmir from 1561-1586 was known

for a large number of sectarian conflicts between Shais and Sunnies. Yousuf shah Chak was the last independent ruler of Kashmir. After that Akbar established the Mughal rule in Kashmir and indirectly controlled the region. After Mughals, Afghans and Sikhs have ruled the region through their governors. Qasim khan was appointed as first Mughal governor of Kashmir but he was replaced by Mirza Yousuf Khan Rizvi, he established law and order in Kashmir. Akbar respected the sentiment of all the communities; he abolished Jaziya and established religious freedom to all communities. After Akbar Jahangir and Shah Jahan ruled Kashmir through their governors and built many gardens like Nishat garden, Shalimar garden and many other forts, Masques, roads etc. after Aurangzeb the later Mughals lost the control of Kashmir. Alquli Khan was the last appointed Mughal Governor of Kashmir and Kashmir was conquered by Afghans commander Ahmed Shah Abdali. In 1753 Abdullah Khan Isshak Aqasi the Afghan commander defeated Kashmir forces which marked the end of Mughal rule in Kashmir. The Afghan rule in Kashmir was considered as the darkest period in Kashmir history because it was full of atrocities, loot and plundering. During their rule there was a lack of peace and harmony in society therefore their rule was considered as the darkest period in the history of Kashmir. Jabbar khan was the last Afghan governor of Kashmir and it was during his period Kashmir was conquered by Maharaja Ranjit Singh and established the Sikh rule in Kashmir. Sikh rule was also not popular in Kashmir like the Afghan rule. They were intolerant towards the Muslims in the valley, Mosques were closed for public prayers and several mosques were declared as state property which created resentment in the valley. The English defeated Sikh forces in the first Anglo Sikh war in 1846 and a treaty of Lahore signed between the British government and the Sikh. According to the treaty the Lahore Darbar gave Kashmir to the British government. Later Kashmir was further sold to Gulab Singh of Jammu and Jammu and Kashmir came under the Dogra rule which ruled Kashmir from 1846-1947.

Gulab Singh was the founder of the Dogra dynasty; the time period of Dogra rule was 1846-1947. After Gulab Singh his son Maharaja Ranbir Singh came into power in 1856. He introduced several reforms in judiciary, the Ranbir penal code still prevailed in Jammu and Kashmir. He established the first modern High court in the state for his subjects. After Maharaja Ranbir Singh, Maharaja Paratap Singh ruled Kashmir for 35 years he was third ruler of the Dogra dynasty and is considered as the

weak ruler as compared to other Dogra rulers. It was during his period the British government established its residential council and interfered in his administration. Maharaja Hari Singh was the last ruler of the Dogra dynasty. He was an able ruler but he was autocratic temperament, the evil influence of his corrupt and incompetent officials and British excitement to communal element gave rise to the popular discontent against his rule. It was during his period Kashmir witnessed the rise of national movement, there are various factors responsible for the rise of national movement in Kashmir like economic distress, unsympathetic and inefficient bureaucracy, and denial of civil and political rights, impact of Indian national movement and grievances of educated Muslims. The movement was led by Sheikh Mohammad Abdullah.

The genesis of Kashmir conflict lies in partition of the subcontinent when India and Pakistan emerged as new nation states. At that time Jammu and Kashmir was one of the largest princely states among the 565 princely states. The Maharaja Hari Singh was the ruler of Muslim majority states who was himself Hindu by religion. He did not want to join any of the dominions at that time which was offered by the colonial government. In the meantime some tribesmen who were indirectly supported by the Pakistan's army invaded the Kashmir valley from the North West frontier provinces of Pakistan which forced the Maharaja to seek assistance from Indian government. The then Prime Minister of India posed a condition to Maharaja that he will help him only when Maharaja will sign the Instrument of Accession. Maharaja approved the instrument of Accession with precondition to keep their own constitution. The accession was not final until it could get recognition of its people. Pakistan discarded this Accession by saying that it was not done by the will of its people and Accession is done by those who have not support of its people. However Sheikh Abdullah was made emergency administrator by the Maharaja. Nehru promised to Abdullah that in the near future the fate of Kashmir will be decided by the will of its people. Attack was pushed back by the Indian Army and from here India Pakistan war for Kashmir first started.

India went to the United Nations in January 1948 to resolve the Kashmir conflict. The united nation commission for India and Pakistan was constituted and a Security Council resolution was adopted. The United nation Security Council gave

three consequential non binding steps to India and Pakistan. In January 1948 Indian government went to the United Nations to settle the Kashmir conflict. The United Nations constituted a separate commission for India and Pakistan and for the same reason a resolution was adopted in the Security Council. The United Nations Security Council suggested some points to follow India and Pakistan. These points were like Pakistan should pull out all its nationals and irregulars from Jammu and Kashmir, India should reduce the number of army from disputed regions and Kashmir's accession should be done by a plebiscite only when law and order was reinstated. Pakistan did not pull out its forces and the plebiscite was not held. Till now, neither has the situation in Kashmir improved nor have the Kashmiri people got the referendum, resulting in the partition of Kashmir and formation of Pakistan occupied Kashmir.

In 1952 Article 370 was brought as a temporary provision in the Indian constitution later, it was made a special provision by the Supreme Court. Under Article 370, the central government cannot take decisions on state-subjects apart from defense, external affairs, and communication without consultation with the government of Jammu and Kashmir. Sheikh Abdullah died in 1982 which completely sullied the relationship between the government of India and government of Jammu and Kashmir and is the source of Kashmiri separate identification.

Through 1950-1960s, political dissatisfaction with the government at the center and attempts to control politics in the state grew. Those who demanded a referendum were repeatedly jailed. In 1964 the Jammu and Kashmir Liberation Front (JKLF) was formed by Amanullah Khan and Maqbool Bhat which was an offshoot of the plebiscite front. Up to 1971 Pakistan has supported the plebiscite front. The Shimla Agreement was signed in July 1972. According to the treaty both India and Pakistan agreed to respect the boundary line to resolve the difference over Kashmir by peaceful means and through bilateral negotiation and discussion. According to the treaty both countries agreed to respect the territorial integrity of each other and not interfere in the internal matter of each other.

Sheikh Abdullah died in 1982 which completely sullied the relationship between the government of India and government of Jammu and Kashmir and is the source of Kashmiri separate identification. In 1984 the Jammu and Kashmir National Conference won the assembly election and Farooq Abdullah became chief minister.

But in a short span of just two year his government was brought down by the central government and Ghulam Mohammad Shah became the chief minister. He was incompetent chief minister, it was during his administration the militancy was rise in the valley. Large numbers of communal riots were reported from different parts of the valley against the minorities. In 1986 the congress government at central withdrew its support from the shah government and Farooq Abdullah was appointed as chief minister till the 1987 assembly election. The elections for the assembly election were held on 23 marches 1987 which was said to be rigged. This led to the insurgency in Jammu and Kashmir post that elections and exodus of more than three lakhs of Kashmiri pandits. The 1987 election in a way was a watershed in the politics of Jammu and Kashmir which led to the rise of non state actors like Jammu and Kashmir liberation front, Hizbul Mujahideen, and Jamaat-e-Islami. During this period Kashmir witnessed terrorism, political instability and there was an increase in the deployment of large number of army in Kashmir to control the rising insurgency. Few laws were broken during counter insurgency, hate and mistrust kept growing from both sides and so did the death bodies and hopes for peace kept declining.

The government of Indian extended the Armed Forces Special Power Act of 1958 Jammu and Kashmir in 1990 to counter this insurgency and militancy. While dealing with the militancy the armed forces are being accused of human rights violations like fake encounters, illegal detention, extrajudicial killings, and disappearance. The power given in the Armed forces special power act were sometimes violated by the security forces like in the case of the Pathribal fake encounter in which five civilians were killed by the army who said they were foreign terrorists. The DNA results later proved the people were innocent villagers. Similar killings were also carried out in 2010 in the north Kashmir Machil sector where the army in a staged shootout killed three civilians and branded them as foreign terrorists. This incident triggered a mass uprisings in Kashmir the officers involved were sentenced to life imprisonment by the civilian court but were later bailed out by a military court.

The latest misuse of the Armed Forces Special Power Act was the case in the Amshipora district of Shopian fake encounter in which three civilians were killed by the security forces and claimed that the three were foreign militants. But later found that they were not militants, they were labourers of Rajouri district of Jammu. The

army initiated a disciplinary action against the army personnel and may face court martial for violating the power vested under the Armed forces special power act and not following the Dos and Don'ts of Chief of Army Staff as approved by the Supreme Court. All these incidents create hatred in the minds of youths who pick up guns against the state.

Many national and international committees were setup like the justice B.P Jeevan Reddy committee, Justice Hegda commission, international covenant on civil and political rights, and committee on elimination of racial discrimination. All these national and international committees express their serious concerns of human rights in India particularly in Jammu and Kashmir and north- eastern states. These committees recommended the Indian government to ensure impartial investigation in case of human rights violations and prosecute those who are responsible. The Justice Jeevan Reddy committee recommended the government to amend the provisions of the act to bring them in consonance with the obligations of the government towards protection of human rights or replace the act by a more humane act. The committee also suggests the government to set up grievances cells in each district where Armed forces are deployed with members from local administration. The second administrative reforms commission has also recommended that Armed forces special power act should be repealed. The justice J.S Verma committee asked the government to review the act. The Supreme Court in a landmark judgment in 2016 ended the impunity of Armed forces from precaution under Armed Forces Special Power Act. The people in Kashmir valley also say that due to the unlimited power given in this act the army and paramilitary forces are often violating the SOPS. In my research I have found that the highest proportion of respondents, which constitutes 72.00 percent, said that AFSPA aggravates the problem in Kashmir, rather than to solve it. Many social societies' activists believed that these kinds of laws have no place in a democratic country like India. This law violates the basic human and fundamental rights of the people.

The focus of the study is the role of the state in dealing with the issue of human rights in the Kashmir valley. For this purpose I have done a survey in Kashmir in July 2019. The survey sample consists of 150 respondents, 50 each from the north, south and central Kashmir respectively. Out of 150 respondents 61.3 percent

consisted of male respondents and 38.7 percent were females. The highest proportions of the respondents were youths from three different regions of Kashmir and majority of respondents were from rural areas of Kashmir. Most of the respondents were students, teachers, and casual labours which comprise 47.3 percent of the survey.

The study concludes that the people of Kashmir are becoming the victims of political conflict in India and Pakistan. This political Conflict of India and Pakistan has increased the abuses and human rights violations in Kashmir. The increased abuses and human rights violence among youth leads them to join militancy, which is destruction of Kashmiri youth. According to the official figures of the army, only 16 youths had joined militancy in 2013; however the number increased to almost 200 in 2018, which is a serious concern for the government. In my study I have found that south Kashmir is more radicalized as compared to central and north Kashmir because the number of youths joining militancy is double in south Kashmir as compared to other regions. Moreover, the study concludes that the highest proportion of victims of Kashmir conflict is civilians. While dealing with the insurgency the state violates the norms of human rights which will give rise to the uprising and the situation becomes out of control then the external factors promote their propaganda against the state. The study also concludes that the non-state actors are playing a vital role in Kashmir conflict and they have played a mixed role in the case of human rights violations in Jammu and Kashmir. While criticizing the government they are sometimes supporting the separatist and militancy. The study also concludes that the people of Kashmir believe that the Government of India has failed to solve the dispute of Kashmir, because they have taken adequate steps of talks with stake holders of Kashmir. Moreover, the people of Kashmir believe that the National Conference is the main political party which can help in promotion and protection of human rights in Kashmir. As a grand old party the national conferences the people have shown their faith in the parties. It is evident that since 1930 the national conference has established its hegemony on the politics of Jammu and Kashmir.

HYPOTHESIS TESTING

We have used chi square test to check the hypothetical assumptions of the study. The test results shows us the relivance of the figures statistically, as how sgnificant or

insignificant are the results/ findings of the study. We have tested three hypotheses which are as follows.

H0: Failure of state in addressing the turmoil has led to the alienation and self detachment among the peoples and youth in particular

	Value	Degrees of Freedom	Probability value
Pearson Chi Square	66.390	20	0.267

The chi-square result reveals that the p-value is 0.267 which is higher than the 0.05% level of significance, which means we accept our null hypothesis that State of India has failed in its policies which has led to further alienation and self detachment among the peoples and youth in Kashmir division.

H0: Rise of militancy is the root causes of all the human rights violation in Kashmir valley.

	Value	Degrees of Freedom	Probability value
Pearson Chi Square	2.198	4	0.699

The chi-square result shows that the P -value is 0.699 which is higher than 0.05% level of significance, which means we accept our null hypothesis that rises of militancy is the root causes of all human rights violation in Kashmir valley.

H0: Armed Forces Special Power Act has led to increase in radicalization.

	Value	Degrees of Freedom	Probability value
Pearson Chi Square	6.107	5	0.296

The chi-square result describes that the P -value is 0.296 which is higher than 0.05% level of significance, which means we accept our null hypothesis that Armed Forces Special Power Act has led to increase in radicalization.

MAJOR FINDINGS OF THE RESEARCH

1. The research reveals that lack of trust in mainstream politics led to the rise of separatist's politics in Kashmir. The separatist politics in Kashmir is a reality;

a vacuum in the politics of mainstream is an advantage for the separatist politics in Kashmir.

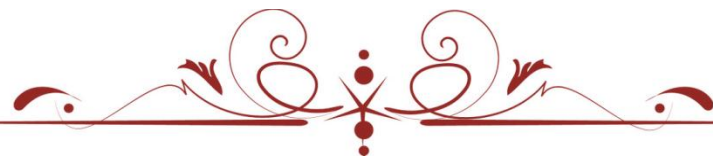
2. In my study, it has been found that there are many causes of youths joining militancy in Kashmir, like sense of alienation, unemployment, government offensive policies and human rights violations.
3. The research reveals that people of Kashmir valley lose their trust in the government institutions they believed that the judiciary and the state human rights commission is not doing their function properly.
4. However, the overall results reveal that the highest proportion of respondents said that the Armed forces special Power is undemocratic law, which must be withdrawn from a democratic country like India.
5. The results of the research reveal that the majority of the respondents i.e. 74.67 percent said that AFSPA has led to human rights violation in Kashmir, followed by Radicalization of youths, which constitutes 19.33 percent respectively.
6. The research reveals that the highest proportion of respondents, which constitutes 72.00 percent, said that AFSPA aggravates the problem in Kashmir, rather than to solve it.
7. The results of the research reveal that the highest proportion of respondents, i.e. 58.00 percent, believes that operation of AFSPA on ground leads to fake encounters.
8. The study found that south Kashmir is more radicalized than the central and north Kashmir, because the number of youths joining militancy from south Kashmir is double than other areas which is a deep concern for the government.
9. In the early 1990s the anger was against the misrule of the government, but in today's insurgency the anger and frustration is mounting not only with the government but with the whole concept of them being part of India.

10. In the 1990s the movement actually became a proxy war, but now it is reverting into a religious war even more dangerous because of the radicalization of the youths.
11. The rising recruitment in militant rank remains a part of concern and all efforts by security forces to recruit new recruits for joining militant groups have had little results.
12. According to the official figures of the army, only 16 youths had joined militancy in 2013; however the number increased to almost 200 in 2018, which is a serious concern for the government.
13. Majority of the respondents think that the government at the central and the state is responsible for the problems in Kashmir, no doubt Pakistan is also a factor but the government at the central and state also made many errors in dealing with the Kashmir issue.

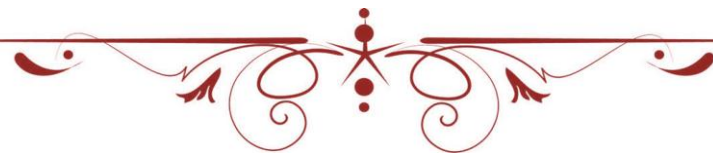
RECOMMENDATIONS

1. The role of the non-state actor can be tackled by addressing the grievances of the mass population of Kashmir, an attempt should be made to provide better governance to the people.
2. The controversial provisions of the Armed Forces Special Power Act of the 1990 should be reviewed which violates the basic human rights of the people.
3. Investigation and trial of the cases pending under AFSPA must be completed within time.
4. The Government of India must talk with the stakeholders of Kashmir, particularly youth to discuss their grievances and problems which force them to pick the gun.
5. The government of India must direct the security forces to restraint maximum to ensure and to protect the human rights violation of common citizens.

6. The Central government must provide more economic packages for the youth, so that they can be involved in economic activities rather than anti-national activities.
7. The State Government must expand the skill schemes for youth so that youth can be protected from joining from militancy and other illegal activities.
8. Government of India must also open guidance and counseling institutes for the Kashmiri youth, so that they can be directed and forwarded at right track.
9. The Centre Government should open an online grievances portal for the Kashmiri people to place their grievances that are related to human rights violence and abuses etc. And the Government must ensure the timely solution for their grievances.



BIBLIOGRAPHY



BIBLIOGRAPHY

1. Aggarwal, J. C., & Agrawal, S. P. (1995). *Modern History of Jammu and Kashmir: Ancient times to Shimla Agreement* (Vol. 1). Concept Publishing Company.
2. Bamzai, P. N. K. (1994). *Culture and political history of Kashmir* (Vol. 1). MD Publications Pvt. Ltd...
3. Bamzai, P. N. K. (1994). *Culture and political history of Kashmir* (Vol. 2). MD Publications Pvt. Ltd...
4. Bamzai, P. N. K. (1994). *Culture and political history of Kashmir* (Vol. 3). MD Publications Pvt. Ltd...
5. Baruah, S. (1999). *India against itself: Assam and the politics of nationality*. University of Pennsylvania Press.
6. Baruah, S. (2005). Durable disorder. *Understanding the Politics of Northeast India*.
7. Baruah, S. (2010, November). AFSPA: Legacy of colonial constitutionalism. In *online*]. *Seminar* (No. 615).
8. Begum, S. M. (Ed.). (2000). *Human Rights in India: Issues and Perspectives*. APH Publishing.
9. Behera, N. C. (2007). *Demystifying Kashmir*. Brookings Institution Press.
10. Bhargava, G. (2003). *Meaning and Sources of Human Rights*. Gyan Publishing House.
11. Bhat, S. A. (2019). The Kashmir conflict and human rights. *Race & Class*, 61(1), 77-86.
12. Bhattacharjea, A. (1994). *Kashmir: The wounded valley*. South Asia Books.
13. Bhattacharjea, A. (1994). *Kashmir: The wounded valley*. South Asia Books.
14. Bhattacharjya, C. *State Security and Human Rights: A study of Armed Forces Special Power Act*.
15. Bhattacharyya, R. (2018). Living with armed forces special powers act (AFSPA) as everyday life. *GeoJournal*, 83(1), 31-48.
16. Bleich, E. (2011). What is Islamophobia and how much is there? Theorizing and measuring an emerging comparative concept. *American behavioral scientist*, 55(12), 1581-1600.

17. Bose, Sumantra (2005), *Kashmir: roots of conflict, paths to peace*, Harvard University Press,
18. Brecher, M. (1953). *The struggle for Kashmir*.
19. Chakravarti, U. (2005). Case for a Commission on the Missing of Kashmir. *Economic and Political Weekly*, 40(50), 5214-5348.
20. Chand, R., Srivastava, S. K., & Singh, J. (2017). Changing structure of rural economy of India implications for employment and growth. *New Delhi: NITI Aayog*
21. Chaudhry, R. (2013). Violent Non-State Actors: contours, challenges and consequences. *CLAWS journal*, 7(2), 167-187.
22. Cohen, S. P. (2002). India, Pakistan and Kashmir. *Journal of Strategic Studies*, 25(4), 32-60.
23. Colmer, J. (2015). Urbanization, Growth, and Development: Evidence from India. *Unpublished Review Paper*.
24. Desmond, E. (1995). The insurgency in Kashmir (1989–1991). *Contemporary South Asia*, 4(1), 5-16.
25. Diehl, P. F., Reifschneider, J., & Hensel, P. R. (1996). United Nations intervention and recurring conflict. *International Organization*, 683-700.
26. Dobhal, H. (2009). *Manipur in the shadow of AFSPA: Independent people's tribunal report on human rights violations in Manipur*. Socio Legal Information Cent.
27. Drèze, J. (2000). Kashmir: Manufacturing ethnic conflict. *The Hindu*, 29.
28. Duschinski, H. (2010). Reproducing regimes of impunity: Fake encounters and the informalization of everyday violence in Kashmir valley. *Cultural Studies*, 24(1), 110-132.
29. Eliot, C. (1998). *Hinduism and Buddhism: An historical sketch* (No. 53-56). Psychology Press.
30. Evans, A. (2002). A departure from history: Kashmiri Pandits, 1990-2001. *Contemporary South Asia*, 11(1), 19-37.
31. Goldthorpe, J. H. (2017). Social stratification and cultural consumption: music in England. In *Music and Identity Politics* (pp. 309-327). Routledge.
32. Haji, M. (2012). Armed Forces Special Powers Act. *Counter Terrorist Trends and Analyses*, 4(7), 12-15.

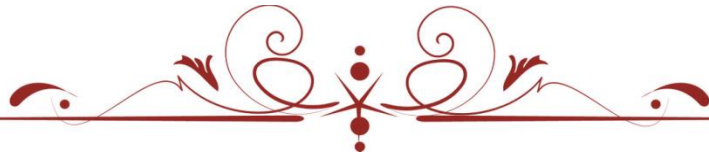
33. Hardy, I. C. (2002). Sex ratios. In *Concepts and research methods*. Cambridge University Press UK.
34. Hasan, M. (2005). *Kashmīr under the Sultāns*. Aakar Books.
35. Hassan, K. W. (2009). History Revisited: Narratives on political and constitutional changes in Kashmir (1947-1990). Institute for Social and Economic Change.
36. Holder, C., & Reidy, D. (Eds.). (2013). *Human rights: The hard questions*. Cambridge University Press.
37. Iralu, K. (2017). *Effects of the Armed Forces Special Powers Act on Gender: Influence of Social Ecology on Psychological well-being of Women in Nagaland* (Master's thesis, UIT Norges Arktiske University).
38. Jagmohan. (1992). *My frozen turbulence in Kashmir*. South Asia Books.
39. Jahangir, M. S., & Shafi, A. (2013). Status of human rights in democratic setup: Experiences from Kashmir. *Journal of Law and Conflict Resolution*, 5(3), 41-47.
40. Jaysawal, D., & Saha, S. (2014). Urbanization in India: An impact assessment. *International Journal of Applied Sociology*, 4(2), 60-65.
41. Jha, M. (2016). Unveiling the Armed Forces Special Powers Act. *Indian Journal of Public Administration*, 62(3), 522-532.
42. Joshi, M. (2019). *The lost rebellion: Kashmir in the nineties*. Penguin Random House India Private Limited.
43. Kadian, R. (2019). *The Kashmir tangle: Issues and options*. Routledge.
44. Kamboj, A. (2004). Manipur and armed forces (special powers) act 1958.
45. Kaul, P. A. (1924). The Kashmir Pandits. *Calcutta, Thacker Spink & Co.*
46. Kaw, M. K. (2004). Kashmir and It's People: Studies in the Evolution of Kashmiri Society (Vol. 4). APH Publishing.
47. Khan, M. I. (1994). *Kashmir's transition to Islam: the role of Muslim Rishis (fifteenth to eighteenth century)*. Manohar.
48. Koithara, V. (2004). *Crafting peace in Kashmir: Through a realist lens*. SAGE Publications India.
49. Korbelt, J. (2015). *Danger in Kashmir*. Princeton University Press.
50. Kugiel, P. (2018). Increased Tensions in Kashmir: Consequences for India and Internationally.
51. Kumar, R. (2019). *Paradise at war: A political history of Kashmir*. Aleph Book

Company.

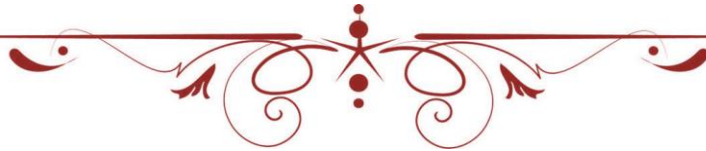
52. Lamb, A. (1994). *The Indian claim to Jammu & Kashmir: conditional accession, plebiscites and the reference to the United Nations.*
53. Lauren, P. G. (2011). *The evolution of international human rights: Visions seen.* University of Pennsylvania Press.
54. Lawrence, W. R. (1895). *The valley of Kashmir.* H. Frowde.
55. Long, J. F., Rain, D. R., & Ratcliffe, M. R. (2001, August). Population density vs. urban population: comparative GIS studies in China, India, and the United States. In *session S68 on "Population Applications of Spatial Analysis Systems (SIS)" at the International Union for the Scientific Study of Population Conference, Salvador, Brazil* (pp. 18-25).
56. MacIver, R. M. (Ed.). (1960). *Great Expressions of Human Rights: A Series of Addresses and Discussions.* Institute for Religious and Social Studies.
57. Maji, A. K., Reddy, G. O., & Sarkar, D. (2010). Degraded and wastelands of India: status and spatial distribution. *Indian Council of Agricultural Research, New Delhi*, 167.
58. Malik, A. H. What Drives Kashmir's Youth to Join Militancy: *Inter. J. Polit. Sci. Develop.* 4(6): 231-235
59. Malik, Iftikhar H. March 1993. *The Continuing Conflict in Kashmir: Regional Detente in Jeopardy.*
60. Mohan, A. (1992). The historical roots of the Kashmir conflict. *Studies in Conflict & Terrorism*, 15(4), 283-308.
61. Mohan, K. (1958). *Kashmir under the Loharas, AD 1003-1171* (Doctoral dissertation, SOAS University of London).
62. Noorani, A. G. (2009). Armed forces (special powers) act: urgency of review. *Economic and Political Weekly*, 8-11.
63. Pandya, A. (2019). *Militancy in Kashmir: A Study.* Vivekananda International Foundation, March.
64. Panigrahi, D. N. (2012). *Jammu and Kashmir, the cold war and the west.* Routledge.
65. Panigrahi, D. N. (2012). *Jammu and Kashmir, the cold war and the west.* Routledge.
66. Peer, G. (2012). In Pursuit of Justice: Pathribal Fake Encounter Case. *Economic and Political Weekly*, 29-32.

67. Qazi, S. A. (2005). *Systematic geography of Jammu and Kashmir*. APH Publishing.
68. R. N. Singh, "Buddhism in Kashmir", in Balraj Puri, (ed.), *5000 Years of Kashmir*, Ajanta Publications, Delhi, 1997, pp. 48-54.
69. Raina, D. N. (1990). *Unhappy Kashmir: The Hidden Story*. Reliance Publishing House.
70. Rajan, V. (2009). The Natives Continue to Be Restless. *Economic and Political Weekly*, 15-17.
71. Saikia, S. (2014). 9/11 of India: A Critical Review on Armed Forces Special Power Act (Afspa), and Human Right Violation in North East India. *Journal of Social Welfare and Human Rights*, 2(1), 265-279.
72. Santhanam, K. (Ed.). (2003). *Jihadis in Jammu and Kashmir: A portrait gallery*. Sage.
73. Schofield, V. (2021). *Kashmir in conflict: India, Pakistan and the unending war*. Bloomsbury Publishing.
74. Sender, H. M., & Sender, H. (1988). *The Kashmiri Pandits: A study of cultural choice in North India*. Oxford University Press, USA.
75. Shah, A. R. (2015). AFSPA and Clash of Realities in Kashmir. *Economic and Political Weekly*, 50(29), 5-5.
76. Singh Sidhu, S. (2019). Female body, honour, sexuality and the use of rape as a weapon of war.
77. Singh, T. (1995). *Kashmir: A Tragedy of Errors*. Viking Books.
78. Singh, Y. O., & Khurajam, G. Armed Forces (Special Powers) Act 1958: A Source of National Disintegration.
79. Snedden, C. (2015). *Understanding Kashmir and Kashmiris*. Oxford University Press.
80. Sufi, G. M. D. (1949). *Kashmir. A History of Kashmir*.
81. Sumantra Bose, *Kashmir roots of conflict and paths of peace, 1st ed.* (Harvard University Press, 2005), 14-17.
82. Symonides, J. (Ed.). (2017). *Human rights: concept and standards*. Routledge.
83. Tavares, R. (2008). Resolving the Kashmir conflict: Pakistan, India, Kashmiris and religious militants. *Asian Journal of Political Science*, 16(3), 276-302.

84. Tewari, D. B., & Khurana, T. K. (2016). North east India: Questions of regional ethnicity and AFSPA, 1958. *VIDHIGYA: The Journal of Legal Awareness*, 11(2), 47-53.
85. THAKAR, H., & MISHRA, V. The Kashmiri Pandit Exodus: An Obliterated Chronicle.
86. Thomas, T. S., Kiser, S. D., & Casebeer, W. D. (2005). *Warlords rising: Confronting violent non-state actors*. Lexington Books.
87. Tierney, B. (2004). The idea of natural rights-origins and persistence. *Nw. UJ Int'l Hum. Rts.*, 2, 2.
88. United Nations. Division for Social Policy. (2006). *Social justice in an open world: The role of the United Nations*. United Nations Publications.
89. Verma, P. S. (1994). *Jammu and Kashmir at the political crossroads*. Vikas Pub.
90. Wani, M. A. (2004). *Islam in Kashmir: Fourteenth to Sixteenth Century*. Oriental Publishing House.
91. Witzel, M. (2008). The Kashmiri Pandits: Their early history. *The valley of Kashmir: The making and unmaking of composite culture*, 37-95.
92. Zia, A. (2016). The Spectacle of a Good Half-Widow: Women in Search of their Disappeared Men in the Kashmir Valley. *PoLAR: Political and Legal Anthropology Review*, 39(2), 164-175.
93. Zutshi, C. (2014). *Kashmir's Contested Pasts: Narratives, Geographies, and the Historical Imagination*. Oxford University Press.

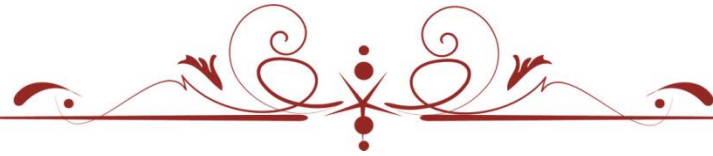


LIST OF PUBLICATIONS

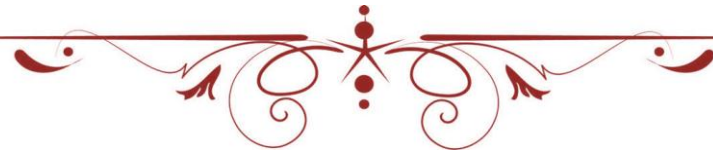


LIST OF PUBLICATIONS

1. Mehdi Ali (2019), Kashmir Conflict and Role of Non State Actors, JIGYASA, Vol. 12 (4), 1654-1659, ISSN 0974-7648.
2. Mehdi Ali (2018), A Saga of Armed Forces Special Power Act In North East And Jammu And Kashmir, Sodha Pravaha, Vol. 9 (1), ISSN 2231 – 4113.



APPENDICES



QUESTIONNAIRE

PROFILE OF THE RESPONDENT

Q.1	Name of the Respondent	
Q.2	Age of the respondent	<ul style="list-style-type: none"> i) 18-25 years ii) 26-35 years iii) 36-45 years iv) 46-60 Years v) Above 60 years
Q.3	Gender	<ul style="list-style-type: none"> i) Male ii) Female
Q.4	Marital Status	<ul style="list-style-type: none"> i) Married ii) Unmarried
Q.5	Religion	<ul style="list-style-type: none"> i) Muslim ii) Hindu iii) Sikh iv) Christian
Q.6	Location	<ul style="list-style-type: none"> i) Rural ii) Urban
Q.7	Area / Region	<ul style="list-style-type: none"> i) Central Kashmir ii) South Kashmir iii) North Kashmir
Q.8	Occupation	<ul style="list-style-type: none"> i) Casual labour/ private employee ii) Government Employee iii) Student/scholar iv) Analyst/ journalist v) Others.....
Q.9	Education	<ul style="list-style-type: none"> i) Illiterate ii) Primary iii) Middle iv) Secondary v) Graduate vi) Post Graduate and above

Part A: Kashmir conflict AFSPA and Human Rights

Q.10	Who is responsible for the Kashmir conflict?	<ul style="list-style-type: none"> i) Dogra rule ii) Partition iii) India iv) Pakistan v) Militancy vi) All of the above
Q.11	Who are the victims of Kashmir conflict?	<ul style="list-style-type: none"> i) Civilians ii) J&K Police iii) Political Workers iv) Army Men v) All of the four

Q.12	Do you support separatist movement, if yes why?	<ul style="list-style-type: none"> i) Yes, they represent the voice of Kashmir ii) Yes, they represent the oppressed section. iii) Yes, they raise voice against human rights violation. iv) No, I don't support
Q.13	Why the conflict in Kashmir could not be curbed since independence?	<ul style="list-style-type: none"> i) Ethnic differences ii) Rampant corruption iii) Economic backwardness iv) Indo-Pak uncompromising attitude
Q.14	What is your opinion on AFSPA?	<ul style="list-style-type: none"> i) Draconian law ii) Enabling law iii) Unconstitutional law iv) Undemocratic law
Q.15	What is the impact of AFSPA?	<ul style="list-style-type: none"> i) Human rights violation ii) Rise in alienation iii) Radicalisation of youths iv) Maintain law and order v) Curb militancy vi) Others.....
Q.16	Does AFSPA help or exacerbates the Kashmir conflict?	<ul style="list-style-type: none"> i) Yes, it helps to manage the problem ii) No, it aggravates the problem iii) To some extent
Q.17	Do you support scrapping of AFSPA from Kashmir valley?	<ul style="list-style-type: none"> i) Yes ii) No iii) Don't know
Q.18	How would you look AFSPA and its operation on the ground in Kashmir?	<ul style="list-style-type: none"> i) To maintain Law and order ii) Fake encounters iii) Disappearance iv) Sexual violence/Torture
Q.19	Do you think repealing of AFSPA is a pre-requisite to establish durable peace in violence hit Kashmir valley?	<ul style="list-style-type: none"> i) Yes ii) No iii) To some extent
Q.20	Do you think that AFSPA is a draconian law and it is a blot on Indian democratic setup?	<ul style="list-style-type: none"> i) Yes ii) No iii) Don't know

Part B: Role of the state in dealings with militancy and Human Rights in Kashmir

Q.21	What are the causes which compel youth to join militancy in Kashmir?	<ul style="list-style-type: none"> i) Kashmir conflict itself ii) Human rights violation iii) Alienation
------	--	---

		iv) Unemployment v) Police harassment
Q.22	Do you think Islamic radicalization is indoctrinating the minds of kashmiri youth towards militancy?	i) Massively ii) partially iii) No impact at all.
Q.23	What has been the role of separatists to curb rising militancy in Kashmir?	i) Yes, they are helping to subdue militancy. ii) No role iii) They have aggravated militancy
Q.24	Which political party you think can help in promotion and protection of human rights violations in Kashmir?	i) INC ii) BJP iii) NC iv) PDP v) JKPM vi) None of the above
Q.25	Are you aware of the J&K state human rights commission?	i) Yes ii) No
Q.26	Do you think, State human rights commission is functioning well in Kashmir?	i) Strongly agree ii) Agree iii) Disagree iv) Strongly disagree
Q.27	What sort of human rights are being violated very often in Kashmir?	i) Economic ii) Socio- cultural iii) Political iv) Religious v) All of the above
Q.28	Among the given classes of people whose human rights are often violated?	i) Men ii) Women iii) Children iv) Rural people v) Urban people vi) All of the above
Q.29	What necessary steps have been taken by the Central Govt to bring the normalcy in Kashmir?	i) Talks with Hurriyat ii) Talk with common people iii) Talks with Pakistan iv) None of the above
Q.30	Why Kashmir issue remain the most sensitive issue or the close contest battle between India and Pakistan?	i) Human rights violations ii) Militancy iii) Foreign intervention. iv) Cross-border Terrorism
Q.31	How do you take the functioning of Governors Rule in dealing with the Kashmir conflict?	i) Highly satisfied ii) Satisfied iii) unsatisfied iv) highly unsatisfied
Q.32	What are the underlying causes of the alienation and distrust among youth against the state?	i) Miss- governance ii) Unemployment iii) Human rights violation iv) Others....

Part C: Rise of Non state actors and its impact on socio economic and political sphere

Q.33	Do you think non state actors have played any role in Kashmir conflict?	i) Yes ii) No iii) Don't know
Q.34	If yes, what kind of role non state actors have played?	i) Constructive ii) Destructive iii) Mixed role
Q.35	Do you think that because of the economic interests of non state actors that Kashmir conflict is still lingering on?	i) Strongly agree ii) Agree iii) Disagree iv) Strongly disagree
Q.36	Do you think that diverging interests of non state actors is the major cause of the Kashmir conundrum?	i) Strongly agree ii) Agree iii) Disagree iv) Strongly disagree
Q.37	How do you see the role of Pakistan in supporting militancy in Kashmir?	i) Moral support ii) Arms and personnel support iii) Proxy war iv) None of the above
Q.38	Do you really support the view that all norms and principles of human rights are flouted blatantly in the garb of protecting the sovereignty of the state?	i) Yes ii) No iii) Don't know
Q.39	What do you think about Pakistan's aiding and abetting violence in Kashmir?	i) Yes ii) No iii) Don't know
Q.40	Do you think there is a connivance of Pakistan militants and citizens of Kashmir in administering violence on the security personnel?	v) Strongly agree vi) Agree vii) Disagree viii) Strongly disagree
Q.41	Has govt taken any steps to check radicalization of youth?	i) Yes ii) No