

Issues Related To J&K



Syndicate Group 13

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AGENDA

Geography of J&K

Integration With India

Article 370

AFSPA

Border Related Issues

Refugees

Insurgency and Terrorism

Separatism

Geography of J&K



Or



But its more multi-faceted than it appears..

- J&K has three distinct geographical and cultural regions
- Jammu region which is partially plain partially consists of mountainous terrain. It has a Hindu majority and with Dogri language predominance.
- Kashmir is located in Jhelum valley between middle and greater Himalayas. It is a Muslim majority region
- Ladakh is located in Indus valley between Greater Himalayas and Trans -Himalayas. It is a region of Mongoloid tribes with Buddhist culture and Ladakhi language
- Geography determines history and consequentially economics

A Factual Backgrounder

- J&K and Ladakh were parts of an Indian princely state under the rule of Maharaja Hari Singh
- On 22 October 1947, tribesmen backed by Pakistan invaded Kashmir. The Maharaja initially fought back but appealed for assistance to the Governor-General Louis Mountbatten, who agreed on the condition that the ruler accede to India
- Maharaja Hari Singh signed the Instrument of Accession on 26 October 1947 in return for military aid and assistance
- Emergency administration with Sheikh Abdullah as its head was put in place in Oct 1947
- On 1st Jan, 1948 Nehru's government approached UN , on Pakistan engineering an attack on J&K! a tactical blunder?
- India declares ceasefire on 1st Jan , 1949, and areas occupied byPakistan are not yet recovered



In view of local administrative uncertainties prevailing in J&K, **Article 370** included as a **Temporary Measure** for finalizing centre state operations .

Article 370

- Article 370 of Part XXI of the constitution of India grants special status to J&K
- It is a temporary arrangement with the following important provisions :
 - Name, area or boundary cannot be changed by centre without the consent of the state legislature
 - Right to Property is still a Fundamental right in J&K
 - DPSP and Fundamental duties are not applicable to J&K
 - Residuary powers are with the state government
 - There are two types of State emergencies which can be implemented in state i.e. Governor rule under J&K constitution and President's rule under Indian constitution
 - The Fifth and Sixth schedule dealing with administration of scheduled area and tribal area are not applicable to J&K
- Formation of first tier of local governance that is under 73rd and 74th amendment Acts has been successful

AFSPA since 05.07.1990

- Introduced for the purpose of controlling cross border terrorism and militancy
- Administrative necessity
- Relevance at the tactical level
- Risk of dilution
- But there are three sections of AFSPA which are perceived draconian
 - Section 3 : Disturbed Area
 - Section 4 : search premises, to seize sensitive materials, to arrest, to detain and to open fire without provocation
 - Section 6 provides blanket immunity to security personnel

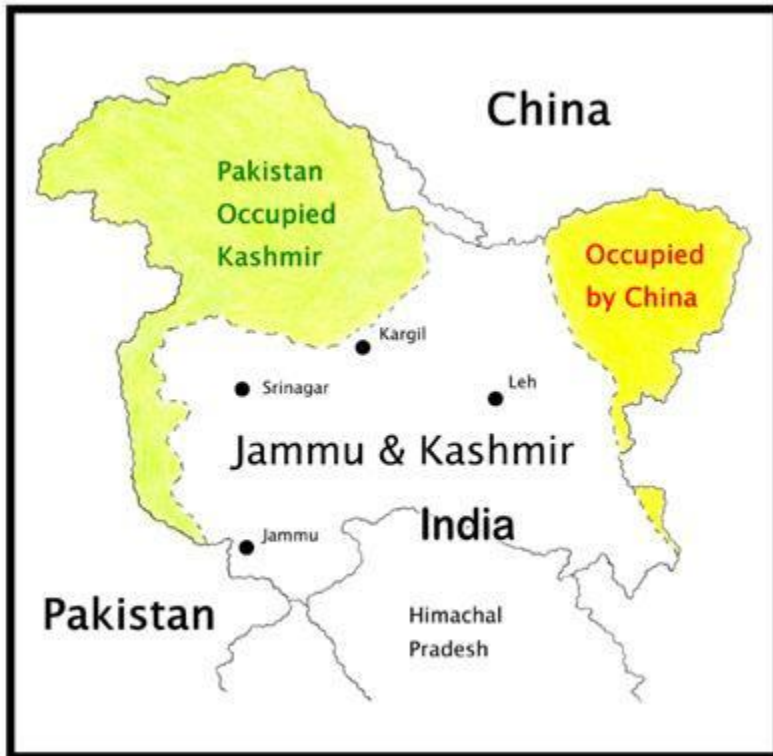


- Misuse
 - Illegal murders, forced disappearances
 - Rape and sexual offences like infamous Shopian case
 - Violation of Human Rights
 - Mass graves

Critical Analysis of AFSPA

- Phased withdrawal
- Less accountability, till when??
- Implemented after the most controversial assembly election of 1987 by the then governor Shri Jagmohan
- Changing situation at LoC
- Jeevan Reddy Committee suggestions to repeal AFSPA with provisions of Unlawful Activities Prevention Act (UAPA).
- Remove the perceived sense of injustice

We have 2 aggressors to deal with



Illegally Occupied and claimed areas of J&K

China occupied J&K	Aksai Chin, Shaksgam Valley
PoK	Mirpur, Muzzafarabad, , Kotli, Bhimbar, Bagh, Haveli , Sudhnati etc

Border issues

- Regular and planned border cease fire violations by Pakistan
- Chinese aggression and frequent infiltrations
- Siachen and the cost of maintaining Army
- Trans Karakoram highway and strategic infrastructure push by China and Pakistan
- Stagnant economy of border districts
- Trade routes yet to develop to full potential
- No development due to security reasons

Refugees

- Jammu a land of refugees
- 5 lakh refugees in 39 camps
- No solution in sight

- **Refugees From West Pakistan**
 - About 5,764 families, mostly Hindus & Sikhs, entered Jammu from West Pakistan during and after partition in 1947
 - Most of these refugees belong to the Scheduled Castes. But no benefits of SC/ST act
 - Present population is about 2,50,000
 - Not granted State subject Certificate / Permanent Resident of J&K Status
 - Cannot get jobs under J&K Government, cannot buy property in J&K
 - Cannot vote for J&K Assembly but can vote in Parliament elections

- **Displaced people from PoK**

- Migrated from POJK after tribal incursions (mainly from Muzaffarabad , Mirpur, Kotli, Bhimbar , Deva Balala and Gilgit / Baltistan) were not given **Refugee Status**
- Named by J&K Government as **Displaced Persons**
- No special assistance

- **War Refugees**

- Indo Pak War
- Chhamb area refugees
- No regular agency to target welfare of their demands

- **Internally displaced persons**

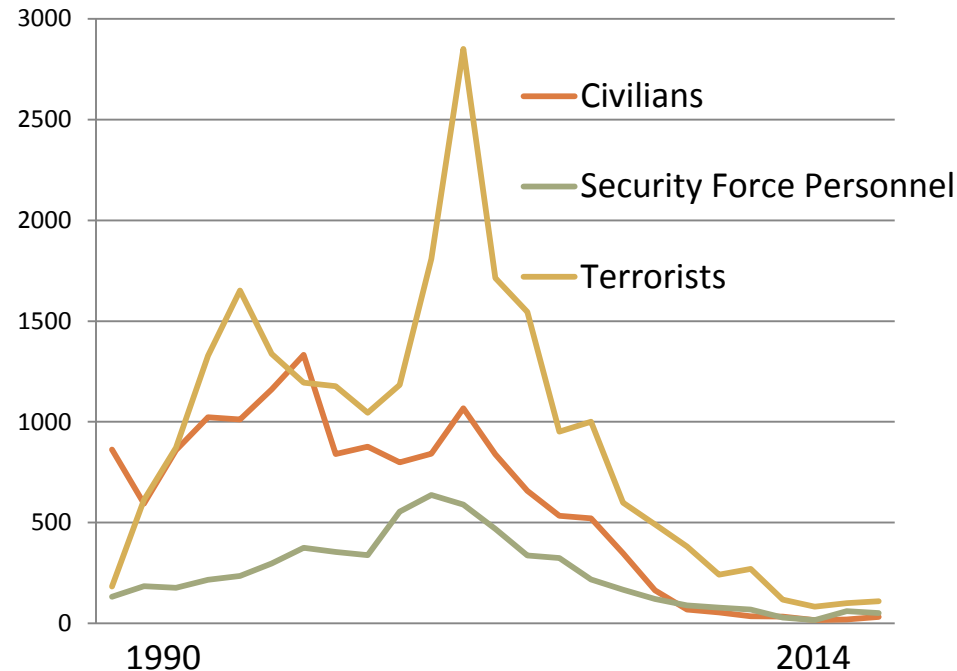
- Kashmiri Pandits
- Persons displaced by terror affected regions

Scourge of Terrorism since 1980s

- As early as 1966, Al Fatah, a militant organization organized and funded by Pakistan started armed separatist activities in J&K
- Late 1980s..denial / alleged rigging of assembly elections 1987, catalysed the process
- Started with selective killing of Kashmiri Pandits, who were forced to flee
- A battery of terror outfits have mushroomed since then JKLF , Hijbul Mujaheeddin, Harkat-ul-Mujahideen (HUM), the Lashkar-e-Toiba (LET) ,the Al Badr, Jaish-e-Mohammad (JEM), Jamat ud Dawa etc.
- Whenever any attempt to facilitate their return to the Valley has been initiated, a major incident of terrorist violence has occurred :
 - Jan 26, 1998 Gandherbal massacre
 - Killings of Sangrampora in Budgam district on March 22, 1997
 - Massacre of 26 Hindus at Prankote on April 21, 1998
 - Killing of 24 Kashmir Pandits (who stayed back) at Nadimarg Village on March 2003

Tacit support from Pakistan continues to prop up terrorism's third decade in J & K

- Although, in a joint declaration issued at Islamabad in January, 2004, after talks between Pervez Musharraf and A.B. Vajpayee, Musharraf made a solemn commitment that Pakistan would not extend any support to terrorists operating in India from any part of the territory controlled by Pakistan, the military and financial help from Pakistan continues.
- Since Nov 25, 2003 Actual Ground Position Line in Siachen and LoC are under ceasefire, but hardly a year passes where ceasefire violations and terrorist infiltrations are not reported



Source: SATP, Total fatalities in J & K ~ 43,500

New strategies being adopted by terror outfits

- As Indian Army has been able to control terror attacks in J&K in the last 5 years, modus operandi of terror outfits have changed
- Terrorist organizations like Jamat-ud-Dawa are using religious fundamentalism, extremism and separatism as an ideological weapon to wage a war against the Indian state which is visible in violent gatherings and agitations, stone pelting and hoisting of Pakistani flags by Kashmiri youth
- This is interspersed with repeated attempts to cross the border and execute small bombing incidents, particularly in summer months
- Targeting only military and policemen in Border Areas

Separatism is an ideological tool

- Came in the forefront after All India Hurriyat Conference was formed in 1993
- The separatists champion the idea of an independent Kashmir
- Key leaders: Sayeed Ali Shah Geelani, Mirwaiz Umar Farooq and Mohammad Yasin Malik
- Mobilized the 2010 protests and recovered political prestige but later were neutralized by Army surveillance and monitoring
- Their strength have weakened due to infighting between them. Despite their efforts 65% voter turnout in 2014 elections
- Remain a key component of any long term solution, particularly the moderate voices in the Hurriyat



Is there a way forward?

- AFSPA in districts where there is relative peace can be repealed in a phase wise manner, on an experimental basis
 - The most draconian parts which are Section 3, 4 and 6 of AFSPA can be diluted to humanize the law
- Focus on economic regeneration of local industries
- Engaging the youth in constructive activities
- Cross border trade promotion with regional economy as an anchor
- Winning hearts and minds of Kashmiri people through soft power policies



“Doodh maangoge to kheer denge

Kashmir mangoge to



denge”?????