



MONTHLY THEME

www.kashmirrightsforum.in

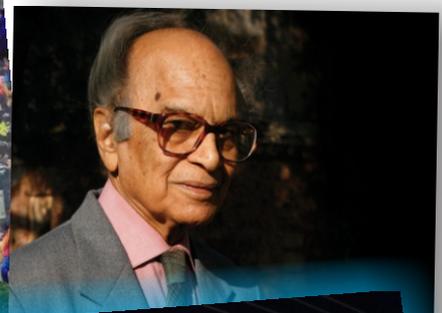
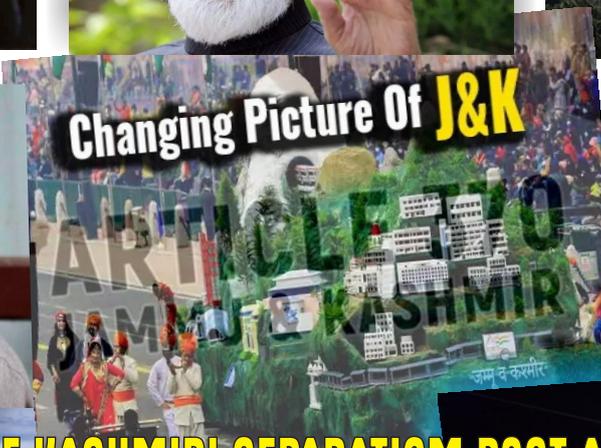
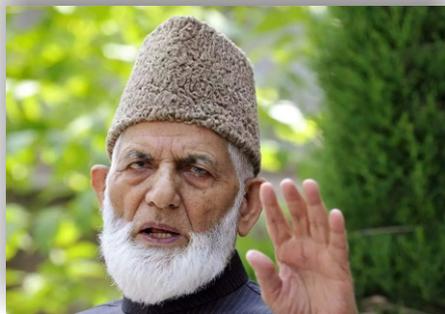
KASHMIR RIGHTS FORUM CUSTODIANS OF HUMAN RIGHTS IN KASHMIR

The Kashmir Rights Forum (KRF) is an informal, secular, apolitical and forward looking interactive platform highlighting human rights violations perpetuated against innocent Kashmiri population by terrorists either directly supported by separatists and their over ground workers or indirectly by sympathizers over last three decades as a result of proxy war initiated by Pakistan on our homeland.

KRF is dexterous, focused forum with overarching mission to mobilize expertise and public opinion to counter the organized attempt to violate human rights of common innocent Kashmiris of all generations by the nexus and tarnishing the image of government and security forces by certain section of media, intelligentsia and conflict entrepreneurs by flaring up allegations of human rights violations on them, thus diverting attention from the real perpetrators of these violations.

We, at KRF encourage response by likeminded or otherwise, people and organizations, on documents, articles & video content produced on multiple social media platforms by us to apprise all citizens of such violations. KRF will endeavor to expose the designs of the perpetrators by studying the past and present and producing the facts for public scrutiny as part of our research and highlight such events in present, earliest on occurrence.

Glimpses of Monthly Theme JUNE 2022



DYING DOWN OF KASHMIRI SEPARATISM POST ABROGATION OF ARTICLE 370 - A STEP TOWARDS NEW POLITICAL SCENARIO



CONTENTS

- Introduction
- Game of Pak Backed Separatism in Kashmir
- 370 as Narrative of Local Parties
- Two years after the abrogation of Article 370 and Parameters of Change
- End of Hurriyat and Overall Separatism

DYING DOWN OF MILITANCY IN KASHMIR POST ABROGATION OF ART 370 – A STEP TOWARDS NEW POLITICAL SCENARIO

PREFACE

Article 370 was included in the Indian Constitution on October 17, 1954 which exempted J&K from the Indian Constitution (except Article 1 and Article 370 itself) and permitted the state to draft separate constitution. It restricted Parliament's legislative powers in respect of J&K. For extending a central law on subjects included in the Instrument of Accession (IoA), mere "consultation" with the state government was needed. But for extending it to other matters, "concurrence" of the state government was mandatory. The IoA came into play when the Indian Independence Act, 1947 divided British India into India and Pakistan. While Article 35A stems from Article 370, having been introduced through a Presidential Order in 1954. Article 35A was unique in the sense that it didn't appear in the main body of the Constitution - Article 35 was immediately followed by Article 36, but came up in Appendix I. Article 35A empowered the J&K legislature to define the state's permanent residents and their special rights and privileges. As the first article of Part XXI of the Constitution, the heading of this part was 'Temporary, Transitional and Special Provisions'. Article 370 could be interpreted as temporary in the sense that the J&K Constituent Assembly had decided to retain it.

It restricted several central laws to be extended to the state, which was ultimately done to destroy systematic setup of the valley, administrative decentralization. It created the rise in corruption and inability or ineffectiveness of the state laws to nab and punish the culprits. Since corruption had been institutionalized to full extent in the valley, the requirement for abrogation of this hurdle in the way of development and transparent governance was necessary.

In the report we shall discuss and put before our readers how things changed and evolved after abrogation of Article 370, which was once thought to be omni-important for the valley. Many theories were put forth and the masses intimidated that it could lead to violence; however all remained peaceful, as the people of J&K had accepted the decision wholeheartedly. Huge successes were achieved after the abrogation, by clamping down the white collar terrorists that continued to draw money from the state ex-chequer and at the same time were actively involved in militancy through various modules.

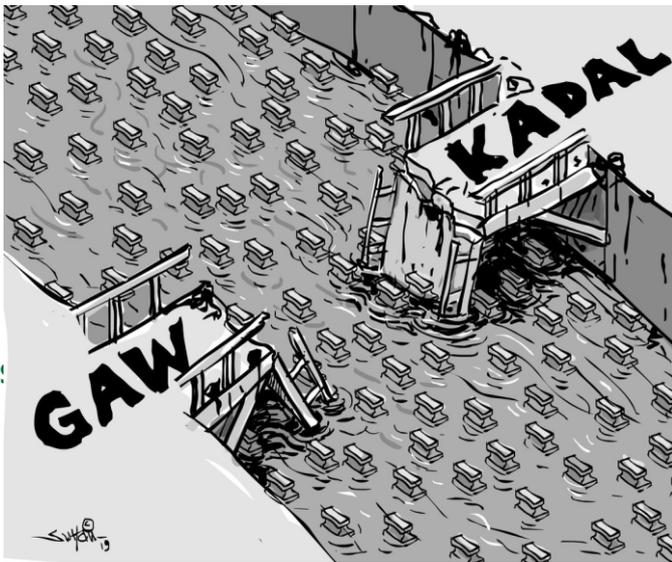
GAME OF PAKISTAN BACKED MILITANCY IN KASHMIR

In July 1988, the Jammu Kashmir Liberation Front (JKLF) began an armed militancy program for independence of Kashmir from India, backed by the Pakistan State supporting with arms, ammunition and training. The group targeted and mercilessly killed many prominent mainstream political personalities. First target they chose on 14 September 1989, when they killed Tika Lal Taploo, an advocate in front of several eyewitnesses. The game of Pakistan worked well at the onset, as this killing instilled fear in the Kashmiri Hindus especially, as Taploo's killers were never caught which emboldened the terrorists to carry out more such brutal killings. The Pandits felt threatened that they were not safe in the valley and could be targeted any time. The killings of prominent Kashmiri Pandits continued.



The game took another turn when after Taploo's death in November, Nilkanth Ganjoo, a retired sessions judge of Srinagar, who had sentenced Maqbool Bhat to death, was shot dead. Killing one and scaring a thousand strategy worked for terrorists. Not only this, In December 1989, JKLF members kidnapped Dr Rubaiya Sayeed, daughter of Mufti Mohammad Sayeed, demanding the release of five terrorists, which was subsequently fulfilled. On January 4, 1990, under pressure from Pakistan, a Srinagar-based newspaper Aftab released a message, threatening all Hindus to leave Kashmir immediately; sourcing it to the Pak backed terrorist organization Hizbul Mujahideen. [1] On April 14, 1990, another Srinagar based newspaper named Alsafa republished the same warning. The newspaper did not claim ownership of the statement and subsequently issued a clarification. Threatening posters were posted on the doors of Pandits asking them to leave Kashmir immediately.

During the middle of the night of January 18 and 19, a blackout took place in the Kashmir Valley where electricity was cut except in mosques which broadcasted divisive and inflammatory messages, asking for a purge of Kashmiri Pandits. On January 21, 1990, two days after Jagmohan took over as Governor, the Gawkadal massacre took place in Srinagar, leading to the death of at least 30 people and over 100 got injured. These events led to chaos. The pre-designed game was planned by Pak-backed terrorists to scare the Pandits in order to Islamize the valley. Unfortunately many people failed to understand the ulterior motives behind the terrorism and lost their lives and properties.



Nearly two years after the BJP revoked Article 370 and had split Jammu and Kashmir into Union Territories (UT), the separatists continue to grapple with growing uncertainty and irrelevance. Though the separatists had already lost their traction before the BJP's Article 370 move, they were still a force to reckon with and many people responded to their calls.

END OF HURRIYAT AND OVERALL SEPARATISM

Nearly two years after the BJP revoked Article 370 and had split Jammu and Kashmir into Union Territories (UT), the separatists continue to grapple with growing uncertainty and irrelevance. Though the separatists had already lost their traction before the BJP's Article 370 move, they were still a force to reckon with and many people responded to their calls.

The BJP government at the Centre started cracking down on separatists in 2017, two years after the PDP-BJP coalition government came into being. The NIA arrested several separatists from both factions of the Hurriyat Conference led by veteran separatist Syed Ali Shah Geelani and Mirwaiz Umar Farooq. Among those arrested were senior separatists Nayeem Khan, Shahid-ul-Islam, Altaf Ahmed Shah alias Fantoosh, Son-in-law of Geelani, Farooq Ahmed Dar alias Bitta Karate, Ayaz Akbar Khanday and Mehraj-ud-in Kalwal. The separatists reacted to arrests by calling for a strike. The arrests had caused bitterness between the PDP and BJP as the former thought the arrests would create anger against the government.

In June 2018, when the PDP-BJP coalition government collapsed, the Centre started to pile pressure on separatists. Two months before Article 370 was revoked, NIA arrested Yasin Malik, leader of JKLF, Asiya Andrabi of Dukhtaran-e-Milat, separatist leader Shabir Shah of JKDFP and Masrat Alam of Muslim League in alleged terror funding cases. In 2016, Geelani, Malik and Mirwaiz had formed Joint Resistance Leadership (JRL) to further their cause. The alliance proved successful in mobilizing support for an agitation after the killing of Hizbul Mujahideen commander Burhan Wani.

ARTICLE 370 AS A NARRATIVE OF LOCAL PARTIES

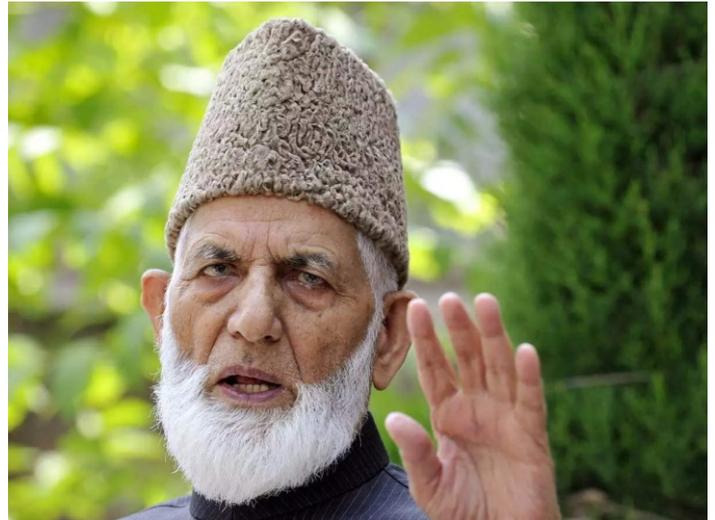
No political party in India can ever afford to restore back Article 370 and the unsubstantiated assertions made by these leaders are only motivated by a desperate attempt to hold back the ground which is fast slipping from under their feet. Since the parties in Kashmir have used holding back of Article 370 as their only narrative to win the confidence of the people, which is lost due to their fake claims that they made from the decades. The people of Kashmir were looted in the name of Independent identity while political masters were involved in big scams, providing back-door entries to their relatives and prowling the public funds. Article 370 had paved the way for rampant corruption in Jammu and Kashmir because it gave the successive governments in the state the right to enact their own anti-graft laws which were inadequate and tailor-made for convenience. With the implementation of the Prevention of Corruption Act in Jammu and Kashmir, there are timelines fixed to dispose corruption cases at the same time, not only the bribe-taker but also the bribe-giver is held guilty.

The JRL urged people to boycott the elections. The JRL essentially was the revival of the Hurriyat Conference of the 90s that commanded considerable influence before hardliners led by Geelani and moderates led by Mirwaiz parted ways in early 2000.



The arrests of the JRL leadership, except the ailing Geelani, who was in his 90s and the second rung separatist leaders, took the wind out of the sail of the separatists before Article 370 was scrapped. After Article 370 was removed, the Centre detained more than 50 political leaders including three former chief ministers Farooq Abdullah, his son Omar Abdullah, and Mehbooba Mufti. Scores of political workers and supporters of the separatists were also detained. Many were shifted to jails outside Kashmir. The Centre also cracked its whip on Jamaat-e-Islami, Kashmir's most influential socio-religious organization. Scores of Jamat members were detained. Some are still in jail.

On January 29, hardliner Geelani shocked many of his supporters when he announced his resignation from the Hurriyat Conference(G) that he was leading as chairman. In his resignation letter, without naming anyone, he accused a section of the Hurriyat leadership of abdicating their responsibilities after the abrogation of the special status of Jammu and Kashmir and its bifurcation into two UTs. "The hope was that they [Hurriyat leaders] would stand against this... and fulfill their responsibilities to encourage the people," he said in the letter. "Despite unprecedented restrictions and detention, I tried to reach out to you people, but you were not available," he said. "In view of the present circumstances after pondering over the entire issue, I have decided to disassociate from the Hurriyat Conference," he said. The development came as a big setback to separatists and their supporters in Kashmir. Since the cases were about to be opened on the whole faction of Hurriyat, it killed the spirits of the rest of the members.



Separatist's politics had always centered on sentiments—the demand for the resolution of the Kashmir issue was one such sentiment. After Article 370 abrogation, the separatists largely skirted the issue and tried to raise issues that fall in the domain of the Union politicians.

KASHMIR TWO YEARS AFTER THE ABROGATION OF ARTICLE 370: A NEW CHANGE

After the removal of Art 370, corruption and its causes dotted the newspaper headlines and has become subject matter of debate. The dynastic rule and Art 370 are largely held responsible for corruption in Kashmir. Autonomies must have a culture of accountability but in a post-colonial democracy the devil lies in the nature of the state, whether it makes federating units to democratically exercise power granted to them. This didn't happen in case of Kashmir and Art 370 was used as means to misled people of Kashmir since its inception.

But it marked the start of a new era in the State of Jammu and Kashmir. There was happiness among people, although some experienced shock and a few felt apprehensive about the direction in which things might go. But apprehensions waned out completely. Two years later, it has bought many new changes.

The first change is the national unity. Articles 370 and 35 (A) had created an unnatural and unhealthy divide in our nation. For every law passed, every rule made, we had to ascertain whether it applied to J&K or not. Today, such distinctions are history. J&K has been fully integrated with the other states and Union Territories.

The second parameter is that of democracy. By democracy, one does not refer to only state and central elections being held. Rather a healthy culture of grassroots-level participation which was absent in all these decades. Since assuming office in 2014,

Prime Minister Narendra Modi repeatedly said that among the critical deliverables for J&K was to hold panchayat polls, which were finally held in 2020. Despite stray comments by disruptive elements, the polls were held peacefully, and people got a taste of participative democracy. This one step had taken long way in shaping the development paradigm in Jammu and Kashmir from the grass root level.



The third parameter is that of peace. The memories of 2008, 2010 and 2016 are still fresh in the minds of the people of Jammu and Kashmir. Efforts were made to reignite such sparks of tension after the decisions on Article 370 and 35 (A) but the valley as well as Jammu has remained peaceful.

The fourth parameter is about people's aspirations. It baffled every thinking person why Jammu and Kashmir should not have RTI laws and why the benefits of reservation should not be availed by its SC, ST and OBC communities. The fact that the most marginalized groups can now get reservation benefits is a major leap forward in fulfilling the aspirations of the people of J&K.

The fifth and a very important parameter is of economic growth. Money being sent for public good was being misused by vested interest groups. The economic upliftment in the valley began with the Prime Minister's Package of 2015. This set the stage for extensive spending on physical and social infrastructure. With the abrogation of 370 and 35 (A) there was great hope that tourism will pick up in the valley and it did boom, during the first three months of 2022, more than 3 lakh tourists arrived in the Kashmir to enjoy the snow in Gulmarg, Sonamarg and Pahalgam followed by the spring tourism around Srinagar's Dal Lake. According to J&K tourism officials, March 2022 broke the 10-year tourist arrival record in Kashmir, signaling that Kashmir's tourism industry is finally on the path to recovery. Data showed that 1,62,664 domestic travellers and 490 foreigners visited the Kashmir Valley in January and February. Kashmir's Tulip Garden was visited by 2 lakh visitors within 10 days of its opening. Incentives given to different sectors of the economy — be it saffron farmers or those who fish trout — combined with a large

y peaceful environment is empowering many lives. With corruption and leakages drastically reduced, resources were reaching the intended beneficiaries

The road ahead also seems filled with hope and optimism. Earlier, PM Modi sat down with key stakeholders from Jammu and the Valley to discuss the path ahead. The meeting regarding valley was attended by four former chief ministers of J&K, and it was held in a conducive and cooperative manner. Political activity has also picked up across Jammu and Kashmir. The Centre's emphasis on a proper delimitation followed by full-fledged elections is in line with the commitments made to the people of Jammu and Kashmir. Ever since the NDA government assumed office in 2014, it was clear that engagement with Jammu and Kashmir needed a fresh approach — one that widens political participation and makes space for fresh, young and aspirational voices.[4]

The people of the state have got the wings to fly and, in the years to come, J&K will make even greater contributions to country's growth and development. There is no discrimination as had been the case in the previous governments which was flooded by the favoritism in all sectors of economy. People of the Jammu and Kashmir are now happy and content with their UT administration, since their grievances and aspirations are being redressed in a short period of time. The gap between government and the citizens had been bridged by the effective administration and transparency.

REFERENCES

- [1] <https://www.indialegallive.com/column-news/kashmiri-pandits-kashmir-files-pakistan-jklfjagmohan-farooq-abdullah/>
- [2] <https://www.deccanherald.com/national/national-politics/article-370-allowed-rampant-corruption-in-jammu-and-kashmir-minister-jitendra-singh-926628.html>
- [3] <https://www.theweek.in/news/india/2021/08/03/two-years-after-article-370-removal-what-is-happening-with-the-hurriyat-conference.html>
- [4] <https://indianexpress.com/article/opinion/columns/jammu-and-kashmir-special-status-two-years-abrogation-of-article-370-7438749/>

