

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

SUMMARY OF THESIS

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SUMMARY

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.

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.

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.

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 nation to settle the Kashmir conflict. The United nation constituted a separate commission for India and Pakistan and for the same reason resolution was adopted in the Security Council. The united nation security council suggested some points to follow Indian 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 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 central 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 reslts/ findings of the study. We have tested three hypothesis 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.