CHAPTER (III)

ROLE OF MEDIA IN PROMOTING HUMAN RIGHTS

IN JAMMU & KASHMIR

Jammu & Kashmir is a state of the Indian Union, located in the north. It is surrounded by the Himalayas and other mountain ranges. It is made up of Jammu, Kashmir and Ladakh. Jammu & Kashmir became a State of the Indian Union on October 26, 1947 (Narender Sehgal, 2011). At the time of accession it was quite big in size, but since Pakistan and China occupied a large portion of the state, its current geographical structure has changed significantly. Under Article 370 of the Indian Constitution, Jammu & Kashmir enjoys a special status (Constitution of India, 1949).

It is the only state in India which has two capitals. Srinagar is the summer capital, while Jammu is the winter capital (Christopher Snedden, 2015). It shares a border with the states of Himachal Pradesh and Punjab to the south. The Line of Control (LOC) separates it from the Pakistan occupied Kashmir (POK) and Gilgit–Baltistan in the west and northwest respectively. Jammu & Kashmir shares its
international border with China in the north and east where an actual line of control
separates them (Narender Sehgal, 2011).

Jammu & Kashmir mainly consists of three regions - Jammu, Kashmir Valley and Ladakh. All three of them are famous for different things. Kashmir valley is famous for its beautiful mountainous landscape, whereas Jammu is popular as a pilgrimage destination. Mata Vaishno Devi temple here is so popular. It attracts thousands of pilgrims’ everyday from India and all over the world. The third region Ladakh is known for its peace and Buddhist culture. Those willing to learn and understand Buddhism in peaceful environment visit Ladakh in significant number.

The total population of Jammu & Kashmir is about 1.25 crore. Kashmir and Gilgit-Baltistan has Muslim majority, whereas Jammu has Hindu majority. In Ladakh, most people believe in Buddhism. Jammu & Kashmir is the 19th most populated state in India. The state has 22 districts (Census, 2011). Every district has its own administration which governs the system. Jammu & Kashmir with an area of 222,236 square kilometers is the 5th largest state in India (IDSA, 2009). Much of the area is surrounded by mountains, rocks and rivers.

Tourism plays an important part in the state economy (Hilal Ahmed mir, 2014). Every year, millions of Indian and foreign tourists visit the state to enjoy the beauty, cold weather, snowfall and pay their respects to Mata Vaishno Devi.
Though, due to the increase in separatist activities, tourism has been affected to some extent in recent years.

Before its accession into India, this state was known as the Princely State of Jammu & Kashmir. Many monarchs have ruled over this throne. At the time of independence, Jammu & Kashmir was the only princely state amongst the 565 principalities of India where the ruler was a Hindu king and the majority population was Muslim. Jammu & Kashmir is an integral part of India and this nation has had full right over the state from the very beginning (Col. Harjeet Singh, 2008). Despite this, Pakistan and China have occupied some parts of the state. Because of that this state has become a bone of contention between India, Pakistan and China. There are Pakistan supported political parties and terrorist organizations active in Jammu & Kashmir who attract media attention with the help of human rights.

3.1 GEOGRAPHY OF THE STATE

The total area of Jammu & Kashmir is 222,236 square kilometers. Among this 78,114 sq km area is illegally occupied by Pakistan and 37,555 sq km by China. Other than this, an additional 5180 sq km area (Pakistan occupied) has been given to China by Pakistan. Jammu & Kashmir has an international border with China and Afghanistan in the north. To the east also it touches China. It shares a border with the states of Himachal Pradesh and Punjab to the south, whereas in the west and north-west it touches Pakistan. Barring the Pakistan and
China occupied parts Jammu & Kashmir has total geographical area of 101387 square kilometers and 20,230 sq km of this area is forest (Economic Survey J&K, 2014-15). There are mainly two mountain ranges in Kashmir - Karakoram in far north and Himalayas in south.

The narrow valley of the Indus River is contained between them. To the south of Himalayas is Kashmir valley which is surrounded by Pir Panjal mountain range to the other side. Kashmir valley has an average height of 6070 ft above sea level. The weather in the three areas of Jammu & Kashmir remains pleasant but due to heavy snowfall in Kashmir valley and Ladakh it is often much lower temperatures here. In Ladakh, most of the time, temperature remains below zero (Economic Survey, 2014-15).

Major part of Kashmir is situated in the valleys of Chenab, Jhelum and Indus rivers. Some area of West Jammu is in the Valley of Ravi River. In Chenab Valley lies the high plateau of Kishtwar and Bhadrwah, low hills and plains. Jhelum valley includes Kashmir valley and nearby hills wherein more valleys and the adjacent portion of Baramula-Kishanganga narrow valley are situated.

In the valley of Indus river lays areas of Jaskr, Rupsu, Ladakh, Baltistan, Astod and Gilgit. The river Jhelum rises from Verinag spring and flows 75 miles to Baramula via Kashmir valley. Crops of apple, saffron, rice, maize, wheat, barley and oats are grown in rotation in the state. There is an abundant export of walnuts,
almonds, pears, apple, saffron and honey from here. Kashmir is famous for saffron cultivation. As far as transportation is concerned, conditions are quite unusual in Jammu & Kashmir. Due to the largest mountain ranges, rivers and valleys, it is quite a difficult task to provide streets and railroad. On the other hand, the increasing terrorist and separatist activities are not letting the transport system get better. Despite all this, Jammu and Katra can be reached through rail route via Delhi from all major cities. Other than this, Jammu-Srinagar highway is the main road route of this state which connects both the areas and plays an important role in the exchange of everyday things (Economic Survey, 2014-15).

3.1.1 Area wise geographical pattern

**Jammu region** - The total geographical area of Jammu Division is 26,293 square kilometers and forest area is 12066 sq km (J&K Forest Department). Most part of this region is situated on the Shivalik range. It is separated from the Kashmir valley by Pir Panjal ranges. Tawi and Chenab are the major rivers here. Railway and road transport system is fine. There are sufficient amount of Media and other modes of communication in this region.

**Kashmir region** - The total geographical area is 15948 sq km and forest area is 8128 sq. km (J&K Forest Department). This area is made up of Srinagar, Lolab and Kishanganga valleys. Kashmir is also called the city of valleys. The famous Wular Lake is situated here, which is the largest freshwater lake in India. Due to
Mediterranean cyclones, heavy snowfall takes place in the Himalayan mountain region, particularly in the western part. Kashmiri people, nestled between the hilly areas, are dependent on agriculture, tourism and tenancy. For road transport, there is Jammu-Srinagar highway which connects both the areas.

**Ladakh** - Ladakh is situated between Kulnul mountain range and main Himalayas. The total geographical area of Ladakh is 59146 sq km and forest area is 36 sq km (J&K Forest Department). In the north of Ladakh there is Karakoram mountain and pass. The mountain ranges are as high as 9,000 feet in Kashmir and 25,000 feet Karakoram. Indus (Sindhu) is the main river here. Most of the time there is below zero temperature and because of this, rivers here are often frozen. Ladakh is one of the highest altitude deserts in the world. Monsoon hits the Himalayan peaks and it rains all over the country, due to the same peaks Ladakh is always devoid of rain.

### 3.2 HISTORY OF JAMMU & KASHMIR

Jammu & Kashmir was one of the 565 principalities that became part of India before Independence (Ramchandra Guha, 2008). It was the only princely state where the king was Hindu despite the majority of Muslim population. The King, Hari Singh took power in 1925 but as the British rule in India ended the conditions of Jammu & Kashmir became quite difficult. At the time of partition the English Governor General then Louis Mountbatten put a condition on India and Pakistan that any princely state in their area could become part of any of the
country by their own will or stay as an independent state. Raja Hari Singh wanted to stay an independent state. On August 15, 1947 India became independent and got divided. But Jammu & Kashmir was neither a part of India or of Pakistan (Ramchandra Guha, 2008).

At that time the princely state of Jammu & Kashmir shared its border with both India and Pakistan. Pakistan wanted Kashmir so badly. As soon as the British left, Pakistan began to siege Kashmir. Pakistan violated the Standstill agreement with Jammu & Kashmir and closed the supply of grain, gasoline and other essential commodities. Train service between Sialkot and Jammu was stopped. Pakistan's intention was to get Jammu & Kashmir by hook or crook. India had understood the intention of Pakistan.

On October 22, 1947 the fear came true. On this day, thousands of armed tribes (Raider) from Pakistani side attacked Kashmir. Attackers were heading towards Srinagar and on the other side a mutiny had happened in the princely state of Jammu & Kashmir (Ramchandra Guha, 2008). Muslim soldiers left the army and joined hands with attackers. Soldiers of the state fought with the raiders but soon backed down. Attackers were just 54 km away from Baramula. They captured the powerhouse there and stopped the electricity supply to the entire Kashmir. It seemed clear that Kashmir is to be occupied by Pakistan. But soon the story took a new turn. After arriving at Baramula, attackers started looting, raping and murdering. For two days they created havoc. Their targets were not only
Hindus, but Sikhs, Christians and Muslims as well. Entire Baramula was devastated.

In these circumstances, on October 24, Maharaja Hari Singh urged the Indian government to protect Jammu & Kashmir. Reacting to it, the Indian government sent V.P. Menon, the secretary of the states department, to Srinagar. Menon met Maharaja Hari Singh and the new Prime Minister of the state Meharchand Mahajan and told them in detail about their integration with the Union of India. Ultimately on October 26, 1947, Maharaja Hari Singh signed the instrument of accession. In the morning of October 27, Indian army was sent to Kashmir by air led by Lieutenant General Dewan Ranjit Rai.

With the merger of Jammu & Kashmir into India, Indian army entered into Kashmir and began driving out the raiders by Pakistan (Daya Sagar, 2015). But it was the month of October and Kashmir valley was much colder. Also, because of the valley and high mountain ranges, it was difficult to drive out the raiders. Sheikh Abdullah and his National Conference helped the Indian Military side by side.

Eventually, feeling vulnerable before the Indian Military, attackers pulled their feet. But by then, Pakistani attackers had illegally encroached on several thousand square kilometers of Kashmir. Since Maharaja Hari Singh had signed the Instrument of Accession, Jammu & Kashmir principality was now a part of India. But the Governor General then spurs a controversy. He said that the integration of
Jammu & Kashmir into India is being done in quite difficult situations (Daya Sagar, 2015). So after the state returns to normalcy there should be a referendum of people and they should be consulted. Most Indian leaders agreed on this and did not oppose, but it was the beginning of the dispute. India took up the case of Pakistan illegally occupying some parts of Jammu & Kashmir to the United Nations. The United Nations suggested India and Pakistan that they leave their rights on Jammu & Kashmir and have plebiscite under UN's supervision. But neither India nor Pakistan admitted it. The case moved between India, Pakistan and the United Nations for a long time. The United Nations sent its observer force to both the countries. UN cited the August 13, 1948 UN resolution and said that there should be plebiscite in Kashmir. But both the countries gave their own logics and rejected it (S.R. Bakshi, 1997).

3.2.1 India's argument

- Citing the Jammu & Kashmir assembly elections of 1952 India said that the success of these elections clearly shows that people have voted in favour of joining India. A statement came from New Delhi that Kashmiris have voted in favour of India so there is no need to hold a referendum.

- The 1948-49 UN resolution cannot be applied here because the actual area has completely changed. Some part of the land has been given to China by Pakistan. There have been demographical changes in the Azad Kashmir and Northern areas (B.L. Sharma, 1967).
• Since 1947 there has been very fast demographic changes in Pakistan occupied Kashmir. People from other areas of Pakistan have also been allowed to settle there. So there is no question of a referendum (B.L. Sharma, 1967).

• India accused Pakistan of conspiring and spreading terrorism in Kashmir valley due to which around 250,000 Kashimiri Hindus had to leave the valley. So the situation in the valley has changed completely (Narender Sehgal, 2011).

• Not only this, Under the UN resolution of 1948 Pakistan had to remove its army from Kashmir but it never did that. So the referendum is not possible under any circumstances.

3.2.2 Pakistan's argument

• The daily protests and uprising against the government of India in Kashmir clearly shows that the Kashmiris do not want to live with India. Pakistan said that the Kashmiris either want to go with Pakistan or remain independent.

• Pakistan argues that according to the two-nation theory Kashmir should have been with Pakistan because it has majority of Muslim population.

• Pakistan has this argument as well that there are many cases of extra-judicial killings by security forces in Indian-administered Kashmir. Anyone is announced a militant and killed in encounter. These kinds of encounters are
quite regular in Indian-administered Kashmir. Such encounters are neither investigated nor people involved been prosecuted.

Jammu & Kashmir Assembly passed its constitution in 1957. From then until the death of Sheikh Abdullah in 1982, situation in the state has largely been peaceful and stable (B.G. Verghese, 2007). But tensions have increased in the state since 1980. In the 1987 elections, Pakistan accused India of various abnormalities.

This led to violence in many parts of the state. Since then, the conflict between separatists and the Indian Army is going on in the Valley and surrounding areas. Both the sides have been accused of rape, looting, instigating riots, kidnapping and human rights violations. Due to increased terrorist activities in the state, situations had become more conflicting (NCERT, Class - XII).

At present, the diplomatic relations between Pakistan and India are not good due to many other reasons, but the biggest reason is the Kashmir dispute. Because of the continuous tension between the two countries they've had in 1965, 1971 and 1999 war. Currently, nearly 60 percent area of the actual Jammu & Kashmir principality is with India, nearly 30 percent is with Pakistan and close to 10 percent area is occupied by china. The two governments have taken initiatives quite a few times to reduce tensions on Kashmir between them but nothing fruitful has happened so far.
3.3 POLITICS AND GOVERNANCE

Jammu & Kashmir has been politically very strong and full of turmoil. Since the state's accession into India till now the politics here has seen many changes. Kashmir valley, separatism and the issue of a special status to Jammu & Kashmir under Section 370 has always been at the centre of this state's politics. But in the last two decades a serious problem of terrorism has ventured here. An atmosphere of unrest in the state has shattered the lives of people. To overcome the situation Indian Govt. had to apply the Armed Forces Special Powers Act (AFSPA). So in the present context other than Kashmir valley, issues like separatism, terrorism and AFSPA are also at the centre of Jammu & Kashmir politics.

3.3.1 Bicameral governance works in Jammu & Kashmir

Legislative Council (Vidhan Parishad) is the upper house and the lower house is called the Legislative Assembly (Vidhan Sabha). There are three divisions in the state - Jammu, Kashmir and Ladakh. These divisions have 22 districts which consist 82 Tehsil and 143 community development blocks. The Tehsil and CD Blocks play an important role in the smooth running of state administrative system. These administrative tools are the soul of Jammu & Kashmir. To increase people's participation in politics and decision making at the village level, there are more than 4000 Panchayats in around 6551 villages (J&K Envis Centre.). The districts in the three divisions of the state are as follows:
Table 3.1

Administrative Divisions of Jammu & Kashmir

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Districts in Kashmir division</th>
<th>Districts in Jammu division</th>
<th>Districts in Ladakh division</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Srinagar</td>
<td>Jammu</td>
<td>Kargil</td>
</tr>
<tr>
<td>2</td>
<td>Anantnag</td>
<td>Doda</td>
<td>Leh</td>
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<tr>
<td>3</td>
<td>Kulgam</td>
<td>Kishtwar</td>
<td></td>
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<tr>
<td>4</td>
<td>Pulwama</td>
<td>Rajouri</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Shopian</td>
<td>Reasi</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Budgam</td>
<td>Udhampur</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Ganderbal</td>
<td>Ramban</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Bandipora</td>
<td>Kathua</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Baramula</td>
<td>Samba</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Kupwara</td>
<td>Punchh</td>
<td></td>
</tr>
</tbody>
</table>

(Source: Chief Electoral Officer, Jammu & Kashmir. [http://ceojk.nic.in/JKMaps/JAMMU_DIVISION.pdf](http://ceojk.nic.in/JKMaps/JAMMU_DIVISION.pdf))

3.3.2 Jammu & Kashmir Legislative Assembly

In the Bicameral governance of Jammu & Kashmir, the Legislative Assembly is called the lower house. It was established in 1957. The Legislative Assembly consists of 87 members. Out of them Kashmir valley has 46 assembly seats, whereas Jammu region has 37 and Ladakh region has four seats. If the Governor of the state feels that the representation of women in the assembly is less then he can nominate two female members in the Assembly. Assembly members are elected for 6 years by the people directly. Barring any special circumstances, the Election Commission conducts the state elections after every six years, in which each registered citizen of the state votes. Governor has the power to call a special session on the advice of the Chief Minister (Shyam Kaul, Onkar Kachru, 1998).
3.3.3 Jammu & Kashmir Legislative Council

The Jammu & Kashmir State Legislature consists of the Governor, Legislative Assembly and Legislative Council. In 1957, according to the Legislative Councils Act by the Parliament of India, the constituent assembly of Jammu & Kashmir adopted a new constitution. According to this, a bicameral legislature system was founded in the state. This legislature system differs Jammu & Kashmir from some other states of India.

Under the state’s bicameral governance Jammu & Kashmir Legislative Council is the upper house of the state. Under section 50 of the state Constitution the number of members of Legislative Council should not exceed 40. At present the council has 36 members. Each member’s term is six years. Every two years, one-third of the members retire, although these members may be elected again. In the Legislative Council of 36 members, 6 are nominated by the Governor.

21 members are nominated by the state Legislative Assembly. Local bodies such as District Council and Municipal Corporation elect 7 members. Teachers with minimum three years of experience at the secondary level have the right to elect and send two members. Normally, Legislative Council holds general budget and monsoon sessions, but the Governor can call this session anytime. Every bill passed in the Assembly has to be sent to the Legislature for the final seal. Only some of the states have this kind of legislature system in India. (Shyam Kaul,
3.3.4 Jammu & Kashmir enjoys a special state status

Article 370 of the Indian Constitution gives special state status to Jammu & Kashmir. After the partition of 1947, the king of Jammu & Kashmir Hari Singh was interested in being an independent state but later he gave his consent to join India. The National Conference leader Sheikh Abdulla who formed the first interim government in Jammu & Kashmir recommended staying out of the Constituent Assembly. After this the provision of Section 370 of the Indian Constitution was made, which gives Jammu & Kashmir the status of a special state. Let us know what exclusive rights Jammu & Kashmir has under this:

- According to the provisions of Article 370, Parliament has the authority to legislate about Jammu & Kashmir in only defense, foreign affairs and communications. If the center intends to enforce any other law it'll have to be approved by the State Government.

- Due to the special status of Jammu & Kashmir, Section 356 of the Indian Constitution does not apply on the state. So the President does not have the right to dismiss the state Constitution.

- The Urban Land Act of 1976 does not apply to Jammu & Kashmir. Under this, an Indian citizen from another state can buy land anywhere in the country, but not in Jammu & Kashmir (A.G. Noorani, 2011).
3.3.5 Active Political Parties

Jammu & Kashmir politics is still dominated by regional parties. Sheikh Abdullah's National Conference party is always in a strong position here. The Congress party has also been getting good support of the people. People's Democratic Party (PDP) has also got significant seats in the last few elections. But in the last few years the political equations have changed significantly. Other than the above mentioned political parties Bhartiya Janata Party (BJP), Jammu & Kashmir National Panthers Party, Communist Party of India (Marxist), People's Democratic Front and others are mainly active in Jammu & Kashmir. The following is a brief summary of some major parties:

I. **Jammu & Kashmir National Conference** – This party was established by Sheikh Abdulla in 1939. Farooque Abdullah, his son who has been a minister at the centre is from this party. The party supports the special status of Kashmir and with Muslims it believes in being inclusive to the people of other religion and caste.

II. **People's Democratic Party (PDP)** – This is a regional party, which only works in Jammu & Kashmir. It was established in 1999. Jammu & Kashmir’s popular woman politician Mehbooba Mufti is the leader of this party. Their ideology is to make Jammu & Kashmir an independent nation. The party wants to rule itself on Jammu & Kashmir.
III. **Indian National Congress** – Congress is a national political party. It was established in 1885. The top congress leaders played an important role in uniting Jammu & Kashmir in India. Congress moves with Gandhian ideology. It also does not mind to include ideologies such as secularism, liberalism, socialism.

IV. **Bhartiya Janata Party (BJP)** - BJP is a national party with nationalist ideology. It was founded in 1980. Before this it was active in politics by the name of Jana Sangha. The party always opposes Section 370, two legislative, two state heads and two signs in Jammu & Kashmir. BJP talks of unity and integrity.

V. **Jammu & Kashmir National Panthers Party** - It is a state level party. Panthers party was founded in 1982. Their ideology is to eliminate corruption, communalism and criminalization. Bhim Singh, the founder of the party believes that a real democracy must be established through revolution. In the state assembly it always maintains 1-2 seats.

### 3.4 STATE ECONOMY

According to the 2011 population figures, nearly 72 per cent of the population in the state is rural. In the total of 12.5, about 9.1 million people live in the villages and they are directly or indirectly related to agriculture. Also mineral
based industries, tourism, electricity production, handicrafts and handloom play an important role in gross domestic product of the state (Census, 2011).

Kashmir region is known for its famous silk, saffron, spectacular timber and gardening. Kashmiri wooden cricket bats are known worldwide and they are called as Kashmir willow bat. Walnuts, almonds, saffron, apples, cherries, rice, pears, fruits and vegetables from Jammu & Kashmir are exported worldwide. The annual turnover of Horticulture sector of Jammu & Kashmir is around 75 million US dollars. In India, Kashmir alone produces nearly 57 per cent of the apples and 97 per cent of the walnuts (Dr. Rajeshri Desai, Sajad Alil Sheikh, 2016).

Kashmir silk saris, shawls and handicraft goods maintain a distinct identity all over the country. Doda district of the state is famous for high-quality sapphire. To promote industries in the state, an environment friendly industrial policy was adopted in 2004. It was aimed to create employment for youth and attract industries into the state despite the uneven hilly ground (J&K Industrial Policy, 2016).

3.4.1 Role of tourism

Tourism sector is the backbone of Jammu & Kashmir. Millions of domestic and foreign tourists come every year to all three regions of the state (Jammu, Kashmir and Ladakh). It gives thousands of millions in revenues to the State, which
is directly advantageous for the improvement of the GDP. In Jammu & Kashmir’s GDP service sector has nearly 60 percent contribution, in which the largest contributor to tourism.

According to a report by The Associated Chambers of Commerce and Industry of India (ASSOCHAM), tourism sector had a turnover of Rs 3,800 crore in 2013-14. But due the 2014 floods in Jammu, various sectors of tourism in the state are expected to lose Rs 5,700 crore (ASSOCHAM, 2014).

Three regions of Jammu & Kashmir (Jammu, Kashmir and Ladakh) attract tourists from around the world. Million of devotees visit Vaishno Devi Temple and Amarnath in Jammu every year. According to an estimate, Vaishno Devi Shrine Board alone contributes around 500 crore rupees annually to the local economy (S.K. Gupta, Rajesh Raina, 2008).

On the other hand, millions of tourists come and enjoy the beautiful places like Kashmir valley, Gulmarg, Dal Lake in Kashmir region. The number of foreign tourists in Kashmir is much higher. In fact, Kashmir is called a paradise on earth worldwide. Thousands of tourists come to Ladakh to seek peace and learn about Buddhism. Dal Lake, Shalimar Gardens, Gulmarg, Pahalgam, Sonmarg and others are Kashmir’s major tourist sites. The Vaishno Devi Temple, Patnitop, Bhimgarh Fort, Ramnagar fort in Udhampur are the main tourist spots of Jammu. Leh, Dras, Suru valley, Zanskar etc. are important tourist destinations of Ladakh.
3.5 HUMAN RESOURCES IN THE STATE

According to 2011 population figures, most population of Jammu & Kashmir lives in villages. 72 percent of the total population of the state is rural and 28 percent urban. Means, out of about 12.5 million people, 9.1 million live in villages and close to 3.4 million in cities. During the last decade, 23.64 percent of the population growth has been registered. In the total population of the state, there are nearly 6.6 million men and about 5.9 million women. There is a sex ratio of 889 women per 1000 men which is a matter of concern for the state government because during the last census in 2001 the ratio was 900 women per 1000 men. As far as the child sex ratio in the state is concerned there are only 862 girls per 1000 boys. The population density is only 56 per square kilometer. Most of the people in state are from Muslim, Hindu, Sikh and Buddhist religion. But the important thing is in Kashmir Muslims are the majority and in Jammu Hindus are. Also, In Ladakh most of the people are from Buddhism (Census, 2011).

The literacy rate in the state has increased as compared to the last census. According to Census 2001, if there were only 55.52 percent people literate in the state, in 2011 the literacy rate increased to 67.16 percent. Although the literacy rate of women is a matter of concern because it is much less than of men. While male literacy rate is 76.75 percent, while only 49.12 per cent of women are literate. In Jammu & Kashmir the official language (or the language of governance) is English and Urdu. In addition to these two languages Hindi, Dogri, Kashmiri,
Ladakhi, Shina and other languages are also spoken in the state. Since majority of the people are Muslims in the state so Urdu is spoken in most of places (Census, 2011).

<table>
<thead>
<tr>
<th>Division</th>
<th>Population</th>
<th>Buddhist (%)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Muslim (%)</td>
<td>Hindu (%)</td>
</tr>
<tr>
<td>Kashmir</td>
<td>97.16</td>
<td>1.84</td>
</tr>
<tr>
<td>Jammu</td>
<td>30.69</td>
<td>65.23</td>
</tr>
<tr>
<td>Ladakh</td>
<td>47.40</td>
<td>6.22</td>
</tr>
<tr>
<td>Jammu &amp; Kashmir</td>
<td>66.97</td>
<td>29.63</td>
</tr>
</tbody>
</table>


3.6 KASHMIR CONFLICT AND HUMAN RIGHTS VIOLATIONS

On August 15, 1947, India got its independence from the British rule and with Jammu & Kashmir principality became free as well. It was neither with India nor with Pakistan. But Pakistan wanted it at all cost. When the British left, Pakistan began the siege on Kashmir. In fact, Pakistan wanted to integrate with Jammu & Kashmir by force. On October 22, 1947 some 4000 to 5000 armed tribes (Raider) from Pakistani side attacked on Kashmir under Operation Gulmarg (Hori Lal Saxena, 1975). The aim was to capture Srinagar. On reaching Baramula these
invaders started looting, raping and killing innocent people. They put the human rights aside and inflicted harm on all the rights of the individual.

During this hundreds of men, women, old and children were murdered. Many villages were burned to ground. The human right to life, the right to expression, freedom, equality and all other rights were flagrantly violated. If seen in modern perspective then it was the first incident of these very large scale human rights violations in Kashmir after the independence from the British rule (Hori Lal Saxena, 1975). The Kashmir dispute began after Pakistan illegally occupied thousands of square kilometers of Kashmir and then China also occupied some part of it. Since then it hasn't been solved. It has been mentioned above. But the big serious thing is that thousands of innocent people lost their lives because of this dispute. Millions of people were left homeless (Hori Lal Saxena, 1975). This attack is discussed in media time to time and an atmosphere to take action on the people responsible is created so that the victims get justice.

Though, in Jammu & Kashmir, nature and working style of media is quite different. Hence, if media doesn't expose the issues related to human rights violations, it'll be difficult for the victims to get justice. In many such cases, media has exposed human rights violation and regularly make it a part of their news coverage, till the victims have got justice. In this context, we can understand that media can play an important role in human rights promotion, as it has potential to change society opinion and set agenda towards any positive thing.
3.7 DISPLACEMENT OF KASHMIRI HINDUS (KASHMIRI PANDITS) FROM KASHMIR

It was not an ordinary incident when in the cold weather on January 19, 1990 millions of Kashmiri Hindus left Kashmir who had been living in the Valley for many-many years. It did not happen all of a sudden in a day but in reality a ground had already been prepared for it. It is alleged that our neighboring country Pakistan planned the displacement of Kashmiri Hindus from Kashmir because it wants to take over Kashmir in any case. To spread violence in Kashmir, Pakistan has provided money and weapons to extremists (Nagendra Sehgala, 2011).

On January 22, 2012, In HUM LOG, a program aired on Hindi News channel NDTV India, displaced Kashmiri Hindus said that the insurgency in Kashmir was at its peak in the 1990s. During this time, the extremists selectively targeted Kashmiri Hindus. In these extremist activities, on September 14, 1989 Secretary of State for the BJP Tikka Lal Taplu was gunned down. One and a half months later, retired Sessions Judge Neelkanth Ganju was murdered who had sentenced the Jammu & Kashmir Liberation Front leader Maqbool Butt to death.

This created panic among Kashmiri Hindus. Some Kashmiri Hindus tell that on January 4, 1990, a note was pasted on the walls of all Hindu homes, which had written on it that if you do not leave Kashmir, you'll be killed. People's right to live was flagrantly violated but the government and administration were all sitting idle
(NDTV India, 2012). This is not the only incident, such several incidents took place every day.

3.7.1 Extremists manipulated the Kashmiri Media

Barring a few journalists, it is often accused that in 1990 media silently watched the arising situation in Kashmir. One reason behind this was that the militants had taken media on their target. Media used to get threats time and again from the extremists that if journalists wrote or aired anything against them then they'll meet the fate of Kashmiri Hindus. Journalists who used the freedom of expression freely were forced to do journalism in the shadows of fear. On January 4, 1990 an Urdu newspaper 'Aftab' printed a press release by the Hizbul Mujahedeen word by word (Kanchan Gupta, 2008).

In this release, the Hindus of Kashmir valley had been warned to leave immediately or else things won't be good for them. On this day, almost all local newspapers of Kashmir were full of such reports. Actually the insurgency in Kashmir was at its peak around 1990. Law and order and human rights violation were no big deal for them. Their sole purpose was to displace Hindus from Kashmir in the name of jihad and make Kashmir a Muslim state. Some foreign powers had been working behind this. To achieve this target, the extremists fiercely abused media as well, with weapons and force. And due to fearful atmosphere, few media houses compromised with their principles and ethics.
3.7.2 Had to leave Kashmir in an atmosphere of fear

In January 1990 Muslim fundamentalists started killing Hindu leaders and top officials in Kashmir valley. Hindu women were gang raped and burnt alive before their family. Children were beaten and killed. Kashmiri Hindus were feeling suffocated in Kashmir. They were yearning to breathe freely. This was the reason why thousands of Kashmiri Hindus migrated to Jammu on the night of January 19, 1990. No Hindu in Kashmir was safe at that time.

Whoever spoke or wrote against the fanatics was killed. For instance, on February 13, 1990, extremists killed Lasa Kaul, director of Doordarshan Kendra, Srinagar. This killing of Lasa Kaul by the extremists broke the patience of Kashmiri Pundits and then in March and in April also, people fled to Jammu and other cities of the country. Even today, thousands of Kashmiri Pundits are living in the shelter in government camps in Jammu. They say that they are forced to live as refugees in their own country (Jagmohan, 2006).

The scene of human rights violation lasted long in Kashmir. Millions of Kashmiri Hindus were denied their home, property, land and other things but the government and administration could not do anything. Most importantly, after the exodus of Kashmiri Hindus terrorism expanded rapidly in Kashmir Valley and in Jammu & Kashmir all over. Due to the displacement of millions of Kashmiri Hindus, Pakistan's intention to occupy the entire Kashmir and many Kashmiri
communities supporting the terrorists secretly, the government at the center turned the valley into a military camp. State police is also engaged in the task of maintaining peace in the valley. Their indirect aim is also to prevent human rights violations.

3.8 TERRORISM

Farooque Abdulla became the chief minister of Jammu & Kashmir after the death of his father Sheikh Abdulla, the first CM of state and National Conference founder. Initially, Farooque Abdullah was not in favor of the central government support. Then due to various reasons, India's then Prime Minister Indira Gandhi dismissed him. But in the 1987 elections, Farooque Abdullah announced an alliance with the ruling Congress party. In 1987 assembly elections, Farooque Abdullah's National Conference had considerable success. Farooque was elected Chief Minister. But in these elections there were allegations of rigging. Therefore, the leaders who faced defeat in the elections were partially turned towards armed rebellion. Taking advantage of the situation (Ramchandra Guha, 2008), Pakistan and its intelligence agency ISI provided arms support, weapons and training to people and groups like these who were angry with the government and administration.

The result was that the uprising took an ugly turn in the entire valley and from here began terrorism in Jammu & Kashmir. Currently terrorists have sophisticated weapons including AK-47. The Indian government has declared that
this rebellion is the greatest threat to internal security. According to a statement by Minister of State for Home Affairs, between 1990 and April 2011, about 39,918 people had died in terrorist attacks. Out of them, 13,226 were civilians, 5369 security personnel and 21,323 terrorists (James J. S. Forest, 2015).

However, the reality is far different. Many other reports explain that in the past two decades there have been thousands of deaths due to the terrorist attacks in Jammu & Kashmir (Charles B. Strozier, 2010). Today, terrorism is not just limited to Jammu & Kashmir, but it has spread all over India, crossing the boundaries of the area. The involvement of terrorists has been revealed in Hotel Taj attack in Mumbai, the Mumbai blasts, Delhi blasts and Hyderabad blasts. Terrorists have targeted the entire country in the past few years and have fiercely violated human rights.

There are many other reasons for terrorism to flourish in Jammu & Kashmir. One of them is that in the 80s and 90s when extremists were at the height in Kashmir, there was a section of leaders in the valley who wanted to get separated from India and create an independent nation. At the same time there was a section of other leaders that was in favor of merging Kashmir with Pakistan. Under these circumstances the Indian Government had to arrest such leaders and put them in jail. However, later on they were left. But some of them took the path of terrorism. Pakistan and many terrorist organisations took advantage of such people. They handed them weapons and started to use against India.
These people become terrorists and started to kill people in the valley and other areas. These terrorists had no regard for human rights or for human life. They gunned down whoever they felt like. Many other terrorist organizations operating in Pakistan also spread terrorism in India by increasing the acts of violence here to occupy Kashmir.

The terrorists work to create fear and panic in the hearts and minds of people so that whenever there is a matter of plebiscite in Jammu & Kashmir, people shall vote in favor of Pakistan. Terrorists are openly violating human rights for years. To force people to live in fear, to kill them, prevent them from taking part in voting, prevent them from speaking in favor of India, these are the acts that are against human rights. But it has been consistently done by Kashmiri militants for past two decades.

Since 1990, hundreds of kidnappings have been reported by militants in Jammu & Kashmir (Frontline, 2007). On January 31, 2014 Rising Kashmir, a local newspaper of Jammu & Kashmir, published a news that suspected militants in Sopore kidnapped a 35 year old civilian (Rising Kashmir, 2014). In the past two decades, terrorists have killed thousands of civilians and suspected informers.

But from where this terrorism is growing and why is it growing, that is the big question. There are several reports in which it is revealed that terrorism is being openly supported by Pakistan's ISI. Pakistan is using terrorism against India. Many
human rights groups' reports inform that about 70 camps are still running in Pakistan-occupied Kashmir where the terrorists are trained. Other that training, weapons and ammunition etc. are also provided to the terrorists (Deepankar Benerjee, 2005).

3.8.1 Terrorist organisations operating in Jammu & Kashmir

I. Harkat-ul-Jihad-al-Islami
II. Lashkar-e-Taiba
III. Jaish-e-Mohammed
IV. Hizbul Mujahideen
V. Harkat-ul-Mujahideen
VI. Al Badr
VII. Jammu & Kashmir Liberation Front (JKLF)

3.8.2 Aim of the terrorists

Terrorists have no religion, no faith. They live only in the name of jihad. But the question is what is in the root of terrorism? Where is it sheltered? Many reports reveal that Pakistan is harboring terrorists in the name of Jihad and instigates them to use against India. Today, the entire world is in the grip of terrorism, but in Jammu & Kashmir their aim is to create a conflicting situation for the state and the government at center. They create an atmosphere of terror in the minds of people.
So that it can scare the governments and the people and occupy Jammu & Kashmir by force.

In fact, several reports have revealed that the terrorists are acting on behalf of our neighboring country Pakistan. The objective of Pakistan is to take over Kashmir by all means. These terrorists are carrying out terror activities all over India including Jammu & Kashmir to fulfill Pakistan's desires. They want to merge Kashmir with Pakistan. Their biggest goal is to capture Kashmir forcibly.

3.8.3 Media and terrorism

Country's media has been working in a united manner to create an environment against the terrorists who violate human rights. Media is always fully alert about the designs of Pakistan and terrorists. The incidents of open violation of human rights of people by terrorists get prominent space in the Indian media. Debate programs are shown on TV channels particularly related to cases involving terrorist incidents. Long exclusive articles are published in newspapers. The local media of Jammu & Kashmir as well as the national media working in Delhi gives prominent space to terrorists and the nefarious acts carried out by them.

Government channels such as Doordarshan, Lok Sabha, Rajya Sabha and other national media like BBC Hindi, NDTV, NDTV India, ABP News, Aaj Tak, Zee News etc. periodically broadcast many special programs on Jammu & Kashmir
where the issues of protecting human rights are seriously discussed. However, various journalists and columnists think differently on human rights violation in Jammu & Kashmir by terrorists. Many journalists and columnists, while talking about human rights, also talk of the human rights of terrorists and support to protect their human rights as well. On the other hand, many journalists and columnists also believe that terrorists who kill innocent people, who never hesitate to violate the human rights of others should not think about their own human rights.

3.8.4 Some of the Major incidents of terrorist violence in Jammu & Kashmir:

- 12 August 2014: Six BSF jawans were injured after militants attacked on a BSF convoy in Srinagar.
- 13 April 2014: Militants attacked on a National Conference leader’s house in Pulwama, 2 cops were killed.
- 26 July 2013: A Sarpanch was killed by suspected militants in Jammu & Kashmir.
- 11 April 2013: An Army Jawan was killed and 5 injured in grenade explosion in Kashmir.
- 24 March 2013: Militants attacked a police party in Jammu & Kashmir, one civilian was killed.
- 06 July 2011: Six Policemen were injured in a Militant attack near Police Station in Sopore in Jammu & Kashmir.
- 01 August 2009: Two cops were killed in two militant attacks in Srinagar.
14 July 2008: A special police officer (SPO) of Jammu & Kashmir police was killed and two others were critically injured when a militant threw a grenade on a road opening party (ROP) near Doda.


29 July 2005: A militant attacked at Srinagar's city centre, Budshah Chowk, 2 were killed and more than 17 injured. Most of those injured were journalists.

20 July 2005: A car bomb exploded near an armored Indian Army vehicle in the famous Church Lane area in Srinagar killing 4 Indian Army personnel, one civilian and the suicide bomber.

8 April, 2004: Militants attacked an election rally of ruling PDP at Uri in Baramula. 11 persons were killed and 58 injured.

23 March 2003: 24 Hindus were killed in Nadimarg, Kashmir by Lashkar-e-Taiba militants.

13 July 2002: Militants belonging to Lashkar-e-Toiba threw hand grenades at the Qasim Nagar market in Srinagar and then fired at civilians, 27 were killed and many more injured.

30 March 2002: Two suicide bombers attacked the Raghunath temple. 11 persons including three security forces personnel were killed and 20 were
injured. On 24 November 2002, Fidayeen suicide squad attacked the temple second time killing 14 devotees and injured 45 others.

- **1 October 2001**: Militants belonging to Jaish-e-Mohammed carried out an attack on the Jammu & Kashmir State Legislative Assembly complex in Srinagar using a car bomb and three fidayeen suicide bombers. 38 people and three fidayeen were killed in this attack.

- **January 1998**: 24 Kashmiri Pundits living in the village of Wandhama were massacred by militants.

- **24-30 March 1996**: Armed militants entered the Hazratbal shrine. Encounter with the police resulted in the death of 32 militants and a police personnel.

- **29 March 1994**: Blast in Badami Bagh Cantonment, killing 13 Army officers including a Major General.

- **July and August 1989**: 3 CRPF personnel and politician Mohd. Yusuf Halwai were killed by the militants.

### 3.8.5 Misuse of social media by terrorists

In today's time social media is a medium which is most accessible. Not only in the country but also abroad many people can be contacted by it at the same time. Your point can reach out to them. No systematic office is needed to use it. This service can be taken by a superior quality phone as well. That is why in the last few years, social media has become a weapon for terrorists which they are using extensively. Earlier, these terrorists were using the print and electronic media.
extensively to put their point to people and the government and to create an atmosphere of panic in them, but here there was no guarantee that media will pay heed to such reports (Greg Gogolin, 2013). But now these terrorist groups have started to execute their plans of spreading terror through their Facebook, Twitter and YouTube accounts.

Figure: 3.1
Symbolic facebook Page of Terrorist Group Jamat-Ud-Dawa

(Source: Facebook)

Terrorists are fiercely abusing social media. We all know how ISIS and other terrorist organizations in Iraq are uploading inhuman videos on YouTube and trying to create an atmosphere of fear worldwide. Terrorists in Jammu & Kashmir are
using social media to carry out various terrorist activities. Today almost all the terrorist organizations have Facebook pages. Terrorist organizations operating in Jammu & Kashmir are active on social networking sites such as Facebook. Hizbul Mujahideen’s facebook page is https://www.facebook.com/abas.jsu and Jaish-e-Mohammed’s https://www.facebook.com/people/Jaish-E-Muhammad/100004503042164. this is very Interesting that the militants group often use any social networking account on permanent basis. It is found that they change their social sites account in very fast manner, so that nobody could find their actual location. Lashkar-e-Taiba and Jamat-ud-Dawa is also active on facebook. Educated youth of Jammu & Kashmir is also being involved in terrorist groups in the name of Jihad. So like this, these groups are misusing social media in a large number. The army has itself accepted the fact that terrorists are exploiting the educated youth to connect with them. "The Tribune" newspaper quoted army on August 7, 2014 that the terror organizations are misusing social media to mislead Kashmiri youth to join their groups in the name of Jihad. While "The Hindustan Times" on August 4, 2014 published that a high ranking police officer has written a letter to India army which described that terrorists are misusing social media on a big scale to get the youth on their side and to appoint them.

3.9 SOCIAL MEDIA AND PROTECTION OF HUMAN RIGHTS

In this competitive era where the electronic media and various channels are vying to get ahead of its rivals and where the print media is worried about its
readership, there is a medium of media which is providing information to people more quickly and with more objectivity. This medium is social media. We remember September 2014 floods in Jammu & Kashmir.

Social media showed and informed about the flood more than the Print and electronic media. Social media can be used with mobile phones easily, whereas to run the newspaper and TV it requires a certain office or machinery. So the social media is bound to be more accessible. If we talk about Jammu & Kashmir, on November 3, 2014, in Badgam (Jammu & Kashmir) the army killed two men in a firing (Times of India, 2014). Since military has the power of AFSPA, they can attack anyone on the basis of suspicion and they do not need to answer anyone for this. But the matter of killing innocent men without any evidence has been heavily dominated in the print and electronic media, including on social media.

The military was forced to investigate the matter after social media and other media channels highlighted the fake encounter case. After just 5 days, on November 8, 2014 Lt. Gen. DS Hooda of Army Northern Command acknowledged the fault of army in this case. Taking responsibility for the incident he said that in 10 days the matter will be investigated and the guilty soldiers and officers will be punished. In government, military, administration today social media is everywhere. Currently the Prime Minister of India and several ministers are connected to social media and other leaders are also advised to join social media. Actually today the importance of social media can be gauged from the fact that it is being used on a
large scale by the government, the army and the administration. Currently, the country's prime minister and most of the ministers are using social media and other politicians, administrative officers are also being advised to join it.

3.10 SEPARATISM

In Jammu & Kashmir, there is a section of leaders which neither wants to go to Pakistan nor India. They see Jammu & Kashmir as an independent nation. They believe that the people of Jammu & Kashmir have their own thinking, culture and history. That this state doesn't need to live under any nation and it can live separately as an independent nation. These people talk about separatism. Their sole intention is to get away from the administrative system of India and Pakistan and be an independent nation. Advocating separatism in Jammu & Kashmir is Yasin Malik of Jammu & Kashmir Liberation Front (JKLF), Syed Ali Shah Geelani of the hardline faction of Hurriyat Conference and Mirwaiz Umar Farooque of the moderate Hurriyat Conference. These people go against the belief of democracy from time to time to achieve their target and to get their voice heard. It is common for the separatists to boycott the elections, to demonstrate against government, pelt stones and slogan shouting (Rekha Chowdhary, 2016).

3.10.1 Separatism and media

The entire state of Jammu & Kashmir is affected by insurgency since it's accession to India. Though, if we believe in recent media reports then the
separatist stance has slightly softened. Several separatist leaders in the state are now beginning to believe in sending their message to the government through dialogue, not by violence. This is the reason why ex-separatist leader Sajjad Lone met Indian Prime Minister Narendra Modi on November 10, 2014 in Jammu & Kashmir. The news media in the country published and aired this news prominently. There are many things to understand in this.

The most important thing is this that the separatists are now quitting the path of violence and trying to come into the mainstream. That means the incidents of human right violation during the violent activities of separatists will also reduce. Therefore media has played a crucial role in the development of human rights by giving prominent space to this news.

Whether it is a matter of citizens' rights or the rights of separatists, media has always tried to create an environment in the favor of human rights. From time to time when separatists in the valley were arrested, at that time media had also displayed the interests and rights of separatists.

On October 31, 2014, The Hindu published a news titled "Separatists leaders held in J&K' in which the arrest of separatist leaders in Jammu & Kashmir before elections was reported. Actually, these separatists were planning to boycott the five-phase assembly polls in 2014 so the police took them in preventive detention. People get to cast their vote without fear by this kind of news in media.
and on the other hand the freedom of expression of separatists is also promoted. Directly or indirectly this kind of news creates ground for the human rights of the separatists.

Whether it is the separatist ideology or the nationalist ideology, media has always tried to create an environment in favor of protecting human rights. Media does a commendable job by informing about the human right protection work of Army to the separatists who always talk about human rights, who demand an independent statehood for Jammu & Kashmir and who think that the Indian army has forcefully increased its control over Jammu & Kashmir. In September 2014, the same army which is accused by the separatists of forcefully increasing its control over Jammu & Kashmir saved thousands of lives who were trapped in floods. More importantly, the separatist leaders were nowhere close at that time.

The army came forward to protect human rights and to protect the rights of people. Living hand- carried by army troops. Media played an important role in the development of Human rights by placing these kinds of news prominently. On September 10, 2014 Hindi news daily Dainik Jagran published a news which was titled "Kashmir: Musibat ke vakt gum hue alagavwadi, sena bani masiha (Kashmir: In the time of trouble the separatists are nowhere to be seen, the army became the Messiah)." Media has prominently played the news of human rights and humanity at the time of floods in Jammu & Kashmir. TV, newspaper, radio, Internet or the social media, they've all tried to contribute in the development of human rights and
creating an environment for its protection by placing the news of human rights prominently during the Jammu & Kashmir floods. Terrorism and separatism is a plot of neighboring countries! It is a well known fact that our neighboring country Pakistan gives shelter and help terrorists. Pakistan has been supporting terrorists to create an atmosphere of terror not only in India but all over the world. Many reports have revealed it. Due to this Pakistan has had to face severe criticism much time on the international platforms. Pakistan's then President Asif Ali Zardari had himself admitted at a press conference in Islamabad in 2009 that they let the terrorist groups to flourish for its geo-strategic objectives (The Telegraph (UK), 2009).

The satellite photographs taken by the US Federal Bureau of Investigation (FBI) makes it very clear that many terrorist camps are active in Pakistan (DNA, 2006). There are strong evidences that Pakistan's intelligence agency had been providing help to militant organizations such as Lashkar-e-Taiba, Jaish-e-Mohammed, and Hizbul Mujahideen militant organizations active in Kashmir. Pakistan is preparing jihadi terrorists on its land to forcefully occupy Jammu & Kashmir who are spreading terror in Kashmir and fiercely violating human rights (David Scott, 2011). Many terrorists' organisations declared by the United States of America are active in Jammu & Kashmir and their headquarters are in Pakistan-occupied Kashmir. In 2010, Pakistan's former president and army chief Pervez Musharraf had also accepted the fact that they train terror groups in Pakistan which can face the Indian army in Kashmir (Times of India, 2010).
Pakistan has been continuously working to create a climate in favor of the separatists in Kashmir. Experts believe that Pakistan backs separatists as a strategy to create pressure on India for a referendum. Provided that either India has plebiscite in Kashmir or declare Kashmir an independent nation and surrender it to separatists. Many reports have pointed out that the separatists are playing an important role in creating an atmosphere in favor of Pakistan. They are politicising religion and trying to strengthen Pakistan that is why Pakistan has always favored the separatists (Kaia Leather, 2003). On August 18, 2014, the Pakistani High Commissioner has met separatist leader Shabir Shah of Jammu & Kashmir. On that day itself, just after their meeting the Indian government immediately declared in a tough move that this foreign secretary’s meeting is canceled from Indian side. Electronic media and social media carried this news prominently on August 18 and print media published it on August 19.

3.11 ARMED FORCES (JAMMU & KASHMIR) SPECIAL POWERS ACT (AFSPA)

To enforce this law in Jammu & Kashmir, on July 5, 1990, the Armed Forces (Jammu & Kashmir) Special Powers Act of 1990 was passed in parliament. Initially it was applied to the area ranging 20 kilometers from the Line of Control (LOC). But in 1991 this law was applied in the rest of the state. Applied in conflicted areas this law gives special powers to the Army and protects it from prosecution while facing extremism and terrorism. For the unity and integrity of the country and to maintain
the honor of the national flag, national anthem it gives strength to the army (AFSPA Jammu & Kashmir, Govt. of India, 1990). The military authorities have here mentioned rights under this act...

i. This Act authorizes officers of the army to shoot a group of five or more people (even if they die) gathered at a place or with weapons, and it permits them to use force against them.

ii. They have the authority to use necessary force without warrant against anyone involved in crime or suspected of being involved in crime.

iii. In order to arrest such people they have the right to access or investigate anywhere (AFSPA Jammu & Kashmir, Govt. of India, 1990).

3.11.1 This act has been mired in controversy

However this law was passed by the parliament to protect citizen of the Jammu & Kashmir from terrorism, extremism and other violent and anti-national activities. In this context, this act was also useful to protect and promote human rights of the citizen of Jammu & Kashmir. For example, if any terrorists attack had taken place in the state with the objective of creating a fear in the state, army could have assure its citizen to protect their lives and their human rights too. Indirectly they shall protect and promote ones human rights. But this shows the one dimension of this act. On the other hand, Armed Forces (Jammu & Kashmir) Special Powers Act is engulfed in controversies since its introduction in the state.
There has been a constant opposition to the military’s special powers. In addition to national and international human rights organizations, media across the world constantly accuses military of fiercely violating human rights in the name of the law (Vivek Chadha, IDSA, 2013).

According to the news published with title “In 20 years, 124 Army men held guilty of rights violations in Jammu & Kashmir” on the website of the Times of India on December 9, 2013, Lt. Col. Rajesh Kalia, PRO in the Ministry of Defense, Northern Command said that in the last 20 years a total of 1524 army men and officers have been accused of human rights violation in Kashmir from which 124 personnel including 41 officers have been convicted. Indian Army says that about 1400 cases of human rights violation on the army were bogus. The army is accused of fake encounters; raping women and making people disappear (Times of India, 2013).

Human rights activists have repeatedly accused that the army is misusing AFSPA. In the past two decades some serious allegations have been made against the army such as entering anyone’s house in the name of AFSPA, exploiting women, calling anyone in military camps for investigation and not sending them back. In such cases, a great deal of human rights has been ignored. Several reports have revealed that in the past two decades, thousands of people have not come back from army camps. Many people of the valley say that because of this law they are unable to live openly. At every step the shadow of army
pursues them. However, the flip side is that it is army which is protecting the people of valley from militants and terrorists, otherwise terrorist activities can increase to such an extent that it'd be even more difficult to survive in the valley.

In view of the decreasing credibility of this legislation, the demand has been constantly arising to remove it. The issue to remove it has been hot on the international level and between the people of Jammu & Kashmir and the local leaders. Given the demands of the people, the central government formed a special committee in 2004 to review the AFSPA and suggestions were sought for amendments or its removal. The committee gave their suggestions to the government, in which it was indicated that the law may be removed. But in the wake of terrorist and separatist activities in Jammu & Kashmir the law has not been tampered with (Special Committee on AFSPA Review Report, 2005).

3.11.2 AFSPA, human rights violation and media

Allegations of human rights violation of the people of Jammu & Kashmir by abusing AFSPA has been leveled against the military hundreds of times in the past two decades. It was often imposed by the victim and so many times by human rights activists and organisations. Sometimes media has stood the military in the dock for violation of human rights by abusing AFSPA. Media has played an important role in protecting human rights. In present times, particularly social media is working hard on human rights front and playing an effective role. In the past few
years the social media has been quite active in protecting human rights and bringing justice to the victims.

Whether it is floods in Jammu & Kashmir or the 2014 assembly elections in the state, social media has contributed significantly for creating an environment in favor of human rights. On one hand social media is making people aware of their rights, on the other in case of the violation of their rights it is forcing the government and the administration to take strict action and give justice to the victim. Both media and the social media have made people aware of their rights. This has not only made people aware of human rights, but now they are raising their voice against the incidents of human rights violation which they used to suffer with until now.

3.11.3 Machhil fake encounter case

All remember the April 30, 2010 incident, when the army killed three youths in Machhil sector near LoC, telling them Pakistani intruders. Actually, the three were passing through a check post and army troops signaled them to stop. But allegedly when they didn't stop the army fired bullets at them under AFSPA. Both print and electronic media published and broadcast the news prominently. But when the local people and separatists protested against this incident and accused the army of abusing AFSPA then only the local and national media tried to go to the bottom of the case. The news was given prime time in the electronic media and
front page space in the local print media. In about a month it was revealed that the three youths killed by the army as Pakistani intruders were actually residents of the Nadihal village in Baramula district. They were identified as Ahmed Khan (27), Riaz Ahmed Lone (20) and Mohammad Saifi loans (19).

Jammu and Kashmir police filed a charge sheet in July 2010 in the case against 10 accused including three army officers and five army jawans. In July 2012 the Chief Judicial Magistrate of Sopore allowed court martial against the 9 accused from army. On November 12, 2014, the military court sentenced 2 army officers and 5 jawans to life imprisonment in the fake encounter case.

The role of media has been also important in the matter. Media constantly broadcasted and published news related to this issue. Not only the local media in Kashmir, but the national media has given enough space to the fake encounter case, from the perspective of human rights violations. The fake encounter case has dominated on social media (Facebook, Twitter, YouTube, Whatsapp etc) from 2010 when the incident took place to 2014 till the decision came.

This news was published on ndtvkhabar.com on December 25, 2013 titled "Launch of court martial ordered against six military personnel." The website published the news prominently. The people in valley began a continuous movement for two months in the case of violations. After complaints by relatives of victims the police arrested a jawan of regional army and two others. But since the
incident unrest has spread in the entire Kashmir valley and large-scale protests began in which nearly 123 people were killed.

Figure: 3.2

Newspaper coverage of Machhil Fake Encounter Case

(Source: Greater Kashmir, Nov 13, 2014)
3.11.4 “The army accepted fault in the case of Budgam firing”

This news was titled ‘They went to buy curtain rings...were killed by army’ published on the front page, in Delhi edition of The Indian Express on November 4, 2014. According to the news, on November 3, 2014 in Jammu & Kashmir’s Budgam the army signaled a car to stop at its check post.

Figure: 3.3
Newspaper coverage of Budgam Firing Case

(Received: The India Express, Nov 4, 2014, Front Page, Delhi Edition)

Young men in the car ignored the gesture. Then the troops and officers started firing on the youth in the car without any questioning. Two young men were killed in the incident, while the army is getting the other two injured youths treated. The army abused AFSPA and forcibly fired at the youths. Many national newspapers including most of the local newspapers of Jammu & Kashmir widely reported this news on November 04, 2014. On the other side, some other newspapers published this news later on November 5, 2014. All major newspapers
of Jammu & Kashmir such as Kashmir Times, Greater Kashmir and Early Times gave prominent space to this news and made an effort to raise the issue of human rights violation by the army before the administration and state & central government.

Almost all the news channels in the electronic media showed the news prominently. NDTV India, Aaj Tak, CNN, Times Now and other channels discussed the incident on prime time and sparked a lengthy debate about AFSPA. This incident has also dominated the social media. Eventually, because of the pressure created by media and due to administrative vigilance, the army accepted its mistake in just 5 days of the incident. Lt. Gen. D. S. Hooda of Army Northern Command called a press conference and accepted the fault of military in front of media. He also announced compensation of Rs. 10 lakh to the families of the dead and 5 lakh to the wounded. This news was also circulated to the general public by various forms of media. The Indian Express first published this news on their website on Nov 07, 2014 with the title ‘Budgam shooting: Army likely to pay compensation to victims’ kin’

3.12 CHARACTER OF MEDIA IN JAMMU & KASHMIR

Before understanding the character of Media in Jammu & Kashmir it is very important to understand that the state is divided into three regions. Kashmir, Jammu and Ladakh. Muslim population is predominant in Kashmir so there are
more urdu speaking and reading people. That's why there are more Urdu newspaper here. English and Hindi newspapers are in the main role in Ladakh region. Actually there are three kinds of media in Jammu & Kashmir - local media, national media and social media.

3.12.1 Local Media

In this there are regional Doordarshan center, Radio Kashmir and newspapers published from Jammu & Kashmir in Urdu, English, Hindi and Dogri. These newspapers include English dailies Greater Kashmir, Kashmir Times, Kashmir Observer, Early Times; Hindi dailies Amar Ujala, Dainik Jagaran, Dainik Bhaskar; and Urdu dailies Uzma, Ittelat, Roshni. Then there is national media on the other hand. National media is mainly operated from Delhi-NCR and several other metro-cities in the country. Another medium of media is social media, which can be accessed from anywhere in the world with the help of internet. Media’s new form, which is known as new media (Social media, internet etc.) has emerged as the most powerful medium in this digital era.

Since Jammu & Kashmir has got a special status under Section 370, there is a very little contribution of private investors in the field of media. The state media is dependent on the government and its economic situation. Over the past several years, the situation of the local media was critical. It was forced to work under the pressure of the government, the security forces and the militants. There have been
incidents when the state government has not made the paper available for newspapers. Supplies needed to run the paper are often stopped so that pressure on the local media is created and reports may be published in favor of the government.

However, situation of local media has now improved. Due to the arrival of Internet and e-paper, local media is now strongly expressing itself without fear. That is why even the smallest human rights violation events are getting prominent space in the local media. Via e-paper now every little newspaper of Jammu & Kashmir reaches to the nation and abroad despite the lack of resources and attracting attention of the world.

3.12.2 National Media

The national media houses, operating from Delhi and other cities of the country, are reaching up to Jammu & Kashmir through television and newspapers. The violent and terrorist activities in the state have been attracting the attention of national media but it is constantly accused of not giving sufficient space to the biggest news of Jammu & Kashmir. The national media is also accused that it puts the stereotypical image of Jammu & Kashmir before the world whereas as the time passes things are constantly changing. Some local journalists of Jammu & Kashmir also believe that there are many other things which are news, not just the violent, radical and terrorist events. But the national media rarely gives attention to these.
However in the past decade, the national media has increased its reach by appointing its correspondents to various major cities of Jammu & Kashmir so that news reports of the state can get adequate space. All the news channels operating from Delhi-NCR and newspapers publishing from here in Hindi, English and other languages are national media.

3.12.3 New Media/ Social media

In this age of information technology the whole world has transformed into a village. So the social media is working as a powerful media. Experts believe that barring some anti-social elements who share useless information, social media is the most reliable source of information which provides the ground reality instantly across the world without fear or favor. Social media plays a vital role in the development of human rights as well.

It has become quite easy to make people aware of human rights by the mediums of social media such as Facebook, Twitter, YouTube, Whatsapp and blogs. During the floods in Jammu & Kashmir in September 2014 the social media contributed to the protection of human rights. Through social media, minutes later, information of flood affected areas, pictures of people and their needs was sent worldwide and people were inspired to help the flood affected people. It was the result of this only that several thousand crore rupees, food, clothing and other items of need were sent to Jammu & Kashmir in large amounts. And this is not only
Jammu & Kashmir but the whole country was able to face this calamity easily and so successfully.

### 3.13 SITUATION OF HUMAN RIGHTS VIOLATIONS IN JAMMU & KASHMIR

From the time of accession to India, the state is facing human rights violations. Jammu & Kashmir hardly sees a day when there is no violation of human rights somewhere. Terrorists, security forces, government, administration all are accused of human rights violations. In Jammu & Kashmir mainly human rights violation like murder, forcefully hiding someone, torture, rape and sexual abuse occur.

Various terrorist organizations, the military and security forces have faced serious allegations of human rights violation of the Kashmiri people thousands of times and in different cases they were found guilty (Om Prakash Dwivedi and V.G. Julie Rajan, 2016). According to known Human Rights organization Asia Watch, in 90s terrorist groups forced Kashmiri Pundits for mass exodus and homelessness. Events like Sexual harassment of women of Kashmiri Pundits, burning homes, torture and forcefully snatching land were done to them (Asia Watch, 1991).

Indian government claims that the main culprits of this act are Jammu & Kashmir Liberation Front and militant outfits like Hizbul Mujahedeen who act on the signals of Pakistan’s ISI. Although, only terrorists and separatists are not accused
of human rights violation but millions of the security forces deployed in the state to protect people have faced serious allegations of human rights violation in the past two decades. A US report says that the Indian Army has done big scale extra-judicial killing of innocents and suspects. The report has also said that the army has committed more killings and human rights violation than terrorists and separatists.

However, defending the allegations of human rights violation incurred on military, the Indian army has said that 97 per cent of all the cases on military personnel are fake. Reports and official statistics may state otherwise, but human rights activists believe that the reality is quite different from the official figures. In the past two decades there have been thousands of various human rights violation in Jammu & Kashmir.


A serious study of this table shows that most cases of human rights violations have been filed against the police and security forces. Incidents of negligence in health facilities in the state have also been increasing. However, it is noted that cases filed with the Human Rights Commission are much less in reality than the actual number of cases. In fact there are hundreds of cases of human rights violation that are not registered in any record.
Table: 3.3
Human Rights Violations Cases of Jammu & Kashmir registered by NHRC

<table>
<thead>
<tr>
<th>Name of Incident category</th>
<th>2012</th>
<th>2013</th>
<th>2014 (TILL JULY)</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHILDREN</td>
<td>10</td>
<td>14</td>
<td>19</td>
<td>43</td>
</tr>
<tr>
<td>HEALTH</td>
<td>12</td>
<td>07</td>
<td>26</td>
<td>45</td>
</tr>
<tr>
<td>JAIL</td>
<td>12</td>
<td>09</td>
<td>05</td>
<td>26</td>
</tr>
<tr>
<td>JUDICIARY</td>
<td>03</td>
<td>02</td>
<td>02</td>
<td>07</td>
</tr>
<tr>
<td>MAFIAS/UNDERWORLD</td>
<td>10</td>
<td>13</td>
<td>01</td>
<td>24</td>
</tr>
<tr>
<td>LABOUR</td>
<td>08</td>
<td>08</td>
<td>21</td>
<td>37</td>
</tr>
<tr>
<td>MINORITIES/SC/ST</td>
<td>01</td>
<td>01</td>
<td>00</td>
<td>02</td>
</tr>
<tr>
<td>POLICE</td>
<td>84</td>
<td>80</td>
<td>27</td>
<td>191</td>
</tr>
<tr>
<td>POLLUTION/ECOLOGY/ENVIRONMENT</td>
<td>00</td>
<td>05</td>
<td>00</td>
<td>05</td>
</tr>
<tr>
<td>RELIGION/COMMUNAL VIOLENCE</td>
<td>03</td>
<td>01</td>
<td>01</td>
<td>05</td>
</tr>
<tr>
<td>SERVICE MATTERS</td>
<td>48</td>
<td>38</td>
<td>15</td>
<td>101</td>
</tr>
<tr>
<td>WOMEN</td>
<td>14</td>
<td>52</td>
<td>14</td>
<td>80</td>
</tr>
<tr>
<td>MISC.</td>
<td>128</td>
<td>146</td>
<td>73</td>
<td>347</td>
</tr>
<tr>
<td>DEFENCE FORCES</td>
<td>27</td>
<td>36</td>
<td>08</td>
<td>71</td>
</tr>
<tr>
<td>PARA-MILITARY FORCES</td>
<td>18</td>
<td>27</td>
<td>10</td>
<td>55</td>
</tr>
<tr>
<td>SC/ST/OBC</td>
<td>02</td>
<td>00</td>
<td>00</td>
<td>02</td>
</tr>
<tr>
<td>REFUGEES/MIGRANTS</td>
<td>00</td>
<td>04</td>
<td>01</td>
<td>05</td>
</tr>
<tr>
<td>TOTAL</td>
<td>740</td>
<td>894</td>
<td>721</td>
<td>2355</td>
</tr>
</tbody>
</table>

(Source: NHRC, 2014, Data as per CMS Record of NHRC)

3.13.2 Cases of Human rights violation and the role of media

Thousands of cases of serious human rights violation in Jammu & Kashmir have been frequently attributed to security forces. On the other hand, some other actors are also held responsible in various cases for human rights violations. In light of this fact, media becomes more powerful actor of the society, which can
work for protection of human rights. The incidents of human rights violation by security forces have occurred more in the following categories...

3.13.2.1 Violation of the right to life

➢ Death in custody - On May 1, 2008 Jammu & Kashmir State Human Rights Commission took cognizance of some newspaper reports. Case of death of a 15 year old boy in the custody of Rashtriya Rifles 6th Battalion in Shalla Dooru of Handwara district was reported. Most of the local newspapers of the state published the news from the perspective of human rights violations. After which the State Human Rights Commission took cognizance of the incident and the responsible soldiers were interrogated. Media created an environment in favor of justice for the victims of human rights violation here and forced the administration to take action (Parvez Imroz & other, 2012).

➢ In Year 2011 the then chief minister handed over National Conference leader Syed Mohammed Yusuf to the crime branch. After which he died in police custody (Nandini Krishnan, 2011). Other than Local newspapers like Kashmir Times and Greater Kashmir, national newspapers and news channels featured this news prominently. After media reports there were several protests in the state. Opposition leader Mehbooba Mufti put pressure on the government. Eventually the state had to undergo an
independent investigation in this matter. This investigation was headed by former Supreme Court judge H.S. Bedi in which later the then Chief Minister of the state was given a clean chit. Although media and the victims family had been consistently demanding a CBI inquiry into the matter. According to a report published in Tehelka magazine on November 21, 2011, the Chief Minister of Jammu & Kashmir informed in response to a written question stated that between Year 1990 and 2010, 341 people died in custody in the state. In reality the figure is more than the official figure.

3.13.2.2 Extrajudicial killings

➢ Asian Centre for Human Rights reported that 30 year old Mohammad Ashraf Sheikh resident of Pehlipora village in Kokarnag (sub-district) of Anantnag district was allegedly shot dead by 3 Jawans of Jammu & Kashmir light Infantry (JAK LI). The incident took place on 3 June 2008. Tahir Pathan of the 17th Rifle Battalion and a military Informer Riaz Ahmed Chichi were arrested on the charges of murder in this case. Family members of the victim alleged in court that many officials of Indian army are directly involved in the murder. Reports regarding this case were published and disseminated in media in detail (ACHR, 2007).

➢ Chief District and Sessions Judge Hasnain Masudi issued non-bailable warrants against five military personnel on April 2, 2008. Col Vikram Singh
of 13 National Rifle, commanding officer on the second level under him V. K. Sharma, Major Rishi, Junior commissioned Officer Puran Singh and Nayak Satya are these personnel. They all were accused of conspiring to murder of Shaukat Ahmad Kataria a religious leader in Srinagar mosque on December 4, 2006. A non-bail able warrant was issued against them for not answering the summons sent repeatedly to appear in court. This case was prominently covered by media because it was about human rights violations. Information regarding this incident was constantly provided to the people. Jammu & Kashmir's local newspaper Greater Kashmir prominently published the news on April 2, 2008 titled "Warrant against Colonel, 4 Soldier." The state's local newspapers as well as national news channels and newspapers published and broadcast the news. This brought direct and indirect awareness in the public about extra-judicial killing in human rights violation cases. In April 2008, the state Human Rights Commission took suo moto cognizance of media reports regarding 1000 anonymous graves in Lolab and Biglsur of Kupwara district and in various villages in Baramula district of north Kashmir. It suggested the state government to make strategy's to address this issue. This news featured prominently on the front pages of various local newspapers including The Tribune, Kashmir Times and Greater Kashmir. In the case the separatist Hurriyat Conference leaders staged widespread dharna and agitations and accused the security forces of killing these people. In addition to the national media, the international media also covered this big case of homicide prominently. Globally known satellite
television network Al-Jazeera published the news on its website on August 05, 2011. The news was published on this website titled "Kashmir: A Wounded Paradise."

3.13.2.3 Cases of human rights violation related to Illegal arrest, illegal detention (disappear) and torture

- Article 21 of the Constitution of India states that except the proceedings established by law, no person can be denied his life or personal liberty. The Supreme Court has also said in an order that proceedings established by law should be perfectly fair and reasonable. On the other hand Article 9 of the International covenant on Civil and Political Rights (ICCPR) binds India in a border as a state and explains that the state must provide all citizens freedom. The article says that when the state has the provision of judicial detention then there is no basis for any other form of detention. Despite cases like illegal arrest, illegal detention and torture are persistently visible in Jammu & Kashmir. According to a report by Amnesty International, more than 10,000 people have been detained illegally in the past two decades under the Public Safety Act (PSA). (Amnesty International, 2011)

- According to a report of the human rights group Amnesty International there have been many such cases of human rights violation in 2013. Jammu & Kashmir police arrested 16 year old teenager Sajjad Mir on March 8, 2013 in
Srinagar under the Public Safety Act (PSA) for allegedly pelting stones and disturbing the peace. Police immediately sent him to Kotbaival jail in Jammu, about 300 kilometers away from his home without informing his family (Amnesty International, 2013).

- In April 2013, Jammu & Kashmir High Court quashed the detention of Mir. Yet police re-arrested him on the charges of insulting public officials, endangering self and people’s lives, possessing lethal weapon to attempt murder under the Ranbir Penal Code (RPC). After two days the lower court (trial court) gave bail to Mir when his family deposited guaranty. But police did not release him. Instead, police kept on taking him to various police stations of Srinagar for about a month. Police did not give any reason for keeping him in detention despite the court order. He eventually was released on June 13, 2013 after nearly 39 days. The local media kept total focus on the news of Mir’s detention. Rising Kashmir, Kashmir Media Service and others gave adequate space to the news. The police was forced to release Mir due to enough space given to this news and because the news media revealed the negligence of police and administration.

3.13.2.4 Exemption from punishment (Impunity)

Under the guise of various laws, policemen and security forces escape prosecution in the cases of human rights violation including torture in custody. To
prosecute them, permission from the state government has to be sought under special acts like AFSPA, Public Safety Act and under section 197 of the Criminal Procedure Code 1973 (AFSPA, 1958).

**Figure: 3.4**

Symbolic Poster refers to show feelings of the people about Impunity.

(Source: Google Image, http://3.bp.blogspot.com/-FNDr J9weCc/U7vSB9TmOTI/AAAAAAAABsg/HMfZwLek_cU/s1600/Impunity+Protest+Banner.jpg)

In the cases of human rights violation and torture by security forces, even the National Human Rights Commission (NHRC) has been prevented from
investigating under Section 19 of the Human Rights Protection Act. Mostly state governments don’t give permission for necessary judicial enquiry in the cases of disappearances (of people), rape and custodial murder under Section 176 of the CrPC. According to a report by the Asian Centre for Human rights, in the past few years regarding the human rights violation nearly 250 security personnel, army men, paramilitary forces and police men have been sentenced.

Of these, nearly 90 are military personnel and officers, 82 are paramilitary forces men and about 51 are local policemen. At the hearing of Gulam Nabi Magre vs. central government case in Jammu & Kashmir High Court, the state government told the court that the state government referred 458 cases to the central government from 1990 to 2007, in which it sought permission to prosecute security personnel accused of human rights violations. Principal Home Secretary of Jammu & Kashmir told the court in October 2008 that the prosecution has been approved in 270 cases, while 7 cases have been rejected by the government. 122 other cases are pending before the DGP of crime branch (Human Rights Watch, 2009). In 2007, there were many protests when it was revealed in Jammu & Kashmir that security forces did encounter of innocent civilians and killed many to get promotion. The security forces, the government and the administration were criticized heavily in this case. Under pressure from local and national media and the citizens in this matter, the state government had to order a commission of inquiry headed by Makhan Lal Kaul, retired judge of the Punjab and Haryana High court (Human Rights Watch, 2009).
3.13.3 Violations of international human laws

Most of the violators of international humanity laws are terrorists, separatists and violent & aggressive efforts to see their demands fulfilled. These are also called the Armed opposite Group (AOG). Primarily, violation of international humanity laws is to torture, kidnap, murder and intimidation etc.

- AOG often tortures any community to intimidate and create fear in their mind. On September 10, 2008 three militants of Hizbul Mujahideen barged into the house of Manzoor Ahmed in Dessa of Doda district. The terrorists demanded his mobile phone and SIM card. When Manjoor Ahmed said that he's quite poor and does not have a phone then the militants cut off his nose and arm. They left him there to die. On September 16, 2008 national news channel Times Now broadcast the news prominently titled "Terrorists Chopped of my nose." Local media also gave front page space to the news. Many journalists have tried to tell people that if they get stuck in a situation like this then how to avoid it (SATP, 2012).

3.13.4 Violations of child rights

Juvenile Justice (Care and Protection of Child) Act, 2000 was amended in 2006. In applying the law all over India the situation is very poor. This law helps children in avoiding legal entanglements, ensuring care in the time of need and
defending the right of safety to protect. But since the law is not applied correctly, children are often placed behind bars in police stations. They are stopped in police stations illegally and even incarcerated. Also the child rights in Jammu & Kashmir situation is not good enough. A news published in Tehelka magazine on February 4, 2011 titled "J&K, No.1 in child labor: Survey" informs that in the case of child labor the state of Jammu & Kashmir ranks first in the country.

This news was written on the basis of an independent survey conducted by Professor Fayaj Ahmad Nikka which revealed that about 2.40 lakh children in the state are involved in child labor. Pro Fayaj says that in the state parents send their children to work due to poverty, special conditions and helplessness. That the children are used by police and administration as informants has also come across in many reports. Also since the state security forces are protected from prosecution under laws such as AFSPA and PSA, in the past two decades more than 100 children and teenagers have been fired at by the security forces.

In the last few years, hundreds of children have lost their lives in terror activities in Jammu & Kashmir. On April 8, 2014 Jammu & Kashmir News point website published news titled “Gunmen kill Sarpanch, Minor Boy.” An unknown armed man fired at a 9-year-old child. He died in the incident. Media has always published and broadcasted news like this prominently so that the government and the administration take cognizance of child rights abuse and take strict measures for their protection.
3.13.5 Violation of women's rights

Reports by many human rights organisations suggest that a wide range of women's rights are violated in Jammu & Kashmir. Women are being targeted since the beginning of terrorism and militancy in Kashmir. In the 1980s, separatists, terrorists and militants were accused to forcibly send the Hindu Pundits out of Kashmir valley they started to execute events such as harassment and rape of women from their families. Under the various laws of Jammu & Kashmir, security forces are protected from prosecution and they have power to investigate anyone's house on suspicion. Because of these rights security forces have sexually harassed hundreds of women in last two decades (J. Cyril Kanmony, 2010).

3.13.5.1 Kunan Poshpora incident

In 1991 the Jawans of Rajputana Rifles of Indian Army were accused that on February 23, 1991, they went to inquire in Kunan Poshpora village of Jammu & Kashmir at about 11 o'clock at night. The Jawans closed all the roads in village and interrogated men entire night. It is charged that meanwhile that night the army men gang raped more than 100 women in the village (The Hindu, 2013). It was accused that the Jawans raped girls, pregnant, married and aged women. Although in government investigation all these allegations were found baseless. But after the incident widespread protests took place at several places in the state. Strict actions were demanded against the responsible personnel.
➢ On January 1, 2008 three persons including a police man raped a 17 year old minor girl in Gulshan ground police quarters of Gandhi Nagar police station in Jammu town. It was alleged that the victim girl was kidnapped while going to school from Noshera on May 31, 2008. The news was published in almost all local newspapers of the state on June 2. Some national news channels including NDTV broadcast the news from the perspective of human rights violations. The Kashmir Times published the news on the front page titled "Cop, 2 others rape minor."

➢ It is alleged that on the night of December 3, 2008, a group of army's 36 Rashtriya Rifles forcibly entered the house of Mohammed Abdullah Khatana in Dandhipora village of Kokarnag area in Anantnag district and raped the 13-year-old minor daughter of Khatana. The Kashmir Times published the news on December 5, 2008 with the title of "Protest in Kokarnag as army men rape minor." The same day most of the other local newspapers in Hindi, Urdu, English and all the other languages published the news prominently.

### 3.13.6 SC/STs human rights situation

According to data from the National Human Rights Commission in 2012, 2013 and 2014 (till July) there have been only two cases of SC-ST human rights violation in Jammu & Kashmir. Although many social organisations and activists believe that in reality this figure is slightly higher. But if we look at the situation and
the background of Jammu & Kashmir, not only of the SC-ST but human rights of all are violated in the state. Whether it be terrorists or security forces, at the time of human rights violations, they don't give a thought if they are torturing the SC-ST or any other. For terrorists damage to a human being is more important not to SC-ST community. Human rights violation of persons belonging to sc/st categories is significantly low in Jammu & Kashmir.

3.14 REPORTING OF HUMAN RIGHTS AND ATTACK ON JOURNALISTS

In cases of human rights violation in Jammu & Kashmir journalist often work with complete honesty and impartiality. But despite violation of human rights, local journalists write news under pressure from the government, administration and terrorist groups. Journalist security is important reason behind this (Amnesty International 2015-16).

In 1990s, journalists had to work under the pressure of terrorist groups and governments (Pradeep Singh Balli, 2014). There are many reasons which have been mentioned above. But at present, due to domination of information technology and rapid growth of social media, journalists are able to speak with more freedom.

However, because of the practice of paid news by the government, news related to sensitive issues such as human rights often do not get enough space. In
a report of international organisation ‘Reporters without Border’ regarding freedom of press, India is ranked 133th in the year 2016 (Reporters without Borders, 2016).

Figure: 3.5
Symbolic Poster showing allegedly increased number of violence against Journalist.


The ranking is done by World Press Freedom. In the report, it is said particularly referring to Jammu & Kashmir and Chhattisgarh that journalists are targeted here by both government and non-government organisations. Attacks on
journalists are following during the coverage of the general elections held in 2014 in Jammu & Kashmir...

➢ Times Now channel's local correspondent Sheikh Inayat and Zahoor Ahmed Bhatt of Shaharbin Times were covering a meeting of a local political party on April 19, 2014. During this, members of the special operation group including police officials attacked the journalists and injured them gravely.

➢ On April 24, photo-journalist Javed Dar working for Xinhua News was attacked by Kulgam police.

➢ On April 24, 2014, while covering a demonstration in Srinagar, Shabnam Fayaj of Munsif TV and Adil Omar Shah of Voice TV were beaten by police.

➢ Hundreds of cases of attacks on journalists have come across in Jammu & Kashmir during the last two decades. In the 90s, journalists were intimidated for ever to report the news. Journalists are constantly attacked; despite this most journalists report the human rights cases in a sensitive manner. With the rise of social media now a common citizen can play the role of journalist. So the government, terrorist or anyone many try to suppress the voice of truth but the truth is exposed in some way or the other.

3.15 JAMMU & KASHMIR HUMAN RIGHTS COMMISSION

Jammu & Kashmir State Human Rights Commission is an organisation to protect the human rights, which works under the National Human Rights
Commission. Though, Jammu & Kashmir State Human Rights Commission has been set up to protect human rights, but practically it hasn't been much of a use. Role of this organization is very low despite the large number of human rights violation in the state. There are two major reasons behind this. One, in reality this institution hasn't been provided more autonomy and second, the state government does not follow the recommendations of the organization.

There is another important thing that security forces deployed in Jammu & Kashmir do not come under the State Human Rights Commission. Since 2008, the post of chairman of the Jammu & Kashmir Human Rights Commission is empty. Several other members and staff are currently employed in the Commission. In 2006, the then Chairman of the Jammu & Kashmir Human Rights Commission Justice A.M. Meer said in his resignation letter to Governor Lt General (Retd) S.K. Sinha that the government has not implemented a single suggestion made by the commission in his tenure. He wrote that the Jammu & Kashmir State Human Rights Commission is not succeeding in its aim.

3.16 HUMAN RIGHTS GROUP OPERATING IN THE STATE

Not only the state and national level organizations but also many international organizations are active in Jammu & Kashmir state which is working to protect human rights. United Nations and many other international organizations watch the human rights violation in Jammu & Kashmir closely. The main reason
behind this is that in the present context the Jammu & Kashmir dispute is a dispute which poses a major challenge at the international level whose solution is discussed at the United Nations and various other forums.

3.16.1 National Organisations

I. International People's Tribunal on Human Rights and Justice in Kashmir (IPTK) – The organization was set up in 2008 by some human rights activists to investigate the human rights violation in Jammu & Kashmir. Another purpose of the organization is to bridge the gap between Kashmiris and India. From the inception in 2008, Pervez Imroz, Angna P. Chatterjee, Gautam Navlakha and Zahir-Ud-Din were in important capacity in the organization.

II. Association of Parents of Disappeared Persons (APDP) – It is an organization by the families of people who were detained by security forces in Jammu & Kashmir and tortured extra judicially. APDP was founded in 1994. Its purpose is to give justice to the people disappeared in Jammu & Kashmir and to keep the victim’s kin informed of the whereabouts. Currently, more than 1,000 victims’ families are part of this organisation. From time to time, this organisation runs campaigns to liberate the people disappeared by unnecessary manner in Jammu & Kashmir. On the 10th of each month, the families of missing victims organize a general meeting led by APDP.
III. **People Union for Democratic Rights (PUDR)** - People’s Union for Democratic Rights is a Delhi-based organisation which works to ensure civil liberties and democratic rights. PUDR came into existence in 1976-77 but on national level it began working comprehensively on February 1, 1981. At present it is working in various districts of India. Many reports of human rights violation in Jammu & Kashmir have been prepared by the institution.

### 3.16.2 International Organisations

I. **Asian Centre for Human Rights** – It works to protect human rights and fundamental rights in the entire Asian continent. The organisation does research on various issues related to human rights and fundamental rights in India, Bhutan, Bangladesh, Afghanistan, Pakistan and other Asian countries. It shares the various facts found from the research with the national human rights organisations and the United Nations Human Rights Council. So that an improved strategy can be prepared for these sensitive issues in due time. This organisation helps to increase the capacity of civil society groups and the activists working to protect human rights in various Asian nations.

II. **Human Rights Watch** - It was formed to protect the rights of people and to take notice of fundamental human rights violation and speak out against it. Human Rights Watch has headquarters in New York, America. The
institution was founded in 1978 at the global level. This institution does research in support of human rights. This organisation has offices in different countries. It included Asia Watch in 1985, Africa Watch in 1988 and Middle East watch in 1989 with itself. These three are known as Watch Committees. These three committees work under the Human Rights Watch.

III. Amnesty International – Amnesty International is an international NGO. Striving to protect human freedom and human values is its purpose. It also has various research institutions in the field of human rights. The institution was founded in 1961 in UK. Amnesty International tries to draw the attention of the whole world by doing research on the issues of human rights violation. Its purpose is to put pressure on governments and institutions to protect human rights. In 1977, the organisation received Nobel Peace Prize for carrying out a campaign against exploitation. It got United Nations Human Rights Award in 1978. The organisation has conducted research on the situation of human rights in Chhattisgarh.

IV. Association for India’s Development (AID) - Association for India’s Development is a voluntary organisation and a campaign which works to promote long-term and fair development in India. AID ia a US based non-profit organisation. Donations given to AID in US get tax exemption. AID helps social organisations working at grassroots level in India and attempts to better education, health and living standards in India. Not only this, AID
does conservation efforts in agriculture, energy and water resources. It also works for women empowerment and social justice.

3.17 SOCIAL WORKERS WHO WORK FOR HUMAN RIGHTS PROTECTION IN THE STATE

I. Parvez Imroz – Parvez Imroz is a social worker who works to protect human rights and civil rights in Srinagar, the capital of Jammu & Kashmir. He's a lawyer by profession. He is the founder of Jammu & Kashmir coalition of Civil Societies (JKCCS). This organisation works to make alliance between various Kashmiri civil society organisations. Parvez has been the coordinator of International People's Tribunal on Human Rights and Justice in Indian administered Kashmir. He has been awarded the 11th Ludovic-Trarieux International human rights award by Human Rights Institute of the Bar of Bordeaux in Bordeaux, France. He has filed thousands of cases in court on behalf of the families of victims disappeared in Kashmir and killed in custody.

II. Angana P. Chatterji - She is a social worker. She was born in Calcutta. Chatterji has prepared several reports on human rights violation in Jammu & Kashmir. From time to time she runs campaigns for the protection of human rights in Jammu & Kashmir. She has been the coordinator of The International People's Tribunal on Human Rights and Justice in Kashmir.
She was the principle author of the December 2009 report "Buried Evidence: Unknown, Unmarked, and Mass Graves in Indian-administered Kashmir; A preliminary report."

III. **Gautam Navlakha** - Gautam Navlakha is a civil liberties and human rights activist. He has long been associated with the People's Union for Democratic Rights. He lives in Delhi and has been consulting editor with prominent magazines like Economic and Political Weekly. Gautam was a member of International People's Tribunal on Human Rights and Justice in Kashmir. He worked for a long time to prevent the large-scale human rights violation in Kashmir and to make people aware of this.

### 3.18 MEDIA, HUMAN RIGHTS AND NATIONAL HUMAN RIGHTS COMMISSION

Different people have different opinions about the role of media in the development of human rights. Some people believe that without media the situation of human rights would be worse whereas some others think media presents sensitive issues such as human rights after sensationalizing which makes the situation of human rights worse instead of protecting it. Also, it is often accused that media is not playing its role with honesty and integrity.

Any work is appreciated and criticized but this is a result of the strength of India's independent media that National Human Rights Commission (NHRC) took
Suo motu cognizance of the news about human rights violation which was published and broadcast on various media platforms in the last few years. Not only this, the NHRC also filed cases against alleged individuals on the basis of media reports. The government and administration also ordered to take action in this regard.

3.18.1 Here are some important cases where the NHRC took suo motu cognizance and took action based on media reports in the cases of human rights violation:-

- **Case No : 215/9/13/2013 (NHRC)**  
  SUO-MOTU, TRIBUNE DELHI, DATED. 05/06/2013  
  "FOUR INFANTS DIE AT GB PANT HOSPITAL IN A DAY"

In these cases, the National Human Rights Commission upon consideration of the response received from the concerned authority, called for further report in the matter. The authority concerned has not responded within stipulated time. A reminder was issued to the concerned authority calling for the requisite report within four weeks positively or the Commission shall be constrained to invoke coercive process u/s 13 of the Protection of Human Rights Act, 1993. Copy of the earlier communication of the Commission be annexed with the reminder for reference.
**Case No : 271/9/0/2013 (NHRC)**

“DEATHS IN BSF FIRING”

As per report published in August 2013 Newsletter edition, in a monthly in house magazine of National Human Rights Commission, Media reported that four persons died and 42 sustained injuries when guards at BSF camp in Ramban, Jammu & Kashmir opened fire at a gathering of protesters. 13 of the injured were airlifted and admitted to the Government Medical College Hospital, Jammu.

Reportedly hundreds of people had marched to the BSF Camp alleging that some personnel had desecrated the mosque after gate-crashing it with their shoes on, they also roughed up the Namazis. In this matter, National Human Rights Commission issued notice to the Union Home Secretary and DGP, Jammu & Kashmir, calling for report.

**Case No : 235/9/0/2013 (NHRC)**

SUO-MOTU, TUHSAR MATTOO, SOCIAL ACTIVIST

While considering the matter on 8th October, 2013 the National Human Rights Commission observed and directed thus:- "One Shri Tushar Mattoo, a social activists vide his e-mail dated 20.6.2013 drew the attention of the Commission to a news report that appeared in "ET Plus" alleging assault on a Kashmiri Pandit family in village Chowgam by a group of locals. He urged the Commission to intervene in
the matter. The press report alleges that one Vijay Raina and his family members were attacked by a group of locals led by mohd. Saleem Ganai and their relatives. This attack was tool place when they visited their ancestral property in Chowgam Village to sprinkle pesticides in the apple orchard on 19.6.2013. As per the report, the attackers also warned them to leave the area or else they will have to face serious consequences. To save themselves from the clutches of the attackers, Vijay Raina and his family members took refuge in P.S. Qazigund. The police has also registered a case against Ganai family. It has also been reported that Ganai who has encroached upon their land warned Vijay Raina of serious consequences if he tried to cultivate the land as he had already migrated from the valley 25 years back and has no right to return to the valley and cultivate the land. The Commission on 1.7.2013 took cognizance of the matter and issued notice to the Deputy Commissioner and SP, Kulgam, Jammu & Kashmir to submit a report in the matter within two weeks.

However, the requisite reports have not been received from Deputy Commissioner and SP, Kulgam, J&K, so far. A reminder was issued to Dy. Commissioner, Kulgam and SP, Kulgam directing them to submit the required reports within eight weeks." The above directions were sent to Dy. Commissioner, Kulgam and SP, Kulgam, J&K on 14.11.2013 calling upon them to submit the requisite reports by 1.1.2014. However, the required reports have not been received so far. A reminder was issued to Dy. Commissioner, Kulgam and SP, Kulgam directing them to submit the requisite reports within eight weeks. (NHRC)
Case No: 96/9/0/2013 – (NHRC)

AMITRA SUDAN CHAKRABORTTY, FOUNDER MANAB

The National Human Rights Commission has taken cognizance in these cases and called for reports from concerned authorities. Despite reminder with a warning of coercive process u/s 13 of the Protection of Human Rights Act, 1993, requisite reports have not been received so far. Under these circumstances, the Commission would have ordinarily issued summons for personal appearance of the authorities concerned but, one last and final opportunity is granted to submit the requisite reports within four weeks. A copy of the last communication of the Commission along with the complaint has been sent along with the reminder.