

# Jammu and Kashmir: A Situation of Systematic Violations of Human Rights and Role of Mainstream Political Parties

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## Abstract

As the peace process started from 1996, it has been taken as a starting point for assessing the efforts of the mainstream political parties in controlling human rights violations. The mainstream political parties had played a crucial role in the peace process. Violence due to militancy and misgovernance has seriously dented the resilient Kashmir identity. Social institutions collapsed and society became harsh, punitive, withdrawn, and distrustful as well. In this study an attempt is made to undertake an intensive and detailed analysis of the role played by mainstream political parties in controlling human rights violations in Jammu and Kashmir and to explore the impact of violence on the human rights and socio-economic development of the people.

**Keywords:** Mainstream political parties, People, Violence, Peace, human rights, Normalcy

## Introduction

Political parties have an important role to play in the protection of human rights before, during and after the elections. By virtue of their role, political parties can also ensure that government respects all the rights of human beings. Mainstream political parties operating in Jammu and Kashmir are--National Conference (NC), Indian National Congress (INC), Democratic Party (PDP), Bharatiya Janata Party (BJP) and other smaller regional parties.

The conflict in Kashmir, which has its origin in State's disputed accession to India in 1947, erupted in December 1989 when Indian troops launched a brutal crackdown on rising violence by armed militant groups in Kashmir valley. In the three and a half years since the conflict began, "almost 80,000 people have been killed, 10,000 have disappeared and many Hindu Pandits fled from Valley, claiming that they got threatened by Pakistan-sponsored militants in Indian administered Kashmir" (Seghal, 2011). "In the last big political change in the sub-continent brought about by the partition in 1947, Kashmir happened to be divided neither on the basis of ethnic lines nor as an amicable settlement between the two dominions, but as a result of an open fight between the two nascent states. The tug tore the state of Jammu and Kashmir apart and wrecked prospects of peace for the future of its people" (Siraj, 2011).

Partition of British India was the most violent event in the history of India. "People of Jammu and Kashmir have been struggling for their right of self-determination from more than six decades. The issue of Kashmir started just after India's independence and the birth of Pakistan in 1947. The delay in deciding Kashmir's future by Maharaja Hari Singh--the last king of independent Kashmir - after the British left was the root cause of Kashmir conflict. The tribal invasion caused by raiders from Pakistan made the Maharaja feel insecure and he decided to seek help from India. India's viceroy Mountbatten promised him militarily help and in return Maharaja signed the "Letter of Instrument of Accession to India", which stands controversial ever since" (Seghal, op.cit. p.188). The people of Kashmir Valley now rebel against Maharaja Hari Singh's accession to India in his position as a fleeing ruler which they consider as non-sacrosanct and hence not binding on the people. India and Pakistan created as two states divided their assets and liabilities. Both of them were not willing to cede the territory and Kashmir became a challenge to this legacy.

"It is an established fact that Kashmir dispute has three intrinsic parties involved- India, Pakistan and Kashmir. All the parties have lost many thousands of precious lives and suffered human rights abuses mankind has ever known" (Siraj, op.cit.,p.29). Militants in Kashmir fight as freedom fighters of Kashmiri people and their frequent encounters with military create violence and result in the killings of Kashmiries on a regular basis. "Cost of the dispute in Kashmir, its perpetuity and violence it breeds is difficult to access. The conflict has destroyed the potential of protecting human needs like personal security, social welfare, basic identity and psychological health" (Siraj, op.cit., p.40). Mass killings, forced disappearances, torture, rape and sexual abuse to political repression and suppression of freedom of speech have become an integral part of their day to day life.

Against this backdrop various measures have been taken by the mainstream political parties of the state for normalizing violation and the upliftment of the socio-economic development of the people. Despite inhospitable security environment and desperate attempts from many to thwart the attempts of the Government to hold elections, the State Government succeeded in conducting parliamentary and assembly elections in 1996 after a gap of 7 years. Tourism, unemployment, rehabilitation and compensation for victims and many other related issues were focused by the government.

## Objectives

1. To examine the role of mainstream political parties in safeguarding rights of the people of Jammu and Kashmir.
2. To explore the impact of violence on the human rights and socio-economic development of Jammu and Kashmir.
3. To suggest some constructive steps for political parties to ensure control of human rights violations in Jammu and Kashmir.

## Methodology

The present study makes an attempt to examine the role of mainstream political parties in controlling human rights violations in Jammu and Kashmir since 1996. It is primarily a fact finding study based on the exploratory method. This study is based on secondary sources of data which includes books, reports, articles published in journals etc. hence this study is based on the Descriptive and Historical approach.

## Insurgency and Human Rights

It may be expedient to contextualize the normative feelings people are caught in and the hopes they cherish for future in view of the egregious rights violation they face. "The state has witnessed active armed conflict since the late 1980s. It was preceded by a state assembly election in 1987 that was widely-believed to be rigged, and an anti-India demonstration that broke out in the Kashmir Valley in 1988. The first major rebel attack took place with bomb explosions in the city of Srinagar in July 1988. The rebels stepped up violent activities including the kidnapping of Rubia Syed, the daughter of the then Union Home Minister, in December 1989" (Singh, 2011). The cause of armed conflict was protest movements by the people of Kashmir, due to these situations safe environment in family was shattered, educational and health care facilities paralyzed and led to impoverishment of Kashmiri society. "The continual political uncertainty in general and the two decade long armed conflict in particular has unexceptionally impacted every socio-economic activity in Kashmir. And tourism is a sector that has unquestionably been the worst casualty of this continued political instability and social turbulence. Not only tourism but the allied sectors especially the Kashmiri art and craft have equally been hit" (Shah, 2013).

"In January 1990, the Legislative Assembly was suspended and the state was brought under Governor's rule. This was followed by President's rule. For six long years thereafter, the state had a political vacuum. All political activities were sidelined and political expressions were overtaken by the fear of gun" (Chowdhary, 2007). Since the beginning of the armed conflict violent incidents have become an everyday occurrence in the state. "This all resulted in frequent curfews, crackdowns, search operations, arrest, torture, custodial killings, and disappearances of youth, firing shelling and the implementation of draconian laws like special laws like the Armed Forces Special Powers Act (AFSPA), Prevention of Terrorist Activities (POTA) and Public Safety Act, (PSA) have been promulgated which in turn gave birth to various kinds of human rights violations in Kashmir" (Rather, 2013). There have been regular protests demanding the removal of these laws and the withdrawal of the government's armed forces. There is however no consensus among the political parties to repeal or amend these special laws. If we believe the reports from Kashmir, it is clear that in all conflicts civilians are the worst sufferers of atrocities. The situation, however, has undergone some change by 1996 Parliamentary and Assembly elections. This is the landmark from which human rights violations have receded to a great extent.

## Genesis of Peace Process

By 1995, a sense of exhaustion had overcome Kashmir and urge for normalcy and peace had become stronger. "All major faiths have advocated making peace essential for controlling human rights abuses in Kashmir. There are mammoth challenges of even making a start in the peace process. The first obstacle is public stereotyped hostile imagery and then to establish an amicable equanimity between the politicians of all parties. Peace and order can be established if people are treated with respect. Disorder is believed is a result of excessive authority. The erstwhile NC rule was perceived to be authoritarian in the face of countervailing political factions" (Siraj, Op.cit., pp. 6-7). The mainstream political parties like People's Democratic Party and National Conference in Jammu and Kashmir have a chance to prove their worthiness.

## National Conference: Conflict Resolution and Autonomy

"The peace process has emboldened many stakeholders to come out with their formulations on conflict resolution covering issue of autonomy and self-rule" (Wani, 2011). Autonomy is the issue of great academic concern in the state of Jammu and Kashmir and is thought to be essential for protection and promotion of identity. "After seven crucial years, it was in 1996 that elected government in Jammu and Kashmir was formed by NC under the leadership of Farooq Abdullah. Voter turnouts ranging from 15 percent to as much as 60 percent that too in view of a sustained boycott campaign by Hurriyat Conference. The new government evolved

and presented its own perspective of conflict resolution” (Hussain, 2014).

The state has been accorded special status under Article 370 of the constitution of India that provides substantial autonomy since October 1949. “Down the line, it has altered to a great extent. National Conference wanted it to strengthen because the party maintained the Article 370 had eroded in the past. The party feared that its abrogation would encourage separatists. On the other hand, Bharatiya Janata Party (BJP) wanted to scrap it so as to ensure implementation of “one nation, one flag, and one constitution”. Those favouring its abrogation argued that it is creating “psychological barriers” thereby encouraging separatist tendencies” (Singh, op.cit., pp. 22-23).

The National Conference has been advocating the restoration of autonomy which it believes will be crucial to the resolution of the current dispute. “In 1996, the NC government appointed the State Autonomy Committee and the Regional Autonomy Committee to examine the issue of autonomy. In 2000, the state assembly passed a resolution accepting the report of the State Autonomy Committee that recommended greater autonomy including the restoration of the pre-1953 constitutional status of the state. The resolution was summarily rejected by the Central government essentially because it was a plea for the restoration of the pre-1953 status to the state” (Singh, op.cit. p.23).

### **People’s Democratic Party and Indian National Congress**

People’s Democratic Party (PDP) is a new party whose existence can be traced in the post-1996 period. Its emergence, as a result of split in the Indian National Congress Party changed the nature of political competition in Kashmir region as for first time, the NC was faced with another Kashmir based regional party (Chowdhary, op.cit., pp.88-89).

PDP/Congress coalition government was formed in Jammu and Kashmir in 2002. “The coalition partners PDP/Congress agreed to a first ever power sharing agreement and it was agreed that the post of Chief Minister would be held by rotation. Mufti Mohammad Sayeed led coalition government proceeded with a healing touch policy, to restore much awaited peace in the valley, built trust among the people. The government described the healing touch policy in terms of putting a halt to custodial killings, release of innocents from jail and interrogation centres in and around the valley, stops atrocities of security forces on people, absorption of Special Operation Group (SOG) into police, eradication of unemployment etc. Thus coalition government led by Mufti Mohammad Sayeed took a lot of pains to implement the above policies of healing touch and begun a process of peace in the state” (Hussain, op.cit. pp.34-35). The PDP/Congress coalition government declared Common Minimum Programme (CMP) as bedrock of their governance. “The goal of this is to heal the physical, psychological and emotional wounds inflicted by militancy and to evolve a broad-based consensus on restoration of peace with honor in the state. This coalition government made tremendous development in various sectors, tourism the main stay of state economy was revived to a great extent. Though the government under Common Minimum Programme (CMP) was committed to relief and rehabilitation of victims of violence, very little was achieved in terms of return of migrants and their relatives” (Hussain, op.cit., p.35).

After Mufti’s chief ministership, Ghulam Nabi Azad of Congress took the reins of administration in the state. “Ghulam Nabi Azad led government framed policies and programmes in the frame work of a prosperous Jammu and Kashmir- ‘Khushhal Kashmir’ became the new buzz word. The broad contours of this policy frame work were corruption free administration, transparency, accountability and all round development of the state. Infact, Azad led government could not do much to remove the unemployment problem and institutionalize the process of recruitment in the state. Corruption in all forms thrived and harsh acts like Disturbed Areas Act and Armed Forces Special Powers Act took a heavy toll of human life. The victims of violence were not brought within the purview of government policies so as to mitigate their sufferings (Hussain, op.cit., p.35-36). One can safely conclude that the state of Jammu and Kashmir with many regional, sub-regional and religious lines is a challenge to both regional and national parties operating there.

### **NC/Congress Alliance 2009**

In 2009, the alliance partners- NC-Congress formed the new government in J and K state with young Omar Abdullah as Chief Minister. “A cursory look at the “2008 Election Manifesto” of the NC reflects political issues like restoration of Autonomy, better condition between Srinagar and Muzaffarabad, setting up of Truth and Reconciliation Commission to the governance issues like revival of the state accountability commission and giving more freedom to the State Vigilance Commission to end corruption. As on date, almost nothing has been transformed into reality, indicating party’s dismal performance on the ground” (Hussain, op.cit., p.37).

Omar Abdullah led government launched around development in the state and made several policy interventions to effectively solve unemployment problem in the state. “Omar Abdullah’s government came up with a land mark employment policy “Sher-i-Kashmir Employment and Welfare Programme for Youth” (SHEWPY) to comprehensively address unemployment issue in the J and K state” (Hussain, op.cit., p.38). But during his government lot of disturbances took place in the state and wit every New Year, the hope of peace and

normalcy in the state of J and K was expected to be fulfilled but it was not to be as human rights violations continued.

### **Suggestions and Conclusion**

To deal effectively with the challenges of violence both Delhi and Srinagar leadership need to work seriously for a peaceful and political Kashmir. Mainstream political parties should incorporate youth development policies in their agendas to promote peace building and cross reconciliation. The draconian laws like Disturbed Area Act and the Armed Forces Special Powers Act need to be withdrawn. An economic climate is to be evolved to create employment and to increase the potentiality of employment. The Central and State governments should jointly undertake steps to improve the security situation and instill confidence in tourists who have been the target of terrorist attacks. All efforts need to be made to ensure the return of Kashmiri Pandits and the rehabilitation policy for militants also need to be given a strong push so that they are re-integrated into the society. Violence has seriously injured the Kashmiri identity which needs social restructuring. The mainstream political parties shouldn't serve their selfish ends. Keeping their selfishness aside, they should try to bring the separatists into the mainstream. Until separatists are taught that they all are the part of this nation as a whole, these human rights violations will continue happening every now and then. To conclude one can say that on the political front, the real prospect of evading crisis are regressive in the face of centrifugal pressures from within and upsurge of regional tensions. All these factors remain live in the political culture of Kashmir while violence in the streets perpetuates unbridled degradation.

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