Chapter-2

Political Profile of Jammu and Kashmir
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Geographically Jammu and Kashmir is a landlocked state, located close to the heart of Asia. Jammu and Kashmir is India’s Northern most state, lying between six mountains ranges and covering an area of 2,22,236 sq. Kilometers. It is located between $32^0 17^\circ$ and $36^0 58^\circ$ North Latitude, and between $37^0 36^\circ$ and $80^0 30^\circ$ East Longitude. The state is bounded on the north by Afghanistan and China, on the east by China, on the south by State of Himachal Pradesh and the state of Punjab in India, and on the west by North-West Frontier Province and the Punjab Province of Pakistan. The actual population of Jammu and Kashmir according to (2001 Sensus) is 10,143,700, in which the Male population consisted upon 5,360,926 and Female population is 4,782,774.

The Kashmir has long been a Muslim majority state. In the 1901 Census of the British Indian Empire, Muslims constituted 74.16% of the total population of the princely state of Kashmir and Jammu. Hindus 23.72% and Buddhists 1.21%. The Hindus were found mainly in Jammu, where they constituted a little less than 50% of the population. In Kashmir Valley, Muslims constituted 93.6% of the population and Hindus 5.24%. These percentages have remained stable for last 100 years. Forty years later, in 1941 Census of the British India, Muslims accounted for for 93.6% of the population of the Kashmir Valley and the Hindus for 4%. In 2003, the percentage of Muslims in the Kashmir valley was 95% and those of Hindus 4%; the same year in the Jammu; the percentage of Hindus was 66% and those of Muslims 30%. Tourism is one of the main sources of income for vast sections of the Kashmiri population. However, the tourism industry in Kashmir was badly hit after insurgency intensified in 1989.

Kashmir’s economy is centered around agriculture. Traditionally the staple crop of the valley is rice, which forms the chief food of the people. Indian corn comes next; wheat, barley and oats are also grown. Blessed with a temperate climate unlike much of the Indian subcontinent, it is suited to crops like asparagus, cauliflower and cabbage, broad beans, scaletrunners, beetroots. Fruit trees are common in the valley, and the cultivated orchards yield pears, apples, peaches, cherries, etc. are of fine quality. The chief trees are deodar, firs and pines, chenar or plane, maple, birch and walnut. Historically, Kashmir came into the limelight when the world famous
Cashmere wool was exported to other regions and nations (exports have ceased due to decreased abundance of the Cashmere goat and increased competition from China), Kashmir’s people are well adept at knitting and making shawls, silk carpets, rugs, kurtas, and pottery. Kashmir is home to the finest saffron in the world. Efforts are on to export the naturally grown fruits and vegetables as organic foods mainly to the Middle East. Srinagar is also celebrated for its silver work, papier-mâché and woodcarving, while silk wearing continues to this day. The Kashmir valley is a fertile area that is the economic backbone for Indian-controlled Kashmir. The area is famous for cold water fisheries. The Department of Fisheries has made it possible to make trout available to common people through its ‘Trout Production and Marketing Programme’. Many private entrepreneurs have adopted fish farming as profitable venture. The area is known for its sericulture as well as fruits and nuts. Aside from being a pilgrimage site for centuries, around the turn of the 20th century it also became a favorite tourist spot until the increase in tensions in the 1990s.

**Constitution**

The State of Jammu and Kashmir has a special position in the Indian Union in so far as it has its own constitution. The constitution of the state is a written document of 158 Articles divided into 13 parts and 7 schedules. The idea of convening a Constituent Assembly for Jammu and Kashmir state was conceived before the partition of India was contemplated and would have been implemented but for the invasion of the state after the partition of India by the tribesmen from Pakistan territory. When in 1948, the National Conference formed the interim Government in the state; it was expressly declared that, as soon as normal conditions were restored, steps would be taken to condemn a National Assembly based upon adult suffrage to frame a constitution for the state. The convening of the Constituent Assembly in 1951 was a natural outcome of the desire of the people of the state to have a democratic government responsible to the legislature, elected by the people. The establishment of the Jammu and Kashmir Constituent Assembly in September 1951 was an event of great significance in the political history of the state. This Assembly was invested with authority to frame the constitution for the state. It was inaugurated with a historical speech of the Prime Minister of the state Sheikh Mohammad Abdullah.

The task of the constitution entered in deceive phase when in the 12 session of the Constituent Assembly, held from on October 10- 1956 to November 19- 1956, the
drafting committee on October 10–1956 presented the draft of the constitution. After
detailed discussion, the constitution was approved and adopted on 17 November
1956. The constitutional provisions were by and large patterned on the relevant
provisions of the constitution of India with some exceptions, such as the powers of the
head of state and directive principles of the state policy. The constitution came into
force on 16 January 1957. For the first time in the history of the Kashmir, the state
assumed the status of a constitutional state, because the constitution represents the
supreme will of the people of state.²

**Preamble of the State**

*WE, THE PEOPLE OF THE STATE OF JAMMU AND KASHMIR,* having
resolved, in pursuance of the accession of this State to India which took place on the
twenty sixth day of October, 1947, to further define the existing relationship of the
State with the Union of India as an integral part thereof, and to secure to ourselves-
*Justice,* social, economic and political;
*Liberty* of thought, expression, belief, faith and worship;
*Equality* of status and of opportunity; and to promote among us;
*Fraternity* assuring the dignity of the individual and the unity of the Nation;

*IN OUR CONSTITUENT ASSEMBLY* this seventeenth day of November 1956,
do HERBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.³

On April 30, 1951, the Yuwraj Dr. Karan Singh issued a proclamation to order
the institution of the Constituent Assembly in the state on the basis of adult franchise
by secret ballot. The election for Assembly took place in September 1951 so as to
have 75 delegates 45 from Kashmir and Ladakh and 30 from Jammu region. 25 seats
were left vacant to represent the people with occupied territories of the state by
Pakistan. One of the senior most members Maulana Musoodi was appointed the
Protem Chairman of the Assembly. The next day Ghulam Mohd Sadiq was elected the
president of the Assembly. The Assembly formally inaugurated with a historical
speech of the Prime Minister of the state Sheikh Mohammad Abdullah on November
5, 1951 at Srinagar. Pointing out to the importance of the occasion, the Sheikh said:
“Today is our destiny. A day which comes only in the life of nation, after centuries we
have reached the harbor of our freedom for the first time in the history will enable the
people of Jammu and Kashmir whose duly elected representatives are gathered here to
shape the future of their country after wise deliberation and mould their future organs of the government.”

The State of Jammu and Kashmir holds a peculiar position under the Constitution of India. It forms a part of the ‘territory of India’ as defined in Art.1 of the Constitution, being the fifteen state included in the first schedule of the constitution, as it stands amended. In the original constitution, Jammu and Kashmir was specified as a ‘Part B’ state. The states reorganization Act, 1956, abolished the category of Part B states and the constitution (7th Amendment) Act, 1956, which implemented the charges introduced by the former Act, included Jammu and Kashmir in the list of the ‘states’ of the Union of India, all of which were now included in one category. Nevertheless, the special constitutional position which Jammu and Kashmir enjoyed under the original Constitution (Art.370) has been maintained, so that all the provisions of the Constitution of India relating to the states in the first schedule are not applicable to Jammu and Kashmir even though it is one of the states specified in that schedule. To understand why Jammu and Kashmir, being a state included in the first schedule of the Constitution of India, should yet be accorded a separate treatment, a retrospect of the development of the constitutional relationship of the state with India becomes necessary.

Under the British regime, Jammu and Kashmir was an Indian State ruled by a hereditary Maharaja. On 26 October 1947, when Azad Kashmir Forces attacked the state with the support of Pakistan, the Maharaja (Sir Hari Singh) was obliged to seek the help of India, after executing an Instrument of Accession similar to that executed by the rulers of other Indian states. By the Accession the Dominion of India acquired jurisdiction over the state with respect to the subjects of Defence, External Affairs and Communications, and like other Indian states which survived as political units at the time of the making of the Constitution of India, the state of Jammu and Kashmir was included as a Part B State in the First Schedule of the Constitution of India, as it was promulgated in 1950. But though the state was included as a Part B State, all the provisions of the Constitution applicable to Part B States were not extended to Jammu and Kashmir. This peculiar position was due to the fact that having regard to the circumstances in which the state acceded to India, the Government of India had declared that it was the people of the State of Jammu and Kashmir, acting through their Constituent Assembly, who were to finally determine the constitution of the state.
and the jurisdiction of the Union of India. The applicability of the provisions of the constitution regarding the state were, to be in nature of an interim arrangement.

The more important provisions of the state constitution of Jammu and Kashmir (as amended up to 1984) are that the constitution declares the State of Jammu and Kashmir to be “an integral part of Union of India”. The territory of the state will comprise all the territories, which on August 15, 1947, were under the sovereignty or suzerainty of the Ruler of the state (i.e., including the Pakistan-occupied area of Jammu and Kashmir). This provision is immune from amendment. The executive and legislative power of the state will extend to make laws for the state under the provisions of the constitution of India. Every person who is, or is deemed to be a citizen of India shall be a permanent resident of the state, if on the 14th of May, 1954, he was a state subject of class I or II, or having lawfully acquired immovable property in the state, he has been ordinarily resident in the state for not less than 10 years prior to that date. Any person who, before the fourteenth day of May, 1954, was a state subject of class I or of class II and who, having migrated after the first day of March, 1947, to the territory now included in Pakistan, returns to the state under a permit for resettlement in the state or permanent return issued by or under the authority of any law made by the state legislature will on such return be a permanent resident of the state. The permanent residents will have all rights guaranteed to them under the constitution of India.

Under the original constitution of Jammu and Kashmir, there was a difference between this state and other states of India as regards the Head of the state Executive was called ‘Governor’ and he is appointed by the President (Art. 152,155), the Executive head of the State of Jammu and Kashmir is called Sadar-i-Riyasat and he was to be elected by the State Legislative Assembly. This anomaly has, however, been removed by the constitution of Jammu and Kashmir (sixth Amendment) Act, 1965, as a result of which the nomenclature has been changed from Sadar-i-Riyasat to ‘Governor’ and he is to be ‘appointed by the President under his hand and seal’ (ss.26-27) as in other states (Art.155). As in other states (Art.155). In the result, there is now no differences on this point, between Jammu and Kashmir and other states. As in other states, the executive power of the state will be vested in the Governor and shall be exercised by him with the advice of the Council of Ministers (except in the matter of appointment of the Chief Minister (s.36) and of issuing a proclamation for introducing ‘Governor’s Rule’ in case of breakdown of constitutional machinery.
The Governor will hold office for a term of five years. The Council of Ministers, headed by the Chief Minister, will be collectively responsible to the Legislative Assembly.

The Legislature of the State will consist of the Governor and two Houses, to be known respectively as the Legislative Assembly and the Legislative Council. The Legislative Assembly will consist of one hundred members chosen by direct election from territorial constituencies in the state; and two women members nominated by the Governor. Twenty-four seats in the Legislative Assembly will remain vacant to be filled by representatives of people living in Pakistan-occupied areas of the state. The Legislative Council will consist of 36 members. Eleven members will be elected by the members of the Legislative Assembly from amongst persons who are residents of the Province of Kashmir, provided that of the members so elected at least one shall be a resident of Tehsil Ladakh and at least one a resident of Tehsil Kargil, the two outlying areas of the state. Eleven members will be elected by the members of the Legislative Assembly from amongst persons who are residents of the Jammu Province. The remaining 14 members will be elected by various elected by various electorates, such as municipal councils, and such other local bodies. The High Court of the State will consist of Chief Justice and two or more other Judges. The President will appoint every Judge of the High Court after consultation with the Chief Justice of India and the Governor, and in the case of appointment of Judge other than the Chief Justice of the High Court. There will be Public Service Commission for the state. The Commission along with its Chairman will be appointed by the Governor. Every member of the civil service or one holding a civil post will hold office under the pleasure of the Governor. The official language of the State will be Urdu, but English will, unless the Legislature by law otherwise provides, continue to be used for all official purposes of the State. (s.145).

The State Constitution may be amended by introducing a Bill in the Legislative Assembly and getting it passed in each House by a majority of not less than two-thirds of the total membership of that House. But no Bill or amendment seeking to make any change in the provisions relating to the relationship of the state with the Union of India, the extent of executive and legislative powers of the state or the provisions of the Constitution of India as applicable in relation to the state shall be introduced or moved in either House of the Legislature (s.147). Notwithstanding the liberal measures introduced in the state by the adoption of a separate State
Constitution, the Pro-Pakistani elements in Jammu and Kashmir continued their agitation for the holding of a plebiscite to finally determine whether the State should accede to India and Pakistan and there were violent incidents initiated by the ‘Plebiscite Front’ a pro-Pakistani party which had been formed with avowed object of secession from India. Sheikh Abdullah got involved in these anti-Indian movements and went on criticizing the Indian policy towards the state, as a result of which he had to be placed under preventive detention in 1955. After a short release in 1964 on the profession of a changed attitude, he again went wrong, so that he was again detained in 1965 under D.I.R. and eventually externed from the State in 1971. This was followed by a period of blowing hot and cold, leading to a series of negotiations between the representatives of India and the Plebiscite Front, and an agreement was eventually reached and announced on February 24, 1975.

The net result of this Agreement was that the demand for plebiscite was abandoned by Abdullah and his followers and, on the other hand, it was agreed that the special status of the state of Jammu and Kashmir would continue to remain under the provisions of Art.370 of the Constitution of India, which was described as a ‘temporary measure’ in the original Constitution. A halt was, thus, cried to the progress of integration of this State with the Union of India, which had started in 1954, by giving larger autonomy to the State Assembly in certain matters. It should, however, be mentioned that owing to difference over matters arising out of Agreement, it has not been implemented by issuing a fresh President Order under Art.370. The salient features of the constitutional position of the state of Jammu and Kashmir in relation to the Union, as modified up-to-date may now be summarized.

(a)-Jurisdiction of Parliament: The jurisdiction of Parliament in relation to Jammu and Kashmir shall be confined to the matters enumerated in the Union List, and the Concurrent List, subject to certain modifications, while it shall have no jurisdiction as regards most of the matters enumerated in the Concurrent List.

While in relation to the other States, the residuary power of legislation belongs to Parliament, in the case of Jammu and Kashmir, the residuary power shall belong to the Legislature of that State, excepting certain matters, specified in 1969, for which Parliament shall have exclusive power, e.g., prevention of activities relating to cession or secession, or disrupting the sovereignty or integrity of India. The power to legislate with respect to preventive detention in Jammu and Kashmir, under Art.22(7), shall belong to the Legislature of the State instead of Parliament, so that no law of
preventive detention made by Parliament will extend to the state. By the constitution (Application to Jammu and Kashmir) Order, 1986, however, Art.249 has been extended to the State of Jammu and Kashmir, so that it would now be competent to extend the jurisdiction of Parliament to that State, in the national interest (e.g., for the protection of borders of the State from aggression from Pakistan or China), by passing a resolution in the Council of States (Constitution Order, 129). (b)-Autonomy of the State in Certain Matters: The plenary power of the Indian Parliament is also curbed in certain other matters, with respect to which Parliament cannot make any law without the consent of the Legislature of the State of Jammu and Kashmir, where that State is to be affected by such legislation, e.g., (i) - alteration of the name or territories of the State (Art.3), (ii) -international treaty or agreement affecting the disposition of any part of the territory of the State (Art.253). Similar fetters have been imposed upon the executive power of the Union to safeguard the autonomy of the State of Jammu and Kashmir, a privilege that is not enjoyed by the other states of the Union.

Thus, (i) - No proclamation of Emergency made by the President under Art.352 on the ground of internal disturbance shall have effect in the State of Jammu and Kashmir, without the concurrence of the Government of the State. (ii) - Similarly, no decision affecting the disposition of the State can be made by the Government of India, without the consent of the Government of the State. (iii) - The Union shall have no power to suspend the Constitution of the State on the ground of failure to comply with the directions given by the Union under Art. 365. (IV) - Art.356-357 relating to suspension of constitutional machinery have been extended to Jammu and Kashmir by the Amendment Order of 1964. But “failure” would mean failure of the constitutional machinery as set up by the Constitution of Jammu and Kashmir and not Part VI of the Constitution of India. In Jammu and Kashmir two types of Proclamations are made: (a) - the “Governor’s Rule” under (s.92) of the Constitution of Jammu and Kashmir, and (b) - the “Presidents Rule” under Art.356 as in the case of other states. The first occasion when the Presidents Rule was imposed in Jammu and Kashmir was on 7-9-1986. It followed Governor’s Rule which expired on 6-9-1986. The Proclamation was revoked on 6-11-1986 when Farooq Abdullah formed a ministry. And Governor’s Rule was imposed on 27-3-1977 for the first time and later on 19-1-1990. Since 19-7-1990, the State had continuously been under President Rule until 9-10-1996 when a popular Government of Farooq Abdullah, was formed on the basis of an election held in September1996. Governor’s Rule provided by the State Constitution.
In exercise of this power, the Governor has the power, with the concurrence of the Government of the State, except those of the High Court. (V)- The Union shall have no power to make a Proclamation of Financial Emergency with respect to the State of Jammu and Kashmir under Art.360. In other words, the federal relationship between the Union and the State of Jammu and Kashmir respects ‘State rights’ more than in the case of the States of the Union. (C)- Fundamental Rights and the Directive Principles: The provisions of Part IV of the Constitution of India relating to the Directive Principles of State Policy do not apply to the State of Jammu and Kashmir. The provisions of Art.19 are subject to special restrictions for a period of 25 years. Special rights as regards employment, acquisition of property and settlement have been conferred on ‘permanent residents’ of the State, by inserting a new Art.35A. Articles 19(1)(f) and 31(2) have not been omitted, so that the fundamental right to property is still guaranteed in this State. (d)- Separate Constitution for the State: While the Constitution for any of the other States of the Union of India is laid down in Part VI of the Constitution of India, the State of Jammu and Kashmir has its own Constitution (made by a separate Constituent Assembly and promulgated in 1957). (e)- Procedure for Amendment of State Constitution: As already stated, the provisions of Art.368 of the Constitution of India are not applicable for the amendment of the State of Jammu and Kashmir.

While an Act of Parliament is required for the provisions of the State Constitution of Jammu and Kashmir (excepting those relating to the relationship of the State with the Union of India) may be amended by an Act of the Legislative Assembly of the State, passed by a majority of not less than two-thirds of its membership; but if such amendment seeks to affects the Governor or the Election Commission, it shall have no effects unless the law is reserved for the consideration of President and receives his assent. It is also to be noted that no amendment of the Constitution of India shall extend to Jammu and Kashmir unless it is extended by an Order of the President under Art.370 (1). (f) No alteration of the area or boundaries of this State can be made by Parliament without the consent of the Legislative of the State of Jammu and Kashmir. (g)-Other Jurisdictions: By amendments of the Constitution Order, the jurisdictions of the Comptroller and Auditor-General, of the Election Commission, and the Special Leave Jurisdiction of the Supreme Court have been extended to the State of Jammu and Kashmir.
Power to put an end to Art.370 provides—"Notwithstanding anything in the forgoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify. Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.” It is here to be noted that Art.370 was included in Part XXI under the label—“Temporary, Transitional and Special Provisions” and Cl. (3) was appended to Art.370.

In summing up, the special provisions of the Constitution of India it is very important to mention that a crude process of centralization was introduced systematically and pursued vigorously by successive Central Governments in collaboration with the State Government in the name of integration. In this process, the titles of ‘Sadre Riyasat’ and ‘Wazire Azam’ were changed, the jurisdiction of Election Commission of India and Supreme Court of India was extended to the State; and many central laws were extended to the State in undemocratic way. All major political as well as non-political decisions were imposed from Delhi. Thus, many of the features of Article 370 of the Constitution of India were scrapped making the Special Status of the State completely ineffective and a showpiece. In actuality, the State was made like a colony.

Flag of the State

The state constitution provides for a state flag. Art.144 states that the flag of the State shall be rectangular in shape and red in color with three equidistant white vertical strips of equal white next to staff and a white plough in the middle with the handle facing the stripes. The ratio of the length of the flag to its width shall be 3:2.

Early History of Kashmir

Kashmir has a brightest history of its own. According to one theory, Kashmir owes its name to a Semitic tribes, the Kash, who founded the cities of Kash, Kashan, and Kashgar in Central Asia. Another theory claims that the old name of Kashmir was satisaras, which means a land from which water (kra) was brought by winds (samira). Still another theory is that the name of Kashmir is composed prakrit word in which Kash means channel and war, mountain.\(^9\) Kashmir, originally called Kashmira, can boast of a recorded history going further back than the Mahabharata, further than that
most people of the World; a history that is as precipitously uneven. It is the history of the evolution of a people isolated by geography in a narrow valley that became reputed for its natural beauty throughout the World. Poets in distant countries tried to capture its loveliness, some without having seen it, but moved by the ecstatic descriptions of travelers. Kashmir is known for great rulers who patronized scholars, poets, painters, singers, craftsmen and are still the subject of folk history, who built monumental temples, laid out cities and terraced gardens that cradled its many lakes; who extended their domain into India, Afghanistan and Tibet. It has also known cruel despots, religious zealots and pleasure-seeking sensualists, under whom the people often starved, were persecuted and forced to seek survival outside.

For long periods, extending up to recent times, the ordinary people were so exploited and oppressed that their harsh, brutish existence contrasted sharply and unhappily with the beauty of their environment. Yet through this kaleidoscopic mosaic of the past, detailed by great historians, one can glimpse the growth of a common culture, a native pride, a togetherness and mutuality that has been called Kashmiriyat. Thus, it is the memory and compositions of Lal Ded and Noor-Ud-Din and Habba Kahtoon that continue to inspire Kashmiris, irrespective of class, caste and religion. Sir Mark Aurel Stein a noted scholar wrote: “Kashmir owes its historical unity and isolation to the same facts which gave to its geographic locations a distinct and in some respects almost unique character. We find here a fertile plain embedded among high mountain ranges, a valley large enough to form a kingdom for itself and capable of supporting a highly developed civilization”.

The work of the Kashmir’s great historian and poet Kalhana who has written a book (Rajatarangini’s) which means the river of the kings in 1200 A.D., This book was appreciated by prominent historians. Dr. R.C. Mazumdar a more recent historian confirms the ‘Rajatarangini’s’ unique character: “This is the only work in ancient, Indian literature that may be regarded as an historical text in the true sense of word. The author has not only taken great pains to collect his material from the existing chronicles and other sources, but, at the beginning of his work, he has set down a few general principles for writing history which are remarkably far in advance of his age. Indeed this may be regarded as anticipating, to a large extent, the critical method of historical research which was not fully developed till the nineteenth century”.
Hindu and Buddhist Rule

In the earliest phase, local Kings ruled. At times, they extended their domains into the Indian heartland and Central Asia; at times, emperors from India conquered them. The Hindu religion, with its caste system, rituals, priests, and gods, was practiced widely in the valley. Buddhism replaced Hinduism during the rule of Mauryan emperor Ashoka (274-237 B.C.). Kanishka strengthened Buddhism by making it a State religion in the first century A.D. Kanishka held a Buddhist council in Kashmir to help him spread Buddhism to other areas. In the early sixth century, the Huns conquered Kashmir. In 530 A.D., Kashmir regained its independence and joined the empire of Ujjain, based in India. When Ujjain’s reign declined, Kashmir’s, rulers revived Buddhism.

Muslim Rule

Islam entered Kashmir peacefully in 711 A.D. after Arab Muslims conquered Sindh. Muslim conquest in 1339 brought an end to Hindu phase in Kashmir. Shah Mir, was the first Sultan of Kashmir, was also known as Shamsuddin Humane, just and generous. He introduced a new Kashmiri calendar to replace the Hindu calendar the new calendar began from Rainchau’s conversion to Islam, which was fixed at A.H. 720 (1320 A.D.). Shah Mir died in 1342. During the rule of Shah Mir and his descendents, a number of Muslim missionaries came to Kashmir, including Mir Sayyid Ali Hamadani of Persia (Iran), who consolidated the dominance of Islam in Kashmir. Mir Hamadani first came to Kashmir in 1372 and stayed for four months and visited again in 1379 for two and half years. He came for the third time and last time in 1379 with 700 followers to further consolidate Islam in Kashmir. Sikander inherited the throne in 1394 and was the first Sultan to enforce Muslim law (Sharia). He banned alcohol, gambling, dancing and prostitution and abolished Sati. He laid the foundation stone of Idgah and constructed the Khanqah Mualla (monastery) on the right bank of the Jehlum and he also built a Jamia Masjid at (Nowhatta) in Srinagar. Sikander was followed by Zainul Abedin (1420-147) popularly known as Budshah. Budshah was wise, tolerant. His rule was peaceful based on social justice and communal harmony. Budshah died on 12 May 1417. His son Haider Shah was defeated by Chak tribes in 1561, the first Muslim dynasty of Kashmir ended. On June 1586, Emperor Akbar dispatched a large army that conquered Kashmir in July 1589. When Akbar died in 1605, Jahangir succeeded him on the throne. During his reign,
there where 777 gardens on the edge of lake Dal. Jahangir died in 1628 and was succeeded by his son Shah Jahan. Shah Jahan conquered Ladakh, Baltistan, and Kishtwar and annexed them to his empire in 1634. Shah Jahan was followed by Aurangzeb. Mughal rule in Kashmir was replaced by Afghans in 1753. From 1753 until 1819 when Afghan rule ended, 28 Governors ruled Kashmir. The hallmark of most Afghan governors was unmitigated oppression of the people of Kashmir.

**Sikh Rule**

Ranjit Singh invaded Kashmir with army of 30,000 Sikh soldiers and captured the valley on 15 June 1819. The Sikh ruled Kashmir for 27 years (1819-1846). Their rule proved worse than that of their predecessors. The Sikhs treated Kashmiri Muslims like animals and non-entities. The Sikh closed the Jamia Masjid of Srinagar and Muslims were forbidden to give the call for prayer (Azan). Pather Masjid, constructed by Empress Noor Jahan, was used for grain storage. In 1818, during the Sikh attack on city of Jammu, Ranjit Singh was impressed by Dogra Chief Gulab Singh and his brothers. Ranjit Singh gave Jammu to Gulab Singh in 1822 and made him a Raja.

**Dogra Rule**

Ranjit Singh’s death in 1841 led to anarchy and intrigue within his dominion. The Sikh army was turbulent, corrupt, and undisciplined. There was no leader among the Sikhs able to unite forces. Gulab Singh took advantage of the situation. He asked the British for support; The British invaded Afghanistan in 1841 with Gulab Singh’s help, gaining access to Kabul through Sikh territory in Punjab. In January 1846, in an attempt to maintain control, Rani Jindan of Lahore appointed Gulab Singh as Prime Minister. Rani Jindan was aware of Gulab Singh’s relations with the British and thought he would help instead Gulab Singh betrayed the Sikhs and conspired with the British, believing that British would be the future rulers of India. The British conquest of the Sikhs marked the beginning of Hindu Dogra rule in Kashmir. On 10 February 1846, the British defeated the Sikhs in the battle of Subraon.

The British captured Lahore and other parts of the Punjab that had been under Sikh Control. Then the British, eager to crush army future resistance by the Sikhs, negotiated with Gulab Singh. As a result, two treaties were concluded. The first was signed in Lahore on a March 1846 and promised the British an indemnity of one crore
(10 million) rupees for the state of Kashmir and the hill country between the Beas and Indus rivers, including the province of Hazara. The Sikhs could not pay the indemnity money and Gulab Singh paid the British for possession of Jammu, Kashmir, Ladakh, and Baltistan. The British retained possession of the tran-Beas portions of Kulu and Mandi, including Nurpur and the fort at Kangra and reduced the indemnity money by 2.5 million rupees; Gulab Singh bought the state of Kashmir for 7.5 million rupees. On 15 March 1846 the second treaty was signed in Amritser giving “all mountainous country and its dependencies, situated east of the Indus and west of Ravi river, including Chamba, but excluding Lahul” to Gulab Singh. The British gave Gulab Singh a receipt for the purchase of Kashmir in 75 Lakhs. After signing the treaty, Gulab Singh stood in gratitude and with folded hands, said that he had became a Zar-Kharid Ghulara (“gold bought slave”) the British. However, Gulab Singh did not take possession of Kashmir without a fight. Sheikh Islamuddin governor of Kashmir fought the Dogra troops sent to take control with the assistance of Bambas from the Jhelum valley. The British dispatched Brigadier Wheeler and his troops from Jullundar accompanied by 17,000 men from the Sikh army Sheikh Islamuddin relented and allowed Gulab Singh to enter Srinagar at 8:00 A.M. on 9 November 1846. By the time Pratap Singh died on 25 September 1925, he was an old gentleman. After his death, Sir Hari Singh succeeded to the throne.

_Kashmir Vale in Conflict_

The British sold the valley of Kashmir to the Hindu Dogra ruler, Gulab Singh, in 1846 with the treaty of Amritser (in thanks for his assistance with the British Afghan expedition and protecting British interests in the Punjab), adding to his prior possessions of Jammu, Ladakh, Baltistan, and numerous hill states. His great grandson, Maharaja Hari Singh, could not decide whether to join India or Pakistan upon Independence in 1947, so the state remained “independent” for over two months. Under attack from the Pakistan side, Maharaja elected to join India in exchange for militancy aid Kashmir’s accession to India was contested by Pakistan. This accession was to be provisional, contingent upon popular approval. However, no plebiscite was conducted. Pakistan soon went to war with India over Kashmir. The war was halted in 1949 with a UN supervised ceasefire and the establishment of a 500-mile ceasefire line patrolled by the UN Military Observer Group in India and Pakistan (UNMOGIP), although small-scale attacks continued. Hostilities recurred in
1965, but the ceasefire line remained. It was renamed "Line of Control" (LOC) with the 1972 Shimla agreement between India and Pakistan. China annexed Aksai-Chin in 1962. The "Line of Actual Control" (LOAC) between India and China has never been clearly demarcated. Prem Nath Bazaz, a Kashmiri writer and political activist, in 1967, wrote, "it is an irony of history that by a combination of fortuitous circumstances a tiny nation of Kashmiris has been placed in a position of great importance, where it can be instrumental in making or marring the future of so many."^20

"The most dangerous place in the world today, I think you could argue, is the Indian subcontinent and the line of control in Kashmir."^21 Kashmir conflict is the outcome of a process of neglect, discrimination, suppression of Kashmir identity and the pre-eminence of power centric approach held by the successive regimes of India and Pakistan. The Kashmir conflict is primarily and fundamentally an ethnic conflict, through some forces in India as well as Pakistan are trying their best to make it a communal are because of the identity of Kashmir people from the rest of India and Pakistan. That the Kashmir problem has always been a problem of ethnic identity Kashmiriyat and its resolution maybe found in upholding, rejuvenating and establishing Kashmiriyat in an acceptable frame work in the larger freedom and political order.^22 The Kashmir conflict has multiple dimensions and is defined by a complex intersection of an international dispute with sources of conflict internal to the disputed territory and its Pakistan controlled parts. Any approach to resolving this multi-layered conflict must necessarily involve multiple, but connected and mutually reinforcing, tracks or axes of engagement and dialogue.^23

The politics of Kashmir identity was transmitted into ethnic nationalism, associated with a distinct Islamic tinge and a transfer from India to Pakistan loyalty. The ruling elite of Pakistan, unreconciled with idea of the loss of Kashmir readily responded to this historic opportunity. Kashmir conflict became one of the worst tragedies of international politics, degenerated into a pawn in Indo-Pak rivalry. The unfortunate victim of this process has been the people of Kashmir. The greatest hindrance to growth and cooperation in South Asia has been the sixty-year-old Kashmir conflict between India and Pakistan. The roots of the conflict or crisis extend to the catastrophic partition of the two countries in 1947, when the British government left the region after a 250-year period of rule characterized by exploitation and divide-and-conquer tactics. The British emperor’s divisive policies, which were aimed at
creating a rift between Hindu and Muslims in order to dilute any potential cohesive opposing force, began in a large scale in the early 1900s, when it started to fear the perceived growing strength of the Hindu nationalist movement. In order to counterbalance this perceived threat, the colonialist British government began to actively support the Muslim league, a political entity spear headed by Mohammad Ali Jinnah that aimed to represent the subcontinent’s Muslim interests. The British pitted these two groups against one another, and eventually the Muslim League was forced to demand the creation of separate state, to be called Pakistan, because it felt its interests would not be represented in a Hindu-majority.

India after the British granted the subcontinent its independence. Mohandas Gandhi, The political Leader of the independence movement, was in favor of the creation of Pakistan and eventually used his power to ensure its existence. Consequently, as its parting legacy, the British Empire, under the supervision of Lord Mountbatten, created artificial geographical boundaries separating the newly created Hindu majority India and Muslim majority Pakistan. The creation of these new states created a tremendous amount of violent upheaval, dubbed the bloody partition. In this massive movement of people and capital (Hindus and Sikhs mainly to India, Muslims primarily to Pakistan), hundreds and thousands of people were killed and the land dispute of Kashmir was formed. It can be said about the princely states, that the wishes of the rulers of all the princely states that made up India and Pakistan were taken into account. Kashmir was an oddity, a predominantly Muslim state with a Hindu Raja (ruler) Hari Singh. Hari Singh acceded to India, and Pakistan claimed that was against the wishes of people. The dispute then turned towards the military, with India sending in its army to repulse what they called “Pakistani Invaders” in the Kashmir valley.25

As indicated, both India and Pakistan immediately attempted to fill the power vacuum that resulted after the British left the border area of Kashmir and fought a war in 1947-48, which resulted in the partitioning of Kashmir into an Indian-controlled territory and a Pakistani controlled territory after the United Nations negotiated ceasefire. As part of this cease-fire, the UN also called for a plebiscite to be held to allow Kashmiris the right of self-determination, that is, to determine which nation they would join. This plebiscite has not been conducted, as India has resisted such an action, unwilling to cede the land. Many resolutions were made by the United Nations on Kashmir issue, such as Resolution of Security Council of April 21, 1948,
Resolution of the Commission of August 13, 1948, Resolution of the Commission of January 5, 1949, Resolution of the Security Council of March 14, 1950, Resolution of the Security Council of March 30, 1951, Resolution of the Security Council on 24 January 1957, Resolution of the Security Council on 20 September 1965, etc. In all these above resolutions of UN, it was emphasized that Kashmir conflict should be resolved keeping in view the aspirations and will of the Kashmiris, whether they want to live with India or Pakistan or remain in separate state, all this will be decided by the plebiscite means. However, India never accepts this proposal of UN. It was the main aim of the UN let the Kashmiris decide their destiny. These resolutions also laid emphasis upon restoration of peace and order, cease-fires, negotiations, truce agreements for immediate cessation of hostilities, respect of Line of Control, in order to create cooperation and peace between India and Pakistan and solve the Kashmir issue by taking into account the aspirations of the Kashmiris. It is noteworthy to mention that United Nation become failed so far as the resolution of Kashmir issue is concerned. Two further wars between India and Pakistan, in 1965 and 1971, resulted in the establishment of the present day ‘Line of Control’. This separates Indian and Pakistani-held Kashmir, respectively.

Until 1989, the fighting between the two countries was restricted to each side’s respective armed forces. Since that year, however, a separatist movement has been waged counter to the Indian government with support from elements both indigenous and foreign (Primarily Pakistani) to Kashmir. This movements aim is to wrest Kashmir from the Indian government and is driven by the strong desire for autonomy by native Kashmiris and the strong sentiment of the majority of the Pakistani population, which believes that Kashmir was given to Indian under the unfair terms. Currently, Kashmir is composed of Indian-controlled Jammu and Kashmir (45%) and Pakistani-controlled Azad Kashmir (35%), with remaining (20%) controlled by China. Often Kashmir conflict is described as “the unfinished business of partition.” The state of Jammu and Kashmir has been the focus of a dispute among India, Pakistan, and Kashmiris themselves since 1947.

The root cause of the conflict is the question of sovereignty and the possibility of self-determination by Kashmiris of whether to remain India, join Pakistan, or form an independent state. The conflict of Jammu and Kashmir thus represents the confluence of religious (Muslim) nationalism, secular nationalism (as represented by India) and ethnic nationalism (embodied) in Kashmiryat, a vague terms for the
confluence of Islamic, Hindu and uniquely Kashmiri cultural strains in the region) Kashmir is a Muslim-majority state contiguous to Pakistan. Yet its, Hindu head of the state choose to join India instead to Pakistan. India’s control of Kashmir has since sparked legal challenges in the United Nations and two wars between India and Pakistan. Still ethnic nationalism remained relatively low-key in Kashmir until the 1980s, when factors including Islamic revival, the availability of arms and Mujahideen from Afghanistan and Pakistan, and centralizing policies of the Indian national government combined to promote and facilitate ethno-religious sentiments and insurgency. Since 1989, Jammu and Kashmir, especially the Northern valley of Kashmir has been locked in a militancy-repression cycle, with pro-Pakistan and pro-secession Muslims militants combating Indian security forces. For the two countries, the conflict over Kashmir is less contests over strategic ground are resources as over competing visions of nationalism and state-building. For India, Kashmir is a symbolic of secular nationalism. For Pakistan, Kashmir represents instead the failure of secular nationalism and the imperative of a Muslim homeland in the subcontinent, as well as the “incompleteness” of Pakistan. Summit Ganguly says, that the “crux of Kashmir conflict, explaining that the insurgency “demonstrates the dangers against a backdrop of institutional decay. The failure of governments to accommodate rising political demands within an institutional context can culminate in political violence perpetrated by militants as well as state forces, especially in multiethnic societies with limited channels for minorities to express discontent, and especially as literacy, education, and media exposure increase with economic modernization”.

Prem Nath Bazaz, a Kashmiri “writer and political activist, in 1967, wrote, “it is an irony of history that by a combination of fortuitous circumstances a tiny nation of Kashmiris has been placed in a position of great importance, where it can be instrumental in making or marring the future of so many.” In 1947, Jammu and Kashmir was among the largest 562 so-called princely states in the Indian subcontinent. These were nominally self-governing units, ranging in size from tiny principalities to sprawling fiefs, ruled by Hindu, Muslim, and Sikh feudal potentates with pretensions to royal states. Collectively, the princely states covered 45 percent of the land mass of the subcontinent. These vassals stateless constituted a major pillar of the British concept of indirect rule in India. Their rulers a colorful assortment of Maharaja and Nawabs were permitted to administer their holdings as personal and
dynastic fiefdoms in exchange for acknowledging the “Paramountcy” of British power, while British directly controlled and administered the rest of the subcontinent.

Typically, British overseers known as “Residents” were stationed in the capitals of the larger princely states, but by and large, the Indian rules were left to their own devices. 526 Princely states were tied to the British Empire with the treaties and agreements set to lapse on 15 August 1947. Under the colonial regime, these states were autonomous in all but Defence, Foreign Affairs, and Communications, so long as they recognized the “Paramountcy” of the British crown. In 1947, each state was to join India or Pakistan per its geography and predominant religion. Independence was not an option for the princely states. The fate of three states – Junagadh, Hyderabad, Jammu and Kashmir (the largest princely state), created complex territorial problems at independence. India’s occupation of the first two states was broadly accepted but sovereignty over third is still disputed among India, Pakistan, and Kashmiris. Sir Owen Dixon, the UN representative for India and Pakistan, noted that the Kashmir conflict was so intransigent because Kashmir was “not really a unit geographically, demographically or economically” so much as “an agglomeration of territories brought under the political power of one Maharaja”. The conflict remains intractable both because India and Pakistan equally unyielding in their claims, and because Kashmiris themselves are so divided in their aims and loyalties.

The Kashmir conflict represents a self-determination (and more recently, secessionist) movement for Kashmiris; an irredentist movement for Pakistan and Pakistan-Controlled Kashmir, and a civil insurgency for India. Although the majority of Kashmiris were Muslims, the state had a Hindu ruler since the British gave Maharaja Gulab Singh domain over Kashmir in 1846. Over time Kashmir Brahmins (Pandits) and Dogras came to control most of the best agricultural lands, while Muslims, lacking wealth or influence, worked the land. The freedom movement in Kashmir may be seen in the context of social, political, economic, educational, and cultural situation, which prevailed in late 19th and early 20th centuries. The appalling conditions of the local people, who were mostly Muslims, compelled them to rise in revolt against the feudal rule of Maharaja. They it through several uprisings in the early 20th century. This also reflected in raising their voice for political, economic, cultural and religious rights and against the feudal monarchy. However, the first and organized movement of the Kashmiris started in 1931 under the leadership of Sheikh
Mohammad Abdullah and his colleagues under the banner of Jammu and Kashmir Muslim Conference. This movement had no connection, political or organizational, with Indian National Congress, which was spearheading the freedom movement in India. At its initial stage, the movement leaders in Jammu and Kashmir talked in terms of political, economic and other rights of the local people, which were denied to them by alien rulers. However, the movement concentrated on the demand of stopping the discrimination of the Kashmiri Muslims in their recruitment to the offices in the state.

When the movement under Jammu and Kashmir Muslim Conference progressed and came in contact with many other political groups and parties in the Indian sub-continent, it started changing its political perspective; it was changed into Jammu and Kashmir National Conference in 1938. This change reflected the widespread impact of the dominant political forces of that time on the political leaders in Kashmir. This view is supported by the adoption of Naya Kashmir Programme, which was considered highly revolutionary programme, whose architects were the leftist leaders inside and outside the Kashmir. These developments were followed by the Quit Kashmir Movement, spearheaded by the Jammu and Kashmir National Conference to end the feudal rule of Maharaja in Jammu and Kashmir.

The Kashmir problem was created by the partition of the Indian subcontinent in 1947 when India and Pakistan were created as two separate and independent states. At that time, the State of Jammu and Kashmir, which was ruled by Maharaja Hari Singh could not accede to India or Pakistan voluntarily. However, in the complex political situation at that time, the Maharaja had to accede to India temporarily on the promise (on the part of Indian Political leaders) of giving the right of self-determination to the people of Kashmir to decide their political future. It was on this promise that Sheikh Mohammad Abdullah, the leader of Jammu and Kashmir National Conference at that time, supported the temporary accession of Kashmir to India and took over the emergency government in Jammu and Kashmir in 1947. Subsequently, India took this problem to the United Nations where it still stands on its agenda. Though the UN carried out several political and diplomatic efforts for resolving the Kashmir problem, it did not succeed.

Thus, the political future of Jammu and Kashmir State remained undecided. It is primarily in that context that the people in Jammu and Kashmir demand the right of self-determination, which was promised to them by India, Pakistan and UN. They
upheld the view that this problem has three basic parties, which are India, Pakistan and the Kashmiri people. This problem can never be solved if any of the parties is kept aloof or remains absent. Muslims began agitating against the maharaja in the early 1930s because of his insensitively and heavy taxes. Opposition to the Maharaja Hari Singh then coalesced under the charismatic young Kashmiri Muslim Sheikh Mohammad Abdullah. In 1932, Abdullah formed the All Jammu and Kashmir Muslim Conference. Under the influence of Jawaharlal Nehru, a Kashmiri pandit, the party changed its name in 1939 to the All Jammu and Kashmir National Conference and sought to collaborate with Kashmiri Hindus.

Sheikh Abdullah is regarded as a lion of Kashmir. He was a great leader in the history of Kashmir, who led a movement against oppression, injustices and discriminations over Kashmiri people. He was a great secular leader in the history of Kashmir, for the cause of Kashmiri masses. He was given imprisonment by the Indian government several times. He had preferred India to Pakistan because of its secular ideas. There is no doubt in saying that he was the leader of the people of Kashmir, a very great leader. If tomorrow Sheikh Abdullah wanted Kashmir to join Pakistan, neither I nor all the forces of India would be able to stop it because if the leader decides it will happen. In his ‘Aatish-e-Chinar’ the Sheikh recalled that during the talks Nehru exclaimed, “Sheikh Sahib if you do not stand with us shoulder to shoulder, we shall cast a chain of gold around your neck.” The Sheikh looked at him and said smilingly, “but don’t do that ever because you will thereby have to wash your hands of Kashmir.” The pact that was signed between the architects of the Indian Foreign Policy Pandit Jawaharlal Nehru versus lion of Kashmir Sheikh Abdullah was this Persian couplet “Mantushudi Tu Manshudam” “it means, “you have become me and I have become you”. It was the agreement of greater autonomy and special status for the wounded and oppressed masses of Kashmir. Talween Singh a best journalist wrote, “Kashmir has always been special. It came to Indian in 1947 in special circumstances and with special protection of its autonomy, something that Indian political parties often forget.”

After the partition in 1947, Sheikh Mohammad Abdullah came in power in Jammu and Kashmir. His government introduced certain positive and basic reforms, which included establishment of separate flag and constitution for the State, abolition of centuries old landlordism and usury system, and providing free education from primary to the University level. But, the opponents of Sheikh Mohammad Abdullah in
Jammu and Kashmir and Delhi were not happy with these radical actions because they were badly affected economically. In this background, when Sheikh Mohammad Abdullah tried to stress and asserts the political independence of Jammu and Kashmir, the leaders in Delhi did not like it. This unlikeliness led to the arrest of Sheikh Mohammad Abdullah in August 1953 at the hands of those who were his political and ideological friends like Jawaharlal Nehru and Maulana Azad. Simultaneously, a Delhi puppet, Bakshi Ghulam Mohammad, was installed as the Prime Minister of Jammu and Kashmir. This political act introduced a tradition of imposing a man of Delhi Darbar on the people of Jammu and Kashmir, which was in complete negation of democratic principles and practices. In the following period, this tradition continued for many decades in the State.

It is generally believed that this tradition proved one dominant factor in convincing the people in Jammu and Kashmir that the Government of India will never allow democracy to function in the State. This feeling contributed significantly to the political antagonism between the people in the State and the Centre. After, 1953, when Sheikh Mohammad Abdullah and other leaders of Jammu Kashmir National Conference were arrested, his followers founded a new political party which was called Plebiscite Front (Mahaze Rai Shumari). Its sole objective was to carry on the struggle to achieve the right of self-determination for the people of Jammu and Kashmir to decide their political future. Sheikh Mohammad Abdullah fought for this objective from prison and the Kashmiri people supported him vociferously. In the early 1970s, several political developments took place in the Indian sub-continent, which had direct/indirect impact on the Kashmir problem. Special mention may be made about the break-up of Pakistan into two States. In that situation, Sheikh Mohammad Abdullah felt compelled to resolve the Kashmir problem within the framework of Indian Constitution. Thus, in 1975, he compromised with the Indian leaders. The result was the ‘Indira-Sheikh Accord’, which offered nothing new to the State of Jammu and Kashmir but reaffirmed the maintenance of the special status of the State of Jammu and Kashmir within the framework of Article 370 of the Constitution of India. This agreement was condemned widely in Kashmir. When the Sheikh took over power in the State in 1975, people in general developed a lot of expectations for the development of the State and betterment of life-conditions of the people. While the central government did not keep political and non-political promises, the Sheikh could not control the expansion of worst kind of corruption and
nepotism in the State. It was generally felt that though Sheikh did not involve himself in the corruption, his family, colleagues and others near to him did unparalleled corruption in the State. He died in 1982 as a sad person, which partly reflects in his autobiography in Urdu 'Aateshe Chinar'.

**Fraud Election of 1987**

Though, Farooq Abdullah inherited the political leadership from his father, he won the election in 1984 on his own by upholding and defending the distinctive identity of the people of Kashmir within the broader whole of India. But, when he deviated from representing the distinctive character of Kashmir due to internal and external pressures, he lost his legitimacy and popular support among his people. As a result, he had to take support from the INC, which further alienated him from the masses. It was in that context that his party, i.e., JKNC, with the open support of Delhi Darbar, rigged the elections in 1987 in Jammu and Kashmir beyond the understandable proportions.

It is said that when a Muslim United Front (MUF) which fought those elections against the JKNC and INC combine) candidate won after the counting, the name of the JKNC candidate was announced as the winner. After the elections were over, anybody who criticized these illegal practices was beaten, tortured or arrested. Thus, what happened in and after the shameful elections in 1987 provided the political base for the emergence of militancy in Kashmir. In actuality, the Jammu and Kashmir Government, just after the elections were over, started arresting the election candidates, polling agents and counting agents of the MUF. So, all those who were involved in those elections from the opposition side went underground. After sometime, most of them went to Pakistani Kashmir, got the arms training and came back to the Indian Kashmir to start the struggle against India in Kashmir. Those who fought or were involved in 1987 elections and were made defeated and terrorized by the State Government, included Syed Sllahuddin (the Commander-in-Chief Hizbul Mujahideen), Aijaz Dar, Mohammad Yasin Malik, Ashfaq Wani and all other JKLF founders in Indian Kashmir. It follows that when the government of India, in collaboration with the State government, did not allow the Kashmir youth to emerge as a political force through democratic means; they were compelled to start a militant struggle.
It is generally argued in Kashmir that had the government s of India and Jammu and Kashmir State allowed the MUF Candidates to win their due in the elections, they might not have opted for gun. It was in continuation of the preceding political developments that the present militant movement started in Kashmir in 1989 for achieving complete independence from India. The primary reason for the emergence of this situation is political and indigenous in nature. It may be explained partly by the refusal on the part of the Governments of India and Pakistan to grant the right of self-determination to the people in Jammu and Kashmir and partly by denying the basic political and democratic rights to the Kashmiris during the last five decades. The fraud election in Jammu and Kashmir in 1987 stands an absolute example in this connection.

Thus, the present movement in Kashmir is primarily indigenous and political in nature. The external support to this movement is secondary. Ian Stephens met Abdullah just before his arrest in 1953. He described the Sheikh as ‘a Kashmiri patriot, full of zeal to improve his countrymen’s plight; preoccupied with the vale, the motive of his life was liberation of Kashmiris from any kind of subjugation and barbarism and provide them equal rights and opportunities for employment. Sheikh Abdullah was a charismatic leader and superb orator in Kashmiri, was imbued with a bitterly anti Dogra and anti monarchical attitude. Hari Singh harbored visions of independence and hesitated to choose between India and Pakistan as independence approached.

A Muslim revolt began in mid-1947, as disguised Pakistani troops and Muslim troops from the Jammu and Kashmir State Forced joined a tribal rebellion. By late October, the overthrow of the Maharaja seemed imminent. He sought militancy assistance from India, for which India required that he sign an instrument of accession albeit with the caveat that the people of Kashmir would have to ratify the agreement once normally had been restored. The Maharaja never did seek popular ratification for accession to India, leaving the legality of the union in doubt. Although technically he had the right to join either state, the rules of partition suggested that Kashmir would have joined Pakistan, given its location and demographics. Pakistan aggressively challenged Kashmir’s accession to India and full-scale fighting broke out between the two countries on November 1947. On 1 January 1948, India lodged complaint with UN Security Council demanding that Pakistan should stop its aggression, withdraw its troops, and deny access through Pakistan to tribal “invaders” fighting against
Kashmir. The Security Council asked India and Pakistan to refrain from aggravating the situation, and then passed resolution in August 1948 and January 1949 to enforce a cease-fire, requiring the contestants to withdraw their forces and ordering a plebiscite. Both the UN and Pakistan have consistently demanded a plebiscite since 1949 and Nehru agreed in 1947 to hold), but India has refused for fear of losing the vote among the predominantly Muslim population using Pakistan’s reluctance to withdraw its forces and the US decision to supply arms to Pakistan in 1954-as an excuse for reneging. Proposals to resolve the crisis included partitioning the State on communal or regional lines (based on the “Two Nation” Theory behind the division of Pakistan from India) or giving parts of Jhelum valley to Pakistan but India refused both optional war recurred in 1965 and 1971, although the people of Azad Kashmir were not active participants in the initial conflicts.

Initially, Kashmir was granted “Special Status” within the Indian Constitution and considerable autonomy within the Indian federal system, as well as substantial financial subsidies to facilitate economic development. These arrangements allowed a relatively smooth working relationship between federal state and state leaders until. The 1980s, however, beginning in 1962-65, the state’s special status was curtailed as India sought to integrate it into the larger polity. Special provisions for the state were removed, so for instance, Kashmir’s Prime Minister came to be called the Chief Minister and President’s Rule was allowed to be extended to the state. For its part, Pakistan treated Azad Kashmir as formally separate and temporarily under its protection. The population gradually integrated with Pakistan’s though, through the labour market, and because its politicians were based in Islamabad, candidates for office had to swear oath of allegiance to Pakistan, separatist politicians were jailed, and no real freedom of speech or Civil Society were allowed.

The Northern Areas were treated more openly as protectorates ruled from the centre and with no elected government or administration. Across the state, Kashmiriyat has weakened since independence. Inequities in who benefited from land reforms (particularly in 1952) and issues such as the fact that some Hindus are denied legal little to the land they cultivate because it still officially belongs to Muslim families who left for Azad Kashmir during the partition have created strains across communities.\(^{34}\) In October 1962, Indian suffered a humiliating defeat in the Sino-Indian border war. Pakistan refrained from opening a second front in that war. In appreciation for Pakistan’s restraints the U.S. and Britain both of which then had
considerable leverage over India, given the latter is need for military assistance in coping with the Chinese threat pressured Nehru to resolve the Kashmir issue on terms acceptable to Pakistan. Nehru agreed to talks with Pakistan beginning that December. The outcome was an agreement to pursue a realistic political settlement, but no concrete solution was reached. In 1965, convinced of widespread dissatisfaction in Kashmir, Pakistani leaders sought to ferment rebellion in the state, but failed to incite a popular uprising. At the time, the death of Nehru and a theft from Srinager’s Hazratbal mosque that raised popular ire, as well as Pakistani’s confidence in the martial powers of its army and belief that India’s rearmament post-1962 would soon remove a window of opportunity, led Pakistan to assume there was a high potential for the disintegration of India. Pakistan attacked an Indian military post in Gujarat on 9 April 1965, launching series of border Skirmishes on both sides. India chooses not to escalate the conflict, which Pakistan took as a Sigh weakness. In June, as ceasefire was declared with British mediation and Pakistan and India agreed to refer the dispute to the International Court of Justice. With a short, sharp attack in August 1965 (“operations Gibraltar”), Pakistan tried to instigate a mass uprising to take control of the Kashmir valley.

However, the local population refused to cooperate with the infiltration. Then, on 1 September 1965, Pakistan started the 1965 war with a major attack in the Bhimbar-Chhamb area (“operation rand slam”), but still failed to spark a mass insurgency. In 1971, India and Pakistan went to war over East Pakistan (Bangladesh). The war was significant to the Kashmir dispute since India emerged the dominant power on the subcontinent, the loss of Bangladesh undermined Pakistan’s irredentist claim on Kashmir as part of a coherent Muslim state, and struck a symbolic, psychological and material blow to Pakistan. Although, the war sparked military action on the rest of the Indo-Pakistan border, Pakistan had no real opportunity to exploit the situation in Kashmir during the war, especially since the local population cooperated with Indian forces. India just wanted to hold the cease-fire line (CFL) seize what territorial advantages it could, and inflict as much damage as possible on Pakistan’s military arrests. A ceasefire was declared on 17 December 1971.

The 1972 Shimla Agreement declared that the two states would settle their differences by bilateral negotiations or other peaceful means, rather than resorting to UN mediation. India used the agreement as a cause to stave off UN offers for help in 1999, 2000, and 2001. India was unable to get Pakistan to acquiesce to changing the
CFL to a permanent, legal international border, but was renamed the line of control (LOC), which India saw as a step toward making it an international border. After 1971, Indira Gandhi’s insecurity led her to centralize power and preclude opposition to congress, weakening India’s political institutions in the process. Under the leadership of Sheikh Abdullah, Kashmir had been pressing for a return to its pre-1952 status, under which India controlled only defence, foreign affairs, and communications in the state. The Beg-Parasarathi Accord represented Kashmiris’ attempt to regain that status. Instead, per the accord, the Instrument of Accession no longer subject to challenge (quashing demands for a plebiscite), but all Kashmir gained in return was the retention of Article 370 of Indian Constitution, which prevented non-Kashmiris from buying immovable property in state (hence keeping the state’s demographics intact) and the review of a number of legislative acts concerning Kashmir in July 1975, folding his All Jammu and Kashmir plebiscitary front into the National conference. He made efforts to improve administration in the state but continuing conflicts with Congress (I) caused problems.

President’s Rule was imposed in Kashmir in March 1977. New elections- the most free and fair elections in the state’s history were held in June. The National Conference won. However, the lack of democracy of Abdullah’s government and its enactment of stringent security ordinances stifled civil liberties in state and further cut off legal means for airing political grievances among increasingly well-educated, politicized, and articulate Kashmiris. Several factors increased popular discontent, particularly as reflected in the rise of Islamic radicalism in the valley. Young Kashmiris found employment opportunities in new sectors limited. The spread of both madrasas and popular vides parlor’s worked to shift social mores and values. An influx of Muslim clergy and other migrants came from Assam, fleeing ethnic violence. The National Conference’s organization structure did not allow it to serve as an outlet for growing discontent. Finally, President Zia-Ul-Haq embarked upon an Islamization program in Pakistan that extended to supporting both Afghan Mujahideen and young, disaffected Kashmiris.

By the 1980s, Indian politics were more turbulent, congress was in decline, and demanded greater political and economic resources. Moreover, Indira Gandhi espoused pro-Hindu themes in the early 1980s to create a new national electoral coalition, bonding ill for states like Kashmir with large non-Hindu populations. In Kashmir Abdullah also relied ethnic tensions in March 1980 by introducing the
Resettlement Bill, which was to facilitate the return of Kashmiri residents who had fled in 1947, but antagonized Hindus and Sikhs residing on property (especially in Jammu) that previously belonged to Muslims. Kashmir’s “founding father”, Sheikh Abdullah, died on September 1982 after having designated his son, political neophyte Farooq Abdullah, as his successor as head of the National Conference, (Kashmir main Non-Congress Party) and the state government. Farooq antagonized Indira Gandhi a Powerful Prime Minister of India, who was trying to entrench Congress (I) in the state, by snubbing her, associating with other opposition parties at the national level, and strengthening his political and organizational positions in the state. Despite an aggressive congress campaign, Farooq’s National Conference won easily in the June 1983 elections with an anti-Delhi pro-Kashmiri autonomy (not secession) platform. Upset at the loss and striving to centralize control throughout India, Indira Gandhi replaced Kashmir’s respected Governor with one more tractable (Jag Mohan), then dismiss Farooq’s regime in July 1984, ostensibly for having encouraged secessionist forces, (let Sikh terrorists train in Kashmir and lost majority support in the Legislature).

The regime that followed under Ghulam Mohammad Shah was unpopular and “convinced the vast majority of Kashmiris in the valley that the national government had reckless disregard for constitutional procedures. The alleviation of Muslim when the politically pressed, opportunistic Farooq formed a coalition with congress for the 1987 state elections. This alliance, which won the elections amid charges of fraud-‘had the profound impact of eliminating any major democratic outlet for Kashmiri Muslims who sought greater autonomy from Delhi. A number of Muslim organization joined in the Pakistan linked Muslim united Front (MUF), organizing among urban youths, but excluded from contesting by a ban on religious parties, violent confrontations between there youths and security forces during and after the elections increased popular alienation. The asymmetry between mobilization and accommodation caused disaffected Kashmiris to take an ethnic and violent turn. Especially under Indira Gandhi, the central governments characterization of every demand for local autonomy as potentially secessionist and virtually every indigenous leader as treasonous encouraged radicalization. Moreover, the regime’s weakening norms and institutional procedures (such as Indira Gandhi’s dismissal of Farooq Abdullah’s elected government more acceptable, corroding legitimacy and popular faith in the efficacy of non-violent avenues. The state’s economic and security
situations worsened, poor economic condition led to high unemployment among semi-educated youths. The ranks of unemployed provided a recruiting ground for secessionist organizations which pressed with increasing success for Islamization (closure of bars and liquor stores, banning anti-Islamic books, etc.) as well as for other, legitimate opposition parties that launched strikes, demonstrations, and other protests against the Central government.

A number of youths went to Pakistan reforming with arms and training as militants. Rajiv Gandhi, Prime Minister of India did little to press the Shah regime to improve its effectiveness, instead just expanding draconian anti-terrorist laws to curb secessionist and pro-Pakistani organizations. While these measures may have limited activities somewhat, the government’s high-handedness and disregard for local people’s sentiments increased popular discontent and resentment. Kashmiris have been campaigning since 1988 to break with India and join Pakistan or become independent. Alienation with India is “total and strong” with India’s efforts to central uprisings by force (killing, torture, human rights abuse). The defeat of the soviet in Afghanistan, recent independence of six Muslim central Asian Republics, and the rise of ethno-national movements in Europe, Africa, and elsewhere in Asia have encouraged Kashmiris to continue their freedom struggle.

The insurgency since 1989 as part of a second wave of ethno-linguistic assertion in India. The first wave of which was concerned with the creation of linguistically based states under the states reorganization Act of 1956. Kashmir is divided into districts coincide with religious divisions (Muslim Kashmir, Hindu Jammu, Buddhist Leh and Muslim) which together formed Ladakh until 1979; the geographical isolation of the valley separated Kashmiri Islam larger currents of Muslim politics in India; secular politics failed to offer adequate channels for expression of discontent; and Pakistan funded, trained, and organized a loose protest movement in coherent, structured insurgency because it saw an opportunity to loosen India’s hold on Kashmir. Summit Ganguly goes on to identify four sets of factors that led this ethno-religious sentiment to turn violent in 1989; Pakistan’s sponsorship of terrorism in Kashmir (including recruiting, training, and arming Kashmiri youths) amid a broader resurgence of “fundamentalist” Islam, which Pakistan also helped promote in the Kashmir valley starting in the late 1970s; India’s repression of opposition and denial of self-determination for Kashmiris; the emergence of ethno-national fervor and breakdown of Kashmiryat as the central government promoted
and sustained unpopular regimes, alienating the Muslim population and weakening
the traditional bonds linking Hindus and Muslims; and circumstantial factors such as
personalities and historical events.\textsuperscript{38} Political mobilization was slower to develop in
Kashmir than elsewhere in India since Sheikh Abdullah's National confluence was so
undemocratic in organization and division making, but did much to improve socio-
economic conditions in the state. However, with rising education and literacy rates,
exposure to mass media, and increased social and physical mobility, Kashmiris
became more aware of the exercise of free franchise elsewhere in India as opposed to
the unclean, unfair elections in Kashmir and to become more politically critical and
assertive, democratic institutions began to decay in Kashmir before the rest of India.

“The singular political tragedy of Kashmir’s politics was the failure of the
local and the national political leaderships, to permit the development of an honest
political opposition.”\textsuperscript{39} Tremblay offers the compatible explanation that it was the
failure of the state to reconcile popular or informal nationalism (a mix of Kashmiryat
and socialist ideology, as propounded by Sheikh Abdullah) with state sponsored,
formal nationalism led to the popular unrest. What kept things quiet for so long was a
combination of patronage politics and repression of legitimate democratic opposition.
Ultimately, almost the entire population of the valley came to support either Pakistan
or independence, especially given the lack of an indigenous capitalist class tied to
India or the entry of the larger Indian capitalist class into the state (since non-Kashmir
residents cannot own property there), the geographical isolation of the valley
throughout the winter because of poor transportation; the exposure of Kashmiri
Muslims to the competing mass communication systems of India and Pakistan; and
the post-industrial ideology of autonomy. Lacking other outlets, both power holders
and disenchanted masses in this “\textit{over-politicized}” state resorted to political
violence.\textsuperscript{40}

The “Patently rigged” 1987 elections—which “conveyed a message that the
Kashmiris of the valley simply would not be allowed or trusted to freely exercise their
franchise, especially coming as they did after Farooq’s dismissal in 1984, which had
demonstrated the central government’s contempt for constitutional norms-proved
incendiary. A Kashmiri movement for democracy began in the valley, including mass
demonstrations against rigged elections and affirmations of Kashmiryat as the
cohesive force holding together a multi-ethnic Kashmiri nation desirous of self-
determination. 1987 saw sporadic bursts of violence, riots, and strikes, but a
fundamentally qualitative change in the scope and extent of violence occurred during
1988 violence and instability in the valley became endemic in 1988, with the violence
orchestrated and delerate, the targets carefully chosen, and the aims of militants
extending beyond unseating Farooq’s regimes (which was voted out of office in

However, Kashmiri activists were far from unanimous in their aims. Some
wanted a plebiscite so they could join Pakistan, Some wanted Plebiscite with a “third
option” of independence of the entire state as it existed in 1947, some (Hindus and
Sikhs of Jammu region) considered themselves part of the Indian Union, and some
(Buddhist Ladakh and Shia Muslims of the Kargil area) did not support the protest
movement. A government Crackdown, including a new bill to curb the Press in
August 1982 left the valley in a “stage of siege”, However, the central state showed
its weakness by caving into JKLF demands for the release of several jailed militants
in exchange for the release of Rubaiya Sayeed, daughter of the new minister for home
affairs, kidnapped in December 1989. This period was also one of anti-Muslim
movement by the rightist forces within India and a spate of communal communal
violence that begun with the police’s firing on a protests among local Muslims at the
reopening of the Babri Mosque in Ayodhya in February 1986. With Hindu Muslim
violence throughout the state, the army and paramilitary forces were increasingly
called upon to maintain law and order but the governor hinted that Hindus safety
could not be guaranteed. By early 1990, tens of thousands of Hindus had fled to
Jammu.

The government passed the draconian Jammu and Kashmir disturbed Areas
Act in July 1990, giving security forces impunity even to kill yet the violence
continued. In 1989, militant groups boycotted the state elections and “the more the
democratic political process lost, its meaning, the more a full-scale insurgency came
to be unleashed. By the mid of 1990s, the Kashmir. In its first six years, the
insurgency killed over 15,000 insurgents. Security personnel, hostages and
bystanders, and around 200,000 (mostly Hindu Kashmiris) fled their homes and
business in valley for Jammu and elsewhere in India.” Property damage has been
extensive, as well as despite imposition of official or unofficial curfew after dusk,
human rights violations, kidnappings, and extortion by militants, the abuses,
indiscriminate harassments, rapes and arson of Muslim property by paramilitary
forces worked to swing popular opinion towards militant groups and the cause of
Azadi (sovereignty). Faced with the Gulf War and its economic effects, as well as divisions within the government, the regime of Narsimha Rao (who came to power in June 1991 after the assassination of Rajiv Gandhi) could devote limited attention to Kashmir. Over 900,000 Indian Army and paramilitary troops (from the Indian Army, Border Security Forces, Central Reserve Police Force, Indo-Tibetan Border Police, and Rashtriya Rifles have been deployed in the State in India’s most substantial counter insurgency operation to date. Security-related activities have taken up nearly 60 percent of the annual administrative expenses of the state. The Public Safety Act of 1978 and the Terrorist and Disruptive Activities Prevention Act of 1987 were more acts that are powerful and these provided security forces and state government extensive powers to check terrorism activities in Kashmir. Amnesty International and other human rights groups have reported killing, torture, hostage taking by militants and Indian security forces the causalities caused by militants and by security forces were estimated at 7,600 were killed and Kashmiri groups claimed over 20,000 civilians were killed between 1990-93.

The Indian government permitted a team of international jurists to visit Kashmir, and in 1993, set up a National Human Rights Commission to improve the human rights conditions in India. The gross violations of human rights in Kashmir by Indian armed forces and by militants become the every days work. Innocent people were asserted, tortured, humiliated and killed. Children’s frequently cannot attend schools and the standard of education has declined in Kashmir valley. Militant tactics such as attack on women not wearing burqa in the early days of the insurgency or the kidnapping of civilians (including foreign tourists) also alienated many civilians, even though key militants groups condemned such atrocities. The Militant groups such as JKLF, HM, Hizbullah, Harkatullah Ansar and other many militant groups were assisted, and trained by Pakistan. While Pakistan has denied playing the role. India claims it has in furthering militancy in Kashmir; it has played a vital role.

It estimated that Pakistan has provided training to several thousands Kashmiri militants, as well as serving as a staging ground, sanctuary, and source of arms and resources for them. India and Pakistan opened bilateral talks in January 1994 after over a year’s hiatus, but these quickly foundered. Pakistan sought to internationalize the Kashmir issue by getting a resolution, condemning India’s human rights abuses in Kashmir passed at the March 1942 UN Human Rights Commission meeting in Geneva. India foiled that attempt, condemning Pakistan, in turn, for training and
arming militants. Presidential rule had been extended in February 1992, with no obligation to revert to an elected government. However, Narsimha Rao announced on 15 August 1994 that a political process would be initiated for normalization of affairs in the valley. The government released some top political activists and other detainees and announced plans for a state election. A violent stand off between insurgents and Indian army at the ‘Charar-e-Sharief Shrine’ near Srinagar in May 1995 set off another round of protests and ended the plans for an election. 1996 brought renewed efforts at normalization, as the government both attempted to suppress or negotiate with militants and to win the public over with elections. In May 1996 general election. The National Conference grudgingly agreed to participate in the state elections, held in September 1996. Farooq Abdullah was elected as Chief Minister and the state returned to civilian rule. Turnout was limited, and both Hurriyat and Pakistan dismissed the results. The government also created several counterinsurgency movements ahead of the elections, assembly over 1,000 fighters to try to “liberate” part of the valley from militants. However, political violence continued. The following year marked the fiftieth anniversary of Indian independence. Kashmiri activists used celebrations as chance to demonstrate their defiance against the Indian rule, raising Pakistani flags, holding protest rallies, and reiterating demands for UN-Sponsored referendum.43 A BJP led coalition government under Atal Behari Vajpayee came to power for the first time in March 1998. The regime declared that all of the former of Jammu and Kashmir, including the parts now held by Pakistan belonged to India. The government also raised public awareness of India’s nuclear programme with a series of tests in May 1998, unleashing an immediate, outraged response from the international community. Pakistan announced later that month that it too, had conducted tests, also promoting international disapproval and sanctions. Once both countries agreed to a moratorium on nuclear testing and committed to signing the Comprehensive Test Ban Treaty by September 1999, sanctions were relaxed. India and Pakistan agreed in the Lahore declaration of February 1999 to intensify efforts to resolve all issues including Kashmir issue, to ease visa restrictions, and not to interfere in each other’s internal affairs, plus to abide by the moratorium on nuclear test unless extraordinary events warranted their resumption.

However, within a few months, India and Pakistan were again close to war, with severe attacks along the LOC, especially Kargil district. In early 1999, troops of Pakistan’s Northern light infantry, in the grab of Kashmiri militants, crossed the live
of control and occupied strategic mountain peak in Mushkoh valley, Dras, Kargil, and Batalik sectors of Ladakh, Pakistan’s master plan was apparently to block the Dras-Kargil Highway, cut Leh off from Srinagar, trap the Indian forces on the Siachen glacier, raise the militants’ banner of revolt in the valley, question the sanctity of the line of control and bring the Kashmir issue firmly back to the forefront of the international agenda. Tactically, the Pakistan army’s military operation was brilliant. The selection of the area, the timing of the intrusion, the extent of area taken, and the preparedness of the intruding groups indicated planning; Kargil is the anti sector where Pakistan army has the advantage of higher positions. India retaliated with aerial bombardments in Kargil in May 1999. Pakistan then shot down several Indian aircrafts. These clashes were supplanted by a crackdown on political dissent in the Kashmiri valley. The violence in Kashmir increased to an average of an estimated seven deaths per day in 1999-2000. Pakistani PM Nawaz Sharif requested an argent meeting with US President Clinton in July, then issued the Washington Declaration saying his government would take concrete steps to restore LOC and requesting the militants to withdraw Nawaz Sharif criticized for this diplomatic surrender; he was ousted by Musharraf in boldless, domestically-supported coup in October. The Kargil war brought huge loss to Pakistan and as well as to India. Pakistan launched a series of initiatives in 2000-01 to attempt to curtain arms trading and possession, and both sides attempted (without success) to negotiate ceasefires in 2000. Both Pakistan and India still sought international favor for their positions, as at the September 1999 UN General Assembly Session or with Pakistan’s endorsing a call for Clinton to mediate in bilateral talks Musharraf and Vajpayee held a failed Summit at Agra in July 2001. The talks included unofficial discussion of an autonomy package for both India-Pakistan controlled areas, returning the state to its pre-1952 status. Pakistan wanted formally recognized as the central issue of conflict between the two countries, which India was finally ready to grant. However, India demanded that Pakistan eschew support for violence in return, which Pakistan would not do. Indira declared both Jammu and Kashmir valley “disturbed areas” and gave security forces free rein. With the events of 11 September 2001, Pakistan became a key US ally in the war on terrorism, Pakistan broke its links with the Taliban and tried to curb Islamic extremists.

In January 2002, under US pressure Musharraf announced to Pakistani people that the country would no longer allow its soil to be used for terrorism, then soon
arrested almost 2,000 Islamic militants and closed over 200 offices. However, attack by Islamic extremists on India’s Parliament on 13 December 2001 (killing 14 people) led India to cancel transport links with Pakistan, recalls its ambassador, and send 500,000 troops to the border. In 2004 national election, and the 2005 municipal elections, and the by-elections for three assembly seats in April, Kashmiris rejected Hurriats calls for boycott of then elections and people participated in other elections willingly. The PDP-led coalition government was to start a dialogue with the separatist groups and the militants. It is mention here that Mufti’s government was committed to Boli (Dialogue, Not Bullets). However, the PDP-led coalition dragged its feet on the home front, especially in streaming the machinery for civic governance and cracking down on government corruption. It also needed make concerted effort to strengthen legal measures against arbitrary arrests and to rebuild indigenous institutions that could provide social mechanisms for reconciliation among the divided communities, such The Kashmiri Pandits and valley Muslims. Seldom does Prime Minister Manmohan Singh talk tough. But on July 14, 2006, after surveying the horrific scenes of the Mumbai train blast that killed over 200 people and also visited hundreds of the injured in hospitals, the Prime Minister, with, uncharacteristic steel in his voice, said; “we must recognize that terrorists are trying to spread their tentacles across the country. We are also certain these terror modules are instigated, inspired and supported by elements across the border without which they cannot act with such devastating effect. They clearly want to destroy our unity and to provide communal incidents. We can not allow this to happen. The time has come for us to crack down and destroy all the anti-national elements. We will leave no stone unturned, I reiterate, no stone unturned, in ensuring that terrorist elements in India are neutralized and smashed.”

Indo-Pak joint statements, on 6 January 2004, General Pervez Musharraf assured to the PM Atal Bihari Vajpayee that he would end terrorism permanently.

In another meet, at New York, 24 September 2004, the two leaders (Manmohan-Musharraf) agreed that Confidence Building Measures (CBM) would help generate an atmosphere of trust and mutual understanding. They also explored the possibility of a gas pipeline via Pakistan, but made no mention of tackling terrorism. Further, in Delhi Summit, April 18, 2005, the two leaders pledged that they would not allow terrorism to impede the peace process. They pledged to open new consulates in Karachi and Mumbai by December 2005. Agreed to expedite the settlement of Sir Creek and Siachen. Certain measures were taken into account by
both countries on April 17, 2005, Loc travel started with the Srinagar-Muzzafarabad bus service. This was the first major Confidence Building Measures (CBM) that the two sides undertook, after differences over travel documents.

A second bus service between Poonch and Rawalkot flagged off in June-2006, by Sonia Gandhi (Chairperson of Congress), Mufti Mohammad Sayeed (CM), and Ghulam Nabi Azad, Pernab Mukherjee and others were present on this occasion. On Feb 18, 2006, the train service between Rajisthan and Sindh province of Pakistan provided a direct link to thousands of divided families after a gap of 41 years. The two sides also issued more than 1,60,000 visas to facilitate people-to-people contacts. In 2009, Parliamentary elections in Kashmir valley, the National Conference not only registered its victory in all the three seats of the region, but also improved its share of votes compared to earlier election. With 38.42% votes cast in its favor during 2004 parliamentary election, it obtained 49.79% votes during the 2009 parliamentary elections. The poll percentage was quite high as compared to the 38.21% votes polled by the PDP (People’s Democratic Party) in 2004 elections. The votes Omar Abdullah fiery speech in Indian Parliament during the recent trust vote. His vow to fight for “every inch of Kashmir’s land” gave him some meaningless sympathy in the Muslim valley but turned him into Ravana for the Hindus of Jammu. The Parliament speech given by Omar Abdullah created a ground of avenues for NC to rule over Kashmiri people. Omar Abdullah said in Parliament of India “it is the issue of our land and for our land we will fight till we die.” This parliamentary speech proved a lot of impact on valley Muslims, this was reason the people of Kashmir fully supported to NC regime, and its output came success of Omar Abdullah as the youngest Chief Minister of Jammu and Kashmir.

Untold Stories of Gross Violations of Human Rights

The Kashmir problem has affected Kashmiris on both sides of the Line of Actual Control. In fact, they have been suffered in the absolute sense of the term in the previous years. After the ongoing movement started in 1989, the Kashmiris have been killed, massacred, raped, tortured, dishonored and humiliated. According to local human rights organizations estimates, about 70,000 youths, mainly belonging to the age group of 15-25 years, have been killed by the security forces and militants; about 40,000 youths have been tortured in the interrogation centres and jailed; more than 20,000 are missing; equal number have become disabled due to injuries, torture and
psychological breakdowns; hundreds of young women have been raped by the Indian forces; elderly women have been molested repeatedly; and elder men have been dishonored; the entire population have been humiliated through the practices of parades, crackdowns by the security force. A simple survey reveals that every family in Kashmir has been suffered in terms of youth killed, injured or tortured, a woman raped or molested, elder men and women dishonored and humiliated. The people who were killed or injured mostly were innocent childrens from the age of 5 to 22 years old, not only this but women were killed and injured during the peaceful protest march.

It is a matter of great concern for civil society as well as for human rights organizations to highlight the issues of gross violation of human rights in Kashmir valley, if civil society and human rights organization will not highlight the issues of gross violation of human rights in Kashmir valley, then it would be considered a criminal silence of them. It can be said without any doubt that the people of Kashmir were by nature soft and innocent. It is history of Kashmir, which is the best proof, that Kashmiri youth have followed the ways of insurgency and terrorism; because they have lost their parents, sisters, brothers and their property were burnt due to violence politics of Kashmir. It was the major reason that they have adopted the path of insurgency and terrorism. Whereas, youth of Kashmir having immense potential and ability to crack even the highest and prestigious exam of our country, and its best example is Shah Faisal who topped the IAS in 2009 at his first attempt, but the youth of Kashmir always remains in turmoil situations, their schools are being closed during cycle of violence and in this situation their education become affected.

It was the great irony with Kashmiri people that they did not have good friends who can understand their genuine problems and try to solve them. Hiren Mukherjee said: “even today, perhaps the best of us do not quite realize the depths of Kashmir’s alienation and are unready to ponder ways and means of overcoming it.” Wajahat Habibullah realistically remarks: “Until each citizen can live free from fear, democracy can only be notional, no matter how elections are conducted or who participates.” He further says: “I believe, based on my experience working the state with its people that remedy for the Kashmir situation need not be elusive, provided that all stakeholders are sincere in their endeavor to restore peace and that respect for the dignity of Kashmiri people is at the core of any resolution. Ignoring the self-
respect of Kashmiris-believing that they as a people could be bought-brought on and fuelled the cycle of ruin. A brief history of Amarnath land dispute will tell us that Kashmiri people special rights are being violated. The 800 Kunals land at Baltal was considered to be given to the Shri Amarnath Shrine Board in 2008. In return (SASB) have to pay 2.5 crore to the Forest Department. There is no doubt in saying that Hindus came to Kashmir for Yatra and Kashmiri had treated them in humane way. Then what was the need to transfer the Kashmir land and to create violence in Kashmir valley. For the first time the ‘Shri Amarnath Shrine Board’ (SASB) comes into existence in 2001, when Farooq Abdullah was the Chief Minister.

In 2005, the then governor S.K. Sinha, as Chairman of the board, writes to Chief Minister Muffti Mohammad Sayeed asking for land to accommodate the rising number of pilgrims, finally Gulam Nabi Azad Cabinet approves unanimously. On June 23, Syed Ali Shah Geelani, Chairman of the All Parties Hurriat Conference announced an agitation on transfer of Kashmir land to (SASB). The first fake encounter that attracted attention was the killing of five people by the police and the seven Rashtriya Rifles in the Paththribal area of South Kashmir on March 25, 2000. In later the death of a carpenter in Kokernag in a fake encounter uncovered the killing of four more civilians in the same fashion. Eleven policemen, found guilty of hatching the conspiracy to kill five innocent civilians, calling them “militants” were arrested. In February 2006, about 20 boys playing cricket in playground in Doodhipora in Kupwara district were fired upon by Army personnel four boys were killed. In March 2009, in Sopore Bomai area two civilians were killed without any guilt. There are untold stories of encounters in Kashmir vale, it become an easy way for armed forces to kill innocent people of Kashmir in order to reach the higher ranks by committing such heinous crimes. On May 29, 2009 Aasiya Jan, 17 year old, a school girl, and her sister--in-law, Neelofar Jan, 24 years old went into their orchard at Degam, Katpura, across the Rambiara Nullah, around 5P.m. Neelofars husband, Shakeel Ahmad Ahangar, told the press: “when they did not return till late in the evening, I went out to search for them. I could not find them anywhere and a neighbor told that the duo had left for home just when a patrolling party was passing through the area. I then approached the police party led by the station officer, went out in search of Neelofar and Aasiya but could not locate them till 3a.m., after which we return.” These are the untold stories of Kashmiri people.
The fake encounter in Bomai area of Sopore, The Amarnath Land issue, and rape of two innocent Kashmiri girls by (CRPF), and other discriminatory issues had created recent protests in Kashmir valley. People of Kashmir valley taking full participation in peaceful protests against atrocities and discrimination. People of Kashmir are dissatisfied over political leaders of Kashmir, who do not respect Kashmiryat and the dignity of Kashmiri masses. And they do not protect and preserve the special rights of Kashmiris, who are not their leaders but so called villains and criminals of Kashmir. The special Armed Forces which was passed in some states of India on 11 September 1958, but it was extended to Kashmir state in month of July, 1990. The main powers of armed forces are following types: (a) Fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law against "assembly of five or more persons" or possession of deadly weapons. (b) To arrest without a warrant and with the use of "necessary" force anyone who has committed certain offenses or is suspected of having done so (c) To enters and search any premise in order to make such arrests.

The Indian Armed Forces have been given so much power in Kashmir that they do not bother in killing and torturing the Kashmiri people, those who have no guilt to be killed and tortured in extensive manner. There is need that this Armed Forces Special Powers Act should be revoked. When Omer Abdullah the youngest Chief Minister of Kashmir contested in 2009 election, he got success due to his speech in Indian Parliament, he said, "it is matter of our land and we will fight for it till we die." These words create a kind of sympathy among Kashmiris people and they give him full support in 2009 elections. But, what Umar did for the people of Kashmir, the people of Kashmir were having a lot of hopes over the youngest CM (Umar Abdullah) but he did nothing for the people of Kashmir in his present regime more than 107 people were killed and thousands got injuries during peaceful protests, where as it is well known that in democracy protest, demonstration, criticism, right to expression and speech all are allowed under the democratic umbrella or within the domain of democracy. Since 1989, the people of Kashmir were killed, tortured, humiliated and injured. Thousands of the people were killed due to cycle of violence prevalent in Jammu and Kashmir. Thousands of the people got injuries and they became disabled to work. Many are those who lost their beloved childrens, daughters, sisters, mothers
and some women have lost their beloved husbands who were only the source to care for them. Due to turmoil situations thousands of the houses and shops were burnt.

Moreover, hundreds and thousands people are behind the bars, and thousand are missing. In addition, many people of Kashmir have committed suicide. In simple words the Kashmiri humanity were treated like animals. They become badly affected due to violence in Kashmir valley. The politics of ‘might is right’ was always present in the vale of Kashmir. Kashmiris have been marginalized and discriminated, that is the reason they are protesting on the roads, because nobody is listening to their demands for over last two decades. India as a largest democracy cannot win the hearts of people of Kashmir through torture, force, imprisonment and killings but through use of flexible policies and addressing the basic issues of autonomy, self-determination, dignity, security and freedom for the people of Kashmir. Great academicians are suggesting that greater autonomy is the best means to resolve the Kashmir dispute. Some political parties are suggesting demilitarization as an option to maintain peace and harmony in Kashmir valley. Some have suggested that prisoners of Kashmir should be released from prisons and Armed Forces Special Powers Act should be revoked, and India and Pakistan should use conflict resolution mechanism and confidence building measures for the resolution of Kashmir dispute. Most of the scholars suggested that only through peaceful means of dialogue and negotiation the Kashmir conflict could be avoided. For this purpose, all parties including India, Pakistan and People of Kashmir must do a meaningful exercise in terms of dialogue and sort-out the long-standing Kashmir conflict. Whereas secessionism or separation is not a right option in 21st century.
References

2. Ibid., p. 22.
6. Ibid., pp.263-264.
7. Ibid., p.263.
8. Ibid., p.264.
12. Ibid., p. 388.


27. Ibid., pp. 77-78.


36. Ibid., pp. 341-342.


42. Ibid., pp. 168-175.


45. Ibid., pp. 22-27.


