

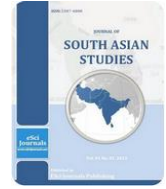


Available Online at ESci Journals

Journal of South Asian Studies

ISSN: 2307-4000 (Online), 2308-7846 (Print)

<http://www.escijournals.net/JSAS>



CONFLICT AND HUMAN RIGHTS VIOLATION: A STUDY OF KASHMIR VALLEY

Inamul Haq

Centre for Gandhian Thought and Peace Studies, School of Social Sciences, Central University of Gujarat, Gandhinagar, Gujarat 382030, India.

ABSTRACT

Since from the ancient period, the valley of Kashmir has stood for peaceful observation, intellectual advancements and religious diversity. This diversity, evident from the blend of Islam, Hinduism, Sikhism and Buddhism in the state made advancement of warfare rather than cultural advancement. The insurgency in late 1980's and counter- insurgency from the Indian side in the valley not only threatened Kashmir apart, but also laid its shakes on the rest of the world. The valley of Kashmir is considered as the hazardous place on earth. After the partition of sub-continent (India and Pakistan) in 1947, the state of Jammu and Kashmir becomes an unresolved land. The people who live there has been at the roots of constant tension between the world's largest democracy (India) and its neighbor (Pakistan). To highlight their advanced technology, the two countries fought three wars (1947, 1965, and 1971) on the Kashmir issue. The uncertainty and lack of any conclusive resolution to the political dispute have left the population of Jammu and Kashmir divided and uncertain about their future. The land of Kashmir, with immense beauty and tourist industry disappear completely in the face of military invasions and terrorist activities and gave birth to human rights violations. The paper would analyze the hidden truth of Kashmir, which created an alienation among people, which becomes a major reason for the uprising in the valley. Besides that, the paper will present the abuses that are still prevailing in the Kashmir valley.

Keywords: Kashmir Conflict, Insurgency, Torture and Enforced Disappearances.

From July 09, 2016, the uprising after the death of Buran Wani should be a matter of utmost concern not only for India, but to whole world. It changed the discourse of freedom movement of Kashmir, which was at the merge of death. People from valley protested against the killing of Wani and his two associates. From south to north, everyone looks disappointed and gossips about the death of Burhan Wani. His death proved the hypothesis that people of valley supports rebels, who carries the mission of freedom from the Indian dominion. However, the approach adopted by security forces provoked every Kashmiri to come on roads and stage protests. The violence that once again emerged shows stronger than the previous one. The funeral of Burhan Wani presented a different image on international level and Burhan was considered more dangerous than alive. The world community gave statements on solving the Kashmir

dispute. The countries like Norway, China, New Zealand, United Kingdom, Saudi Arabia and Turkey demanded the both India and Pakistan to solve the dispute and pressurized India to stop human right violations.

Those aware of Kashmir history would be knowing that violence in Kashmir valley generally tends because of state of exception, which according to Agamben, violence had become a dominant paradigm of Government. However, this argument was further carried out by Walter Benjamin 1978 argues that, "law itself is a kind of violence that constitutes and maintains social relations by creating a monopoly on force and coercion". The state justifies lethal weapons, killings as a means of law making or law preserving like war against terror, maintenance of law and order. It is because state wants to establish power through violence. Same way the Indian government employed laws like Public Safety Act (1978) and Armed Forces Special Power Act (1990), which clearly shows that India uses laws to maintain law and order and to destroy internal or external political,

* Corresponding Author:

Email ID: mantooainam72@gmail.com

© 2017 ESci Journals Publishing. All rights reserved.

ideological or security threats.

The Kashmir Conflict: There are so many conflicts in south Asia and these conflicts arise from different sources. Sumit Ganguly (1996) argues that there are four major sources of conflicts in the South Asia. First, some conflicts have their roots in the British Colonial policies such as Divide and Rule. Second, some conflicts have arisen due to the modernization process in the sub-continent which benefits some and marginalize and exclude others. Third, conflicts are due to the intervention of external country like Soviet Intervention in Afghanistan in early 1980's and the last one is that some conflicts arise because of limited resources and the struggle for these resources. He is of the view that the Kashmir conflict is a complicated and multidimensional and can fit into the first category (Ganguly, 1996).

While the conflict of Kashmir can be understood by *New War Theory* forwarded by Mary Kaldor in 1998 which was formulated in an East-European context. She argues that *New Wars* are basically post-cold war conflicts which differ from the definition of warfare. The main features of these conflicts include human rights abuses, the presence of para-military, displacement and identity crisis and these conflicts takes place in the context of criminality, corruption and administrative failures (Kaldor, 1998). These all features are easily applying to the conflict of Kashmir as it is not a post 1990's conflict which is the feature of *New War*. It is new as the levels of violence increases more than before and the conflict increasingly acquires the *New War* features that are present in Kashmir conflict (Mukherjee, 2013).

The state of Jammu and Kashmir lies in the heart of Asia. In the west, the state is having border with Pakistan, in north east by China, by Afghanistan in the North West and in south by India (Tabasum, 2012). The area of the state is 85,806 square miles and total population stands for 1.25 crore [1, 2541302] (Census, 2011).

The conflict of Kashmir is deeply rooted in the colonial history of the sub-continent (Ganguly, 1990). The dispute of Kashmir between India and Pakistan is as old as the two countries themselves, dating back to the partition and independence from Britain in 1947 (Bose, 2003). At present, the parts of Kashmir are not only occupied by India and Pakistan, but china also occupied some parts of it.ⁱ The state of Jammu and Kashmir has maximum population of Muslims and the state was variously ruled by central and west originating Mughal-Afghan dynasties. In the nineteenth century, the Britishers take it from

Sikhs during first Anglo-Sikh War and sold to a Dogra noble Maharaja Gulab Singh in the Treaty of Amritsar (1846)ⁱⁱ for seventy-five lakh rupees (Kaul, 2010). In this way, the valley came under Dogra rule from 1846- 1947. The people led a miserable life and were treated as slaves. With the coming of Gulab Singh, it has been said there was increase taxes and capital punishment was commonly given to those, who raised their voice against the state. In this way, a reign of terror was imposed (Ahmad, 2010).

The origins of conflict of Kashmir lies in the sub-continent's partition in 1947 created the independent states of India and Pakistan. With this the hundreds of nominally independent princely states were absorbed into India and Pakistan. Maharaja Hari Singh, the ruler of Kashmir wants to remain independent and declined to join neither with India nor with Pakistan (Human rights watch, 1993). In the same era, there was a revolt in the Poonch against the maharaja and this movement spread in other parts of Jammu. The demonstrators raised pro-Pakistani slogans and insisted the Maharaja to join with Pakistan on the basis of two-nation theory. This revolt created a panic and in order to stabilize the situation of Kashmir. The maharaja signed an agreement, which is known as Standstill Agreementⁱⁱⁱ (Dewan, 2011). This agreement was only signed by Pakistan and India did not sign it. In August/September 1947, the tribesmen from Pakistan's North West frontier province also joined in the armed insurrection. By the October 1947, the tribesmen advanced towards Kashmir and captured several towns and massacred a large number of civilians including women and children (Husain, 2009). To crush the rebels from the state, the maharaja took assistance of India's Prime Minister Jawahar Lal Nehru, who agreed to send troops only if Kashmir formally acceded to India. On October 27, 1947 the Maharaja agreed to sign the Instrument of Accession to India on the condition that Kashmir should be permitted to retain its own constitution (Human rights watch, 1993).

In the same year, both India and Pakistan fought their first war on Kashmir dispute and India took the matter before United Nations (UN). With the intervention of UN, a cease-fire agreement was signed on January 1, 1949 (Hussain, 2009). In 1965, once again both the countries went to war over Kashmir and divided the old line of control (LOC) of Jammu and Kashmir into four political units.

- Jammu and Kashmir, Ladakh (Indian occupied Kashmir).
- Azad Kashmir (Pakistan occupied Kashmir).

- The northern area administered by Pakistan.
- Aksai- Chin, controlled by China (Hussain, 2009: 1009).

In January 1966, there was an agreement between India and Pakistan known as Tashkent Agreement^{iv}. In 1972, another agreement was signed after the war and both countries decided to end their conflict and resolved to settle their differences through bilateral negotiations and this agreement is known as Simla Agreement^v (Singh, 2011).

The Road to Insurgency in Kashmir: After Simla Agreement, the central government attempted to control the political system of valley. However, the secessionist's sentiments were alive among Kashmiri's from 1947. In 1980, the Islamization of Kashmir spread quickly, and the theme *Islam is in danger* mobilized the youth. The Islamic literature was being distributed to create awareness among the people and small pamphlets like *Tragedy of Kashmir and Kashmiris fight for freedom* appeared in the valley created frustration among educated people and created hatredness among them towards India. The influence of Saudi emerged in 1979, by holding an Islamic conference in Srinagar and setup the Jhelum Valley Medical College in 1980, through which the message of radical Islam and Communalism was spread in the valley. The establishment of Madrasahs from the early 1980's also planted the seeds of Islamic fundamentalism in Kashmir from an early age created irritation among Muslims and they adopted the way of violence, which come in the form of insurgency (Pandita, 2003).

The spread of modernization and communication created a political conscious among Kashmiri educated and ambitious youth and they got dissatisfied with the political system of the valley. The rise of unemployment in the valley also gave a wide spread frustration among youth against their leaders and policies of central government (Ganguly, 2007).

In 1986, an accord was signed between Indian Prime Minister Rajiv Gandhi and Farooq Abdullah, Chief Minister of Jammu and Kashmir, which was widely criticized in the state and was considered as a betrayal of Kashmiri interest (Human rights watch, 1993). This accord generated bitterness and revolt among young educated Kashmiri Muslims against the India and adopted the path of violence (Ganguly, 2007).

These are primary reasons which created the environment of insurgency. Besides that, there are major misfortunes that played a great role in insurgency. Among

them is the inflexible election of 1987, in which a new party namely Muslim United Front (MUF) takes part. The MUF, which had the support of pro- independence activists, Islamic fundamentalists and many frustrated Kashmiri youth, contested the election for state Assembly (Human rights watch, 1993). There was a widespread loophole in the vote count and MUF were defeated as they were considered dangerous by the Indian state.

In this election, at least seventy five percent polling was recorded in the state which is considered as highest ever in the valley. The collusion of National Conference and Congress claimed sixty- six seats. MUF had contested on forty- four seats and won only four. Balraj Puri (1993) stated that the result of elections gives strength to the fundamentalist forces in the valley. It is noteworthy that BJP and Congress opened their accounts in the valley and gives challenge to MUF, who was considered as emerging party in the valley. The leaders of the MUF were trying to change the political system by democratic and peaceful methods, instead of that guns were handed to them. They were arrested and tortured in jails and the result of this was that militancy (Terrorism) grew in Kashmir. Another reason of militancy was the lawlessness in the region by which economic situations got worse and created a spiral of violence, causing many young educated and unemployed youth to join the militant ranks (Akhtar, 1991).

The increasing insurgency in the valley was the consistent failure of democracy. After elections a candidate of MUF later on became chief patron of Hizb- ul- Mujahedin. Most of the educated youths joined the Jammu and Kashmir Liberation Front (JKLF), which was active from 1964 (Puri, 1993). In 1988, the wide protest began in the valley along with anti- India demonstration resulted into strikes, arrests and torture by the police (Schofield, 2010; Akhtar, 1991). The turning point was the kidnapping of Rubbia Sayeed, daughter of Mufti Mohammad Sayeed on December 8, 1989 in exchange for the release of five JKLF leaders (Puri, 1993).

After the event, Indian Government launched a massive crackdown on the militants. With the resignation of Farooq Abdullah, the governor rule was imposed in the valley on January 19, 1990 and former governor K. V Krishna Rao was replaced and Jaghmohan Molhotra was appointed as new governor (Schofield, 2010). From the first day of his appointment, security forces opened fire on crowd of unarmed demonstrators killing fifty-three civilians on January 20, 1990 commonly known as

Gawkadal massacre, by which insurgency spread in whole Kashmir (Human rights watch, 1993).

Torture: A Tool of Impunity: In 1990s, with the appointment of Jagmohan as a governor (19 January 1990- 26 May 1990) gives birth to massive human rights violations. The security forces carried out a ruthless campaign of terror against the people who are fighting for their freedom (*Self-determination*). Unrestricted arbitrary powers were given to the security forces to suppress the movement in the valley. As a result, thousands of Kashmiri were killed, injured, prosecuted or arrested. India government describes the insurgency as law and order problem and in order to deal with the situation, several oppressive laws have been put into force, which becomes a great reason for the Human Right violation in the valley. Among such laws include the Jammu and Kashmir Disturbed Area Act (1990), Armed Force Special Power Act (1990) and Public Safety Act, which suppress the basic liberty in Kashmir (Mohiuddin, 1997). The security forces used different forms of torture in the valley. Besides that, crackdown, arson, burning of shops and houses became a custom of Indian security forces. Custodial killing, arrest without warrant were the tools adopted by the forces (Schofield, 2010).

In August 1992, an operation was carried out by Indian security forces in the valley known as '*Operation Tiger*'. The main characteristics of this operation were to do surprise raids and search operations designed to catch and kill. This operation was considered as brutal measure adopted by Indian government, in which the execution of the detainees increased to a greater extent. The other operations were carried out in the valley having code names like *Shiva, Eagle and Cobra*. The main goal of these operations was to create an intense fear among the people of valley, who were demanding separation from the India (Human rights watch, 1993).

The secessionist movement in the valley got support from the locals in every way. The security forces suspect every individual as the supporter of militants. In order to find out, they took anyone in the custody and tortured him. It is a practice to reveal information about suspected militants or to confess to militant activity. It was also done to those who created a climate of political domination (Physicians for human right, 1993).

After insurgency, Indian government took strict methods centers as well as women's, which were considered as well-wishers of the militants (Terrorists). The practice of arresting common people particularly young people and

in eliminating the movement of succession in the valley. They used other groups like Ikhwan- ul- Muslimoon (Renegades), Muslim Mujahedeen, Village defense committees (VDC) and special police officers (SPO), who played a central role in torture without any accountability. These groups are not recognized officially, and Indian government used them as a shield for prosecution (Imroz et al., 2012). These groups were acted like *Salwa Judum* of Chhattisgarh. The number of these parallel Militia groups of valleys is greater than Chhattisgarh. The Jammu and Kashmir Coalition of Civil Societies has reported that young boys of valley continue to be arrested and subjected to torture and harassment.

In March 2011, Margaret Sekaggya, the UN special Rapporteur on Human Rights Defenders stated that police used to detain the people and beat them mercilessly and torture, killing and custodial deaths by police and Para- military forces were prevalent in the valley. The group of Interlocutors set up in October 2010 by Central Government states that the people of valley feared oppression by the hands of security forces, police, armed groups and militants (Amnesty International, 2013). The coercive method of torture is used by state actors in order to crush insurgents, while as non- state actors used torture to pressurize the state machinery. The innocent civilians became targets of both state actors as well as non- state actors. In state actors there comes security forces, police and newly formed Ikhwan- ul- Muslimin (Renegades) and militants (Terrorists) form the group of non- state actors.

Torture by Indian Security Forces: The Indian army operating in the Kashmir valley has thoroughly violated all International laws regarding to human rights by torturing and killing the civilians from 1990's. Custodial deaths, extra-judicial executions and disappearances in the valley increased to a large number. The detainees arrested by security forces in the valley are tortured in various torture centers without any arrest warrants. Various methods like prolonged beatings, electric shocks, burning with heated objects and crushing the muscles by wooden roller were used against the detainees in the valley (Human rights watch, 1993).

The most assault on civilians of the valley was in the form of sexual torture known as Rape. This method was adopted by security forces against prisoners in torture were tortured with brutal methods in order to know the presence of militants. The detainees sometimes were threatened with death unless if they do not identify

someone. The process of torture remains continue and some other violations also happened in the valley. The table 1 gives us the overall image of Human rights violation in the valley.

Table 1. Violence in Kashmir (1989 to 2010).

Parameters	Value
Total Killings	93,379
Custodial Killings	6,974
Civilian Arrested	118,060
Structured Destroyed	105,866
Women Widowed	22,734
Children Orphaned	107,366
Women Gang Raped	9,946

Source: (Jahangir and Shafi, 2013).

Torture by State- Sponsored Renegade Militias in the valley: Renegades are commonly known as Ikhwan-ul-Muslimoon, a militant organization of Kashmir, who later on surrendered and joined Indian army. The renegades were used as a shield by security forces in suppressing the insurgents. The leaders of Jamaat-i- Islami became the target of these renegades, as they were main supporters of the militant wing Hizb-ul- Mujahidin. Since from 1989 insurgency, renegades have done a lot of violations. They executed the militants, journalists, Human rights activists and common civilians. They created a reign of terror among by doing torture in detention centers (Human rights watch, 1996). They beat people on the eve of elections and forced them to vote and beat harshly who do not cast their vote. They became headache to the people as they can carry any women of their choice. Renegades are never arrested or prosecute, and no case has been registered against them as they were considered as unknown gunmen.

In 1977, Gurbachan Singh, Director General of Police stated that the renegades became a productive tool in suppressing the insurgents and nearly about five thousand renegades were recruited as Special Police Officers (SPO) and many were immersed in the Indian army. The famous human rights activists of valley were killed by the hands of renegades. Among them is Jalil Andrabi, who was abducted by renegades in March 1996. Later on, he was brutally tortured to death in custody. The famous Kashmiri pundit H. N. Wanchoo, a great lawyer and Human right activist also became the victim of renegades. Wanchoo had documented the cases of

hundreds of custodial deaths that happened in 1992. No case has been registered and no file is found in Jammu and Kashmir high court. Zafar Mehraj, the journalist by Profession was shot and injured critically after interviewing the chief of Ikhwan-ul- Muslimoon (renegades) Kuku Parray. Abdul Ahad Guru, a specialist surgeon who mostly treat the torture victims also became the soft of the renegades (Human rights watch, 1996). These state-sponsored militias are present in the valley under the name of Special Task Force (STF) and Special Police Officers (SPO). These groups are considered as most terroristic groups in the valley, as people fear of torture and interrogation by the hands of these groups. These groups always do third tortures to the people whom they arrest. After Indian army, the state-sponsored guerrilla's arrests and later on tortured the most people in the valley.

Torture by Non- State Guerrilla's (Militants): The militant groups in the valley have also committed excessive violations of International Humanitarian laws. The militants in Kashmir have deliberately targeted civilians, whom they suspect him as informer. The worst abuses have been the murder of hundreds of civilians, including the members of Hindu community, civil servants and political leaders (Human rights watch, 1993). The using of car bombs, landmines on public roads and throwing of grenades at bus stops and government buildings that have killed and injured thousands of civilians. Militants have also used ruthless torture during election times by kidnapping, executing and torturing the candidates and campaign workers. These non-state actors have used brutal forms of torture to the kidnapers by removing nails and by cutting flesh from their body and killed so many civilians on suspicion, that they are informers of security forces (Human rights watch, 1996). The militants used brutal methods of torture and other cruel treatments mostly against the Kashmiri pundits as they opposed the movement for Kashmir's annexation with Pakistan. They were mercilessly massacred and eliminated in thousands out of the valley. The religious-ethnic group faced the same problem as Jews faced in the period of Hilter. They were considered as spies of India and enemies of freedom movement of the Kashmir (Koul, 1999).

There were anti- pundit slogans like *Chaliv, Raliveya Galiv* (Run away, mix with us or be ready for death) *Batti Chalin Batin Ralin* (Pundit man can run away while pundit can

stay) and *B say Batti, C say Chu M say Marun* (A stands for Pundit, C stands for has to M stands Die). Besides that, the militants in Kashmir have also committed sexual torture (Rape) to many women's in order to create fear among them. Some militant forces also threatened and attacked women's in Kashmir who do not observe Islamic dress code. However, there are not clear evidences about the non-state actors regarding torture. There must be two reasons for that [a] the militants mostly execute the detainees as they consider them as Mukhbirs (spies) of army. [b] Most people fear to speak about the violations caused by militant, because they fear of being killed by them.

Torture against Women: From the conflict, the women's in Kashmir also became victims of security forces, police officers and militants. Along with threats and attacks on their life, the women's have also been subjugated to torture (Physically as well as sexually), trauma, death and disappearance of their beloved ones (Qayoom, 2014). The most important thing is that Hindu women's got harassment and molestation from the hands of militants, while as Muslim women became victims of security forces and other government sponsored actors. There are so many cases that are documented by human rights watch about the women's who became victims of while. There are some cases like Sarla Bhat, twenty-seven years old staff nurse at Soura medical Institute was kidnapped by militants and was sexually tortured for four days and shot to death after that. Medicals reports claimed sexual torture. Archana, daughter of Sohanlal was sexually tortured by militants on March 20, 1992. After hearing the cries of her daughter, the victim's father and mother came for help but were shot dead by militants. Medical reports claim rape to both women's (Human rights watch, 1993). Girja, a school teacher at Bandipora also became victim of militants. First, she was kidnapped, gang-raped and later on strangulated to death (Teng & Gadoo, 1998). Reports of sexual torture to women in Kashmir by Indian security forces emerged soon after January 1990. There are so many evidences that army used sexual torture (Rape) as a tool during counter- insurgency. In the majority of the cases, no investigation takes place by having laws in the Indian constitution like 376(1) of the Indian penal code^{vi} and the criminal Act of 1983 and soon. Still in valley rape by security forces continued in some areas. In February 1991, in a village of Kupwara namely Kunan Poshpora, at least fifty-three women's was gang raped by the security forces (Noorani, 2002). There are so

many cases of rape which were documented in various reports, however the culprits are roaming freely, and no judicial enquiry was made against them. There are so many cases of gang-rapes done by security forces like Rape in Shopian on October 10, 1992 and 28 May 2009, rape in Haran in July 20, 1992 and soon. The lowest age of rape victim is thirteen; while as oldest is eighty years (Asia watch, 1999). Sarwar Jan, a woman of nineteen years old was married to a surrendered militant, who started a newly life after marriage. On February 6, 2002 both of them were arrested by Special Task Force of the Jammu and Kashmir police. Her husband was killed, and she was sent back to home after torture. The scars of torture are still visible on her face and many times she attempted to do suicide, because of mental torture she is facing in her social life (Qayoom, 2014). Farida (name changed) a twenty-two years old girl was returning from college, when security forces takes her into custody. She was considered as supporter of militants and torture had inflicted her. Before her release she was raped by the security forces (Torture Trial Documentary). The women's in Kashmir are mostly victims of physiological torture. The disappearances of their beloved ones made them the victims of mental torture. They are considered as half- widows and cannot marry because they do not know that their beloved ones are alive or dead. The waiting for their dear-ones made them even weak that they do not face the society. The psychological torture created depression and stress like diseases among women in the valley.

Enforced Disappearances: According to the Declaration on the Protection of All Persons from Enforced Disappearance, proclaimed by the General Assembly in its resolution 47/133 of 18 December 1992 States than "an enforced disappearance occurs when "persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law" (Declaration on the Protection of All Persons from Enforced Disappearance, 1992). The International Convention for the Protection of All Persons from Enforced Disappearance defines "an enforced

disappearance as: the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law” (IHRLC, 2014).

The presence of military personnel’s in the valley created a fear, threat and insecurity among people. The disappearance of thousands of Kashmiri youth has made a measurable economic and mental impact. The earning members of the family who goes missing from insurgency leaving behind half-widows. There is no accurate number of half- widows as per Pervez Imroz, a Human rights Activist and Lawyer of Srinagar High Court argues that their number ranges between 1000- 1500. The members picked on suspicion by security forces leading to mental torture for the whole family. The half-widows do not know about their husbands whether they are dead or alive and lived on the hope that one day they may return home. Many women whose husbands have disappeared prefer to wait for them and do not remarry for the fear of social isolation (Shafi & Hassan, 2013). After the insurgency, the people of Kashmir face lot of problems in all ways. They face psychological torture more than physical torture and women are the most victim of this torture. The disappearance of their sons, brothers, fathers or husbands shattered their dreams and psychologically distracted. They are the patients of trauma and blood pressure and also faces problems in every section of their life whether physically or economically. The youth also became the victim of torture. Their potential was destroyed and distracted from the real image of life and gun was given in their hands, which creates chaos and confusion in the valley.

Impacts on People: The conflict of Jammu and Kashmir in 1989 with a political demand of self- determination has been met with a brutal response of state and has claimed gross human rights violation. The Indian state used methods like arbitrary detention, torture, rape, enforced disappearance, custodial deaths and burning of houses in the valley in order to suppress the revolt (Farasat, 2013). After insurgency all these violence’s had a serious effect on mental and physical health in all Kashmiri in all groups, classes and communities in all areas from last twenty-five years.

The depression is considered as most important feature

of mental health. It has been analyzed that people in the valley face depression at individual and collective level. Due to depression most of the people take drugs. A survey conducted by Action Aid international in Kashmir in 2000- 2001. According to them 59.30% males and 39.50% females were suffering from depression and hypertension. This created the feeling of insecurity among individuals. In the valley usually, no one is sure to return home safely in the evening. The environment of torture, killing and disappearances of Kashmiri youths led to psychological problems related to anxiety. There were hundreds and thousands of such cases in the past twenty-five years mainly because of the impact of militancy and militarization (Dabla, 2012).

CONCLUSION

The valley of Kashmir has been in conflict between government forces and militants from the last two decades. Bomb attacks and shoot-outs from both sides have affected the ordinary life of common people. However, the armed violence prevailing in the valley was treated by India as a proxy war and in order to curb it, they initiated counter- insurgency operations. As a result of these operations, many special powers like Armed Forces Special Power Act and Public Safety Act were entrusted with the security forces. With the imposition of such laws, the armed forces find a free hand in the name of law and order to commit the human rights violation in the valley. These special powers also make the people of valley to live in a state of constant fear of arbitrary arrests, enforced disappearance, sexual harassment, torture and custodial death. It has been argued that thousands of people have victimized to this practice Human rights abuses from governmental forces and militants are reported in the form of arrest, extra-judicial killing, house to house searches, abductions and torture. The presence of military personnel’s in the valley created a fear, threat and insecurity among people. The disappearance of thousands of Kashmiri youth has made a measurable economic and mental impact. The earning of members of the family goes missing from insurgency leaving behind half-widows.

REFERENCES

- Ahmad, B. (2010). The day we cannot forget. *Greater Kashmir*. Retrieved from <http://www.greaterkashmir.com/news/2010/Jul/13/the-day-we-can-t-forget-34.asp>.
- Baker, W.W. (1994). *Kashmir happy valley, valley of death*. USA: Defenders Publications, INC.

- Bose, S. (2003). *Roots of conflict, Path to peace* Cambridge: Harvard University Press.
- Census (2011). Retrieved from <http://www.census2011.co.in/census/state/jammu+and+kashmir.html>.
- Choudary, S. S. (2010). Pakistani rogue policy on Kashmir. *Srilanka Guardian*.
- Dabla, B. A. (2012). *Social impact of Militancy in Kashmir*. India: Gyan Publishing House.
- Dewan, P. (2008). *History of Kashmir*. New Delhi: Manas Publications.
- Dewan, P. (2011). *The other Kashmir almost everything about*. New Delhi: Manas Publications.
- Gopalan, S. S. (2007). India-Pakistan relations: legalization and agreement design. *Vanderbilt Journal of Transnational Law*, 40, 687-716.
- Ganguly, S. (1990). Avoiding war in Kashmir. *Foreign Affairs*, Vol. 65(5), 57- 73.
- Human Rights Violations in Jammu & Kashmir - A Report, *Outlook Magazine*. Retrieved from <http://www.outlookindia.com/article/Human-Rights-Violations-in-Jammu--Kashmir--A-Report/211099>.
- Hussain, S. R. (2009). Resolving the Kashmir dispute: blending realism with justice. *The Pakistan Development Review*, 48(4), 1007- 1035.
- Singh, M. A. (2011). *Conflict in Jammu and Kashmir*", Bangalore: National Institute of Advanced Studies.
- Shimla agreement, July 02, 1972, Ministry of External Affairs: Government of India. Retrieved from <http://www.mea.gov.in/in-focus-article.htm?19005/Simla+Agreement+July+2+1972>.
- Swami, P. (2010). Terrorism in Jammu and Kashmir *In: theory and practice*. *Indian Review*, 2 (3), 55- 88.
- Shafi, A., & Hassan, A. (2013). Impact of Conflict Situation on Mental Health in Srinagar, Kashmir. *Bangladesh e-Journal of Sociology*, 10(1), 101-126.
- Tabasum, M. T. (2012). Political situation in Kashmir
- Imroz, P., Perpetrators, A. & Noorani A.G. (2012). Alleged perpetrators: stories of impunity in Jammu and Kashmir International Tribunal on Human Rights and Justice in Indian- Administrated Kashmir.
- Imroz, P. Torture Trial (A documentary). Retrieved from <https://www.youtube.com/watch?v=-FdpaLuqOig>.
- India's Secret Army in Kashmir New Patterns of Abuse Emerge in the Conflict (1996) *Human Rights Watch*, Vol. 8 (4c), PP. 1- 54.
- Jahangir, M. S., & Shafi, A. (2013). Status of human rights in democratic setup: Experiences from Kashmir. *Journal of Law and Conflict Resolution*. 4(3), 41- 47.
- Kaul, N. (2010). On loving and losing Kashmir. *India International center Quarterly*, 37(3/4), 42- 53.
- Mohiuddin, L. (1997). Human rights violation: A case study of Kashmir. *Pakistan Horizon*, 50 (2), 75- 97.
- Noorani, A.G. (2002). Human rights in Kashmir. *Economic and Political Weekly*, 37 (12), 1081- 1082.
- Pandita, K, N. (2003). Kashmir question. *Kashmir Herald*, 2 (9).
- Qayoom, Farah. (2014). Women and armed conflict: Widows in Kashmir. *International Journal of Sociology and Anthropology*, 6 (5), 161- 168.
- Rape in Kashmir a crime of war, Asia watch and Physicians for Human Rights, 05 (9). and role of united nations. *Studies of changing societies: comparative and interdisciplinary focus*, 1 (2), 3- 28.
- Teng, M. K. & Gadoo, C.L. (1998). *Kashmir militancy and human rights*. New Delhi: Anmol Publications.
- The crackdown in Kashmir: Torture of detainees and assaults on the medical community (1993). Physician for Human Right and Asia Watch.
- The Human Rights Crisis in Kashmir. (1993) *Human Rights Watch*.
- Tremblay, R. C. (1996- 1997). Nation, identity and the intervening role of the state: A study of the secessionist movement in Kashmir. *Pacific Affairs*, 69 (4), 471- 497.

ⁱ In the entire state of Jammu and Kashmir, India has occupied 43% of the region known as Indian occupied Kashmir (IOK) and 37% of the region is occupied by Pakistan which is known as Azad Kashmir or Pakistan occupied Kashmir (POK). The third part which china occupied during 1963 war is known as Aksai Chin (Choudary, 2010).

ⁱⁱ The treaty of Amritsar was signed on March 16, 1846 between the British and Gulab Singh Dogra. Under this Treaty, Kashmir came under the direct control of Dogra's from 1846-1947. This treaty is considered not only illegal, but it is

- immoral in nature. This treaty made Gulab Singh owner of Kashmir which was supported by British military (Baker, 1994).
- iii The Maharaja of Jammu and Kashmir signed a still stand agreement with Pakistan on August 12 in an exchange of telegrams. The main objective of this agreement was to ensure those services which existed for trade, travel and communication would carry on in the same way as they had in British India. However, India did not signed the still stand agreement as it was against the will of people. (Dewan, 2008).
- iv The Tashkent agreement was signed immediately aftermath of the second war between India and Pakistan in 1965. It was signed between Lal Bhadur Shastri and Muhammad Ayub Khan under the mediator of Kosygin of Soviet Union. Under this agreement both countries agreed to exert all efforts to create good neighbourly relations and settle their disputes through peaceful manners (Gopalan, 2007)
- v The main features of Shimla agreement is that both the countries should respect each other's territorial integrity, sovereignty, political independence and non- interference in each other's internal affairs. Besides that, both countries lay emphasis on cooperative relationship with special focus on people to peoples contact and uphold the inviolability of the line of control (LOC) in Jammu and Kashmir (Shimla agreement, July 02, 1972).
- vi Whoever commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine unless the women raped is his own wife and is not under twelve years of age, in which cases, he shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both: Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years (Indian penal Code, 1860).