

IDSA Monograph Series
No. 16 April 2013

Beyond Stereotypes: Contours of the Transition in Jammu and Kashmir

Arpita Anant



IDSA Monograph Series

No. 16 April 2013

**Beyond Stereotypes:
Contours of the Transition in
Jammu and Kashmir**

Arpita Anant



**INSTITUTE FOR DEFENCE
STUDIES & ANALYSES**

© Institute for Defence Studies and Analyses, New Delhi.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photo-copying, recording or otherwise, without the prior permission of the Institute for Defence Studies and Analyses (IDSA).

ISBN: 978-93-82169-15-4

Disclaimer: It is certified that views expressed and suggestions made in this Monograph have been made by the author in her personal capacity and do not have any official endorsement.

First Published: April 2013

Price: Rs. 250/-

Published by: Institute for Defence Studies and Analyses
No.1, Development Enclave, Rao Tula Ram Marg,
Delhi Cantt., New Delhi - 110 010
Tel. (91-11) 2671-7983 Fax.(91-11) 2615 4191
E-mail: contactus@idsa.in
Website: <http://www.idsa.in>

Cover &

Layout by: Geeta Kumari

Printed at: M/S A. M. Offsetters
A-57, Sector-10, Noida-201 301 (U.P.)
Mob: 09810888667
E-mail: amoffsetters@gmail.com

CONTENTS

	<i>ACKNOWLEDGEMENTS</i>	5
I.	THE YEARS OF TRANSITION.....	7
II.	THE CHALLENGES OF TRANSITION	15
III.	RESPONSE TO SECURITY ISSUES.....	41
IV.	RESPONSE TO GOVERNANCE ISSUES.....	59
V.	RESPONSE TO DEVELOPMENT ISSUES.....	72
VI.	CONCLUSION.....	86
	POSTSCRIPT	105

ACKNOWLEDGEMENTS

Over the past few years, I have benefited from the travel undertaken to Jammu and Kashmir and gained from interacting with a cross-section of people there, as well as those in the academic, policy and strategic community in New Delhi. These interactions have helped me in reflecting upon the developments in the State since 2008. In the writing of this monograph, the comments and suggestions of the three anonymous referees have helped me immensely. I am deeply thankful to them, to the Institute for supporting my research on a subject of immense relevance and to Shri Vivek Kaushik for his help in publishing the study.

October 19, 2012

Arpita Anant

New Delhi

I THE YEARS OF TRANSITION

2008 was a significant year in the transition from conflict to peace in Jammu and Kashmir. After high levels of violence reflected in the reported number of incidents and casualties, there was a reduction to triple digits in the number of incidents, and a drop to double digits in the fatalities of security forces (SF) and civilians.¹ The fatalities of terrorists also reduced significantly since 2004. These figures coincide with the years of the change in the international discourse on terrorism since 9/11, a thaw in relations between India and Pakistan and increase in the aversion for violence among the people in the Valley.

Table 1: Violence Level in J&K

Year	Incidents	SFs killed	Civilians killed	Terrorists killed
i. 2003	3401	314	795	1494
ii. 2004	2565	281	707	976
2005	1990	189	557	917
2006	1667	151	389	591
2007	1092	110	158	472
2008	708	75	91	339
2009	499	64	78	239
2010	488	69	47	232
2011	340	33	31	100
iii 1 Jan-15 Mar 2012	34	0	4	6

[Source: Ministry of Home Affairs (MHA)]

¹ MHA, i. *Annual Report 2004-05*, <http://mha.nic.in/pdfs/ar0405-Eng.pdf>, p. 1, ii. Department of Jammu and Kashmir Affairs, http://mha.nic.in/uniquepage.asp?Id_Pk=306, iii. PIB, Infiltration and Terrorism in J &K and Northeast, <http://pib.nic.in/newsite/erelease.aspx?relid=81286>, March 20, 2012, all accessed on April 09, 2012.

However, the remnants of terrorists in the Valley, whose numbers too have reduced to approximately 300 at present, with about 40 per cent being foreigners, is a cause for considerable concern. A related factor is the continued attempt at infiltration from across the border from terrorist training camps in Pakistan occupied Kashmir (PoK) with latest estimates of nearly 2500 terrorists being available to attempt such infiltrations.²

Table 2: Levels of Infiltration

Year	Infiltration attempts	Arrested	Killed
2008	342	6	90
2009	485	9	101
2010	489	1	112
2011	247	-	-
Jan 01 to March 15, 2012	12 (up to February 12)	-	-

(**Source:** MHA)

2008 is also significant because the third round of elections, since the outbreak of insurgency in 1989, were held from November 14-December 24, 2008. Amid calls of boycott of these elections given by separatists, there was an average of 60 per cent voting. It is significant to note that among the two ‘mainstream’ parties of the state, the Jammu Kashmir National Conference (NC) and the People’s Democratic Party (PDP), with their vote banks mainly in the Valley, the PDP, which was the part of the ruling coalition with the Congress Party from 2006-2008, actually received more votes than in the earlier election.³ However, the NC was clearly the leader in both elections, and was supported by the Congress to form the ruling coalition this time round.

² MHA, *Infiltration in Jammu and Kashmir*, <http://pib.nic.in/newsite/erelease.aspx?relid=74216>, August 09, 2011; *Infiltration and Terrorism in J&K and Northeast; Terrorists training camps reactivated by ISI in PoK*, <http://pib.nic.in/newsite/erelease.aspx?relid=77969>, November 30, 2011, both accessed on April 09, 2012.

³ NDTV, *Assembly Election-Jammu and Kashmir*, <http://www.ndtv.com/convergence/ndtv/elections-jk/default.aspx>, accessed on April 26, 2012.

Table 3: Results of Assembly Elections

Party	2008	2002	Swing	
JKNC	28	28	0	
PDP	21	16	5	
Cong	17	20	-3	
BJP	11	1	10	
Others	10	22	-12	

(Source: NDTV)

JKNC-Jammu and Kashmir National Conference, PDP- People's Democratic Party, Cong- Congress, BJP-Bhartiya Janata Party

The National Conference had contested the Assembly elections with the hope of convincing all parties and separatist groups that restoration of autonomy would be the basis of a lasting peace.⁴ The second issue of priority was good governance, which would consist of “responsive and people friendly mind set of the political workers and the civil servants, close monitoring of implementation of programmes and policies of the government, the habitual use of modern aids devised by information technology for improvement of efficiency and transparency, curbing of misutilisation of funds and effective check on corruption.”⁵ Revival of the State Accountability Commission (SAC), revision of the Right to Information Act (RTI) to bring it on par with the national RTI Act, and zero tolerance of human rights violations were among the several others measures envisaged as being critical to good governance. The vision also included holding elections to *panchayats* (local bodies), rehabilitation of those who would now like to leave the path of violence, as well as the Kashmiri pandits who had to migrate during the insurgency, setting up hill development councils in backward areas of all districts as part of the promise of autonomy, setting up of the State Planning Commission, encouraging private

⁴ J&K National Conference, *Vision Document for Jammu and Kashmir*, http://www.jknc.in/UploadFiles/774da631-bb48-4464-9d63-b474132fd2fe__vision_document.pdf, p.11, accessed on April 26, 2012.

⁵ *Ibid.*, p.12

investment, increasing avenues of employment and overall economic development with a focus on balanced development of all the three regions of the State and empowerment of women.

In the national elections in the summer of 2009, the United Progressive Alliance, a coalition of parties led by the Indian National Congress formed the government yet again. As a result, there was some continuation in the multi-pronged approach that had been adopted to deal with the cross-border terrorism and its attendant issues in the State. As enunciated by the Ministry of Home Affairs, this approach in 2008-09 comprised of:

- focused attention on the developmental aspects with a view to strengthening the infrastructure, creating employment and income generation opportunities, and generally improving the quality of life of the people living in different regions of the states; and
- initiation of a series of Confidence Building Measures (CBMs) in the form of a composite dialogue process for improvement of relations between India and Pakistan on the one hand, and in the context of different regions and segments of the population in Jammu and Kashmir, including promotion of trans- LoC (Line of Control), people to people contacts, on the other.⁶

Development and CBMs thus defined the Union Government's priority in the State. While development continued to be the priority in 2009-10 as well, the CBMs, especially with Pakistan took a backseat as a result of the terrorist attack in Mumbai on November 26, 2008. Moreover, the policy further evolved to include:

- the continuity of the democratic process in the state and to provide a secure environment for political mobilisation in the state
- zero tolerance to (*sic*) human rights violations and use of minimum force in the maintenance of law and order

⁶ MHA, *Annual Report 2008-09*, [http://www.mha.nic.in/pdfs/AR\(E\)0809.pdf](http://www.mha.nic.in/pdfs/AR(E)0809.pdf), p. 7, accessed on February 23, 2012.

- primacy of role to civil administration and elected representatives in the maintenance of law and order
- measures to improve the conditions of migrants at Jammu and offering a package of incentives for their return to the Valley.⁷

While the issue of Kashmir migrants in Jammu had received significant attention in the preceding year too, it was clearly articulated as a discernible prong this time.⁸ The initiatives were built upon in 2010-2011. Indicative of the improved security situation and the continuing concern with infiltrations, the key elements of the policy in 2011-2012 were:

- to ensure suitable proactive measures being taken by all the security forces to reduce infiltration of terrorists from across the border; and to identify, locate and apprehend the terrorists who may have crossed over; as also their local associates
- to ensure that the democratic process is sustained and primacy of civil administration is restored to effectively tackle the socio-economic problem facing the people on account of the effects of the militancy in the state
- to ensure sustained peace and to provide adequate opportunities to all sections of the people in the state who eschew violence, to effectively represent their view points and to redress their genuine grievances.⁹

The focus thus, was on dealing with the remnants of militancy, and consequently on revitalising the civil administration to deal with various issues related to the transition. Clearly, a reaching out to alienated sections was also envisaged.

⁷ MHA, *Annual Report 2009-10*, [http://www.mha.nic.in/pdfs/AR\(E\)0910.pdf](http://www.mha.nic.in/pdfs/AR(E)0910.pdf), p.7, accessed on February 23, 2012.

⁸ MHA, *Annual Report 2008-09*. For details of the PMs package for return of the Kashmiri migrants to the Valley see Annexure II, p. 167.

⁹ MHA, *Annual Report 2011-12*, [http://www.mha.nic.in/pdfs/AR\(E\)1112.pdf](http://www.mha.nic.in/pdfs/AR(E)1112.pdf), p.9, accessed on August 14, 2012.

Sharing the concerns and responsibilities of the State government, the MHA has been reimbursing/ funding/ monitoring the progress of the Prime Minister's Reconstruction Programme and some aspects of the rehabilitation of Kashmiri pandits. On security matters, the MHA provides assistance under the Security Related Expenditure (SRE) scheme for improving the capacities of the State police as well as providing relief and rehabilitation to those affected by violence. It also provides ex-gratia relief to the next of kin of Jammu and Kashmir Police personnel killed in terrorism related incidents. More recently, in 2010, the MHA started contributing to covering damages to immovable/ movable property during action by Central Paramilitary Forces and the Army in Jammu and Kashmir by raising the ex-gratia to be paid from a maximum of Rs. 1 lakh to Rs.10 lakh.¹⁰ In other areas of priority for the State, respective departments of the Union Government as well as the Planning Commission provide generous funding.

While there was a considerable overlap in the concerns of the Union and the State, the years since 2008 have proved to be a testing time for both. 2008 witnessed an abrupt termination of the tenure of the previous State government due to the controversy over the alleged transfer of land near the Amarnath Shrine to the Shri Amarnath Shrine Board (SASB). The controversy was a stark reminder of regional tension between the Jammu and Kashmir regions, a recurring issue in the State. It brought to fore the manner in which religious sentiments could exacerbate regional frictions. Simultaneously, the manner of mobilisation of separatists during the controversy was a prelude to the mobilisation in the controversy over the alleged rape and death of two women in Shopian in 2009. The culmination came in the unrest of 2010, which was triggered yet again by an alleged fake encounter in Machil. The years since then have witnessed an uneasy peace, with several instances of protests, though large scale mobilisations have not occurred.

In the course of these years, some stereotypes about the problems in and of 'Kashmir' came to be articulated by various stake-holders; several of them pertaining to Kashmir Valley:

¹⁰ MHA, Department of J&K Affairs, *Schemes*, http://mha.nic.in/uniquepage.asp?Id_Pk=585, accessed on April 26, 2012

- The main characteristic of the government's response to every problem in the Valley is the use of force.
- This problem is compounded by the fact that 'security forces' do not exercise adequate restraint.
- The people of 'India' do not care enough about the people in the Valley.
- There are severe restrictions on freedom of speech and people are not free to criticise the government.
- The media in the Valley is mainly focussed on 'anti-India' propaganda.

These stereotypes, which have dominated the discourse on 'Kashmir', seem to suggest an extreme kind of polarisation between the state, i.e. Union and State governments and their various branches, and the people in the Valley. However, with declining levels of violence, the facts vis-à-vis several of these stereotypes are changing. This study aims to highlight some of these changes since 2008 based on the government's response to the crises while pursuing the agenda of transition. The study first assays the issues and challenges that were highlighted during these crises. Then, it analyses the immediate as well as long-term response of the government to these challenges. The response is categorised into security, governance and development related measures. Finally, based on the issues and challenges, and the response to them, it questions the stereotypes that the dominant discourses on 'Kashmir' perpetrate. It argues that there is substantial evidence to suggest that as a result of the change in the attitude and approach of the state and the people, the oft spoken polarisation between them is not as extreme as is made out. It makes the case that the questioning of these stereotypes creates a space that could be used by the various stakeholders to engage with each other more constructively.

A note on methodology

This study draws largely on the prominent English newspapers from the State of Jammu and Kashmir. It does so with the purpose of understanding the local narratives. It combines these narratives with primary documents, government reports, as well as other studies, and interviews in the media to comment on the subject at hand. This

methodology was particularly chosen to represent the discourse on various issues in Jammu and Kashmir as it gets articulated in the public domain.

The choice of the period of study was made on the basis of declining violence levels. This study may well have been carried out for the bygone decade, but the period has been limited in order to limit the scope. Thus, the fact that the National Conference-Congress coalition government is ruling the State, is purely incidental. The study should therefore, not be seen either as an endorsement of a particular party or leadership. Challenges of varying nature have confronted earlier governments and will be there for future governments too. The study only seeks to highlight them at this juncture so as to help focus the debate on critical issues. In addition, the study does not make a judgment regarding the issues that became the sources of crises during this period since it regards these issues as being sensitive and emotional for the various actors. It only seeks to highlight factors that have the potential to disrupt the normal working of a government, and affect people's lives.

The focus on the crises in the three years is meant to bring out the challenges confronting the state. This is not to deny that even during the crises, as much as before and after the crises, other aspects of the transition continued to be addressed. However, the fact that the crises occurred despite such efforts is what makes their study important.

II THE CHALLENGES OF TRANSITION

As violence levels come down and successive governments, Union and State, focus on development and confidence building among the people, the years since 2008 have brought to fore issues and challenges that have confronted the state for several decades. These were highlighted most starkly in the crises that the state confronted.

The Amarnath Agitation, 2008

Towards the end of the tenure of the Congress party's Chief Minister in the Congress- People's Democratic Party (PDP) coalition, the state of Jammu and Kashmir was gearing up for elections to its Legislative Assembly. In June 2008, the regions of Jammu and Kashmir witnessed what is known as the Amarnath agitation. The controversy over the transfer of land to Shri Amarnath Shrine Board (SASB) erupted after it was reported on June 03, 2008, that 39.88 hectares or 800 kanals of land had been transferred to SASB in the Kukllan block of Sindh Forest Division, Baltal, with an arrangement for the payment of Rs.2.31 crores to enable the making of a road and some hutments for the pilgrims. While the 'transfer' had been decided on by the ruling PDP, the party in the opposition, the National Conference, raised concerns regarding 'permanent transfer' of land and an attempted demographic change in the State.¹¹ Further, there were also controversies over how much land had been transferred with the Forest Minister claiming that 15 hectares had been transferred and the SASB stating that nearly 40 hectares was promised. There were also issues relating to violation of Supreme Court guidelines relating to transfer of forest land for non-forest use.

¹¹ Naseer Ganai, *Forest Land Transfer Smells Fishy*, http://www.greaterkashmir.com/full_story.asp?Date=5_6_2008&ItemID=43&cat=1, June 05, 2008; Naseer Ganai, *Govt can't put forest land to non-forest, use*, http://www.greaterkashmir.com/full_story.asp?Date=6_6_2008&ItemID=20&cat=1, June 06, 2008, both accessed on January 15, 2009.

A fortnight later, amidst allegations of complicity of the Governor, who was the Chairperson of the SASB¹², his Principal Secretary and the Chief Executive Officer (CEO) of the SASB, announced that the ‘transfer’ of land was actually permanent, but only temporary or prefabricated structures would be constructed for pilgrims.¹³ A controversial remark made by him regarding the sensitivity of the people in the Valley to pollution being caused by the *Yatra* of the Hindus while being complacent regarding the day-to-day pollution of several water bodies in the Valley escalated the tension. The PDP approached the Chief Judicial Magistrate against the SASB CEO for his “criminal remarks against the State government and cabinet and his attempts to cause communal disharmony in the state and country.”¹⁴ It argued that he had misled the people by terming the ‘diversion’ of land as a permanent transfer. It then released a copy of the government order regarding the land ‘diversion’, which indeed was temporary. In the meantime, as the separatists in the Valley had started mobilising against the ‘transfer’, the government too decided to cancel its earlier order.

As soon as the controversy erupted, Mirwaiz Umer Farooq, leader of Hurriyat (M) and the separatist conglomerate, the All Party Hurriyat Conference (APHC), also raised concerns regarding an attempt to change the demography of the State, much like what had taken place in Palestine.¹⁵ The United Jihad Council (UJC), the conglomerate of groups waging an armed struggle for liberation of ‘Kashmir’, that

¹² Editorial, *Sanity ambushed: Governor Sinha’s insensitivity inflaming new passions*, <http://www.kashmirtimes.com/archive/0806/080614/index.htm>, June 14, 2008, accessed on January 16, 2009.

¹³ Syed Yasir, *New twist to Amarnath Yatra controversy, Transfer of land is permanent: SASB*, <http://www.kashmirtimes.com/archive/0806/080618/index.htm>, June 18, 2008; KT News Service, *Raj Bhavan denies report*, <http://www.kashmirtimes.com/archive/0806/080619/index.htm>, June 19, 2009, accessed on January 16, 2009.

¹⁴ Syed Yasir, *PDP moves court against the CEO*, <http://www.kashmirtimes.com/archive/0806/080620/index.htm>, June 20, 2008, accessed on January 16, 2009.

¹⁵ KT News Service, *Mirwaiz snubs UJC, SASB accused of conspiracy to change demographics*, <http://www.kashmirtimes.com/archive/0806/080611/index.htm>, June 11, 2008, accessed on January 15, 2009.

includes prominently the indigenous Hizbul Mujahideen as also the Pakistan-based Lashkar-e-Taiyyaba, too joined in.¹⁶ Having taken a decision to ensure a boycott of the upcoming Assembly elections, the Hurriyat (M) used this opportunity to forge a consensus among the various separatist camps. The Hurriyat (G) faction led by Syed Ali Shah Geelani held a protest in Lal Chowk, Srinagar and the Kashmir Bar Association denounced the decision as a conspiracy against the only Muslim majority state in India.¹⁷ In mid-June, the police arrested ten activists of Hurriyat (G) who had launched a signature campaign on the land transfer issue.¹⁸ On the same day, the Hurriyat (M) spoke of the Indian government following in the footsteps of the British, who wanted to acquire land in the State for tourism and were prevented from doing so by Maharaja Gulab Singh by enacting a law preventing non-state subjects from acquiring land in the State.¹⁹ A similar statement was issued by the JKLF (R) faction led by Farooq Siddiqui, which threatened a mass agitation as the one in 1990. At a *seerat* conference organised in Shopian, Syed Ali Shah Geelani linked the issue to the overall criminal policy of promoting *Shavivism* in the name of *Kashmiriyat*.²⁰ Then ending three and a half years of isolation, the two factions of the Hurriyat (M) and (G) met to discuss a joint strategy for action in the SASB case. The leaders candidly admitted that the land row was only a pretext to come together and raise other issues, the

¹⁶ KT News Service, *UJC warns against SASBs designs*, <http://www.kashmirtimes.com/archive/0806/080613/index.htm>, June 13, 2008, accessed on January 15, 2009.

¹⁷ KT News Service, *APHC (M) to begin unity moves on SASB land transfer issue*, <http://www.kashmirtimes.com/archive/0806/080617/index.htm>, June 17, 2008, accessed on January 16, 2009.

¹⁸ KT News Service, *Mirwaiz to meet Geelani*, <http://www.kashmirtimes.com/archive/0806/080618/index.htm>, June 18, 2008, accessed on January 16, 2009.

¹⁹ Syed Yasir, *Kar questions legitimacy of land transfer, Hand over Board to KPs: Ansari*, <http://www.kashmirtimes.com/archive/0806/080619/index.htm>, June 19, 2008, accessed on January 16, 2009.

²⁰ KT News Service, *Geelani reacts to SASB CEO's remarks*, <http://www.kashmirtimes.com/archive/0806/080619/index.htm>, June 19, 2008, accessed on January 16, 2009.

most pertinent being a joint effort to boycott the upcoming Assembly elections.²¹ The move was welcomed by Pakistan and the UJC.

On June 19, 2008, the first public protest was held in the Valley in Sonmarg. Hundreds of people were reported to be blocking the Sonmarg-Leh highway, raising slogans against ‘outsiders’ being allowed to set up shops and langers for the Amarnath *Yatra*.²² In Srinagar, a section of students of the Kashmir University boycotted classes against what they claimed were attempts at carving out “Gaza strips”.²³ Protests and stone pelting in the Nowhatta area of Srinagar city had to be dispelled by the Central Reserve Police Force (CRPF) deployed in aid of the State police. While separate marches by the two factions of Hurriyat took place, the police reportedly foiled the bid of both factions to take out joint protest marches by placing Hurriyat (M) leaders, Shabir Ahmad Shah, Nayeem Ahmad Khan and Javaid Ahmad Mir under house arrest. The Hurriyat (G) protest in Srinagar was led by its chairman Syed Ali Shah Geelani. When prevented from proceeding towards Lal Chowk, a smoke shell hit the vehicle of the leader and protestors turned violent. Once he left the scene, protests were intensified, and stones and bricks were hurled towards police.²⁴ Soon violent protests took place amidst spontaneous strikes in Budgam, Anantnag, Baramulla, Sopore and Kupwara districts and two people died in police firing. The Action Committee against Land Transfer (ACLT) led these protests. 45 of their members were arrested. Some members staged a sit-in at the Press Enclave. Women and children came out in protest in downtown Srinagar in Maisuma, Soura, Nowshehra, Natipora,

²¹ Amin Masoodi, *Geelani, Mirwaiz meet in fresh unity move*, <http://www.kashmirtimes.com/archive/0806/080620/index.htm>, June 20, 2008, Syed Nasir, *Hurriyat factions organise joint protest march, Geelani again asks labourers from outside J&K to leave*, <http://www.kashmirtimes.com/archive/0806/080621/index.htm>, June 21, 2008, both accessed on January 16, 2009.

²² KT News Service, *Protest in Sonmarg against S.A.S.B.*, <http://www.kashmirtimes.com/archive/0806/080619/index.htm>, June 19, 2009, accessed on January 16, 2009.

²³ Asifa Amin Koul, *Protest against S.A.S.B land transfer in KU*, <http://www.kashmirtimes.com/archive/0806/080621/index.htm>, June 21, 2008, accessed on January 16, 2009.

²⁴ Syed Yasir, *Separatists take to protests, One killed, 3 injured in CRPF firing*, <http://www.kashmirtimes.com/archive/0806/080624/index.htm>, June 24, 2008, accessed on January 16, 2009.

Rainawari, Nowpora, Eidgah, Siadapora, Bohri Kadal, Nawab Bazar, Karan Nagar, Habba Kadal, Khayam, Safa Kadal, Abiguzar, Mochow, Kralpora, Natipora, the Hyderpora bypass.²⁵

While a legal battle was raging between the SASB CEO and the PDP, on June 24, 2008, BJP activists in Jammu blockaded the National Highway I (A) near Nagrota for nearly an hour to protest against politicisation of land transfer by the government and the separatists.²⁶ The next day a call for *bandh* (shutdown) given by the Vishwa Hindu Parishad (VHP) was supported by the Bajrang Dal, the Bhartiya Janata Party (BJP), the Jammu and Kashmir National Panthers Party (JKNPP), the Shiv Sena (SS) and the Rashtriya Swaym-Sevak Sangh (RSS). Bajrang Dal activists blocked the Jammu-Pathankot highway at Lakhanpur and were arrested by the police. The Jammu University Research Scholars Executive Association and student wings affiliated to the BJP and the Panthers Party also cautioned against any insult to the SASB.²⁷ The second day of protests also affected normal life in Jammu, Kathua and Udhampur, where the highway was blocked.

As things heated up, the Chief Minister decided to convene an all-party meeting to resolve the issue. The idea was opposed by a senior PDP leader, who called for a complete revocation of the order. The ACLT too, rejected the idea of an all-party meeting. Amidst reports of PDP withdrawing from the Congress-PDP coalition and an impending Governor's rule, there were protests in Doda in favour of the Kashmiri stand.²⁸ It was at this stage that the newly appointed Governor got directly involved in resolving the issue and in the end of June, took a decision not to pursue the diversion order on the condition

²⁵ Amin Masoodi, *Violent protests across Valley*, <http://www.kashmirtimes.com/archive/0806/080626/index.htm>, June 26, 2008, accessed on January 16, 2009.

²⁶ KT News Service, *BJP protests against PDP, Separatists*, <http://www.kashmirtimes.com/archive/0806/080625/index.htm>, June 25, 2008, accessed on January 16, 2009.

²⁷ KT News Service, *Jammu call for bandh today*, <http://www.kashmirtimes.com/archive/0806/080626/index.htm>, June 26, 2008, accessed on January 16, 2009.

²⁸ KT News Service, *Doda observes bandh against government decision*, <http://www.kashmirtimes.com/archive/0806/080628/index.htm>, June 29, 2008, accessed on January 16, 2009.

that the State government would take full responsibility for all arrangements of the *Yatra*.²⁹ Despite this declaration, protests continued unabated in the Valley in Srinagar, Budgam, Baramulla, Kupwara, Anantnag, including Pahalgam, which is the starting point of another route to the Amarnath cave. In the meantime, in response to the Governor's order, the ACLT gave up its protest agenda. The JKLF announced the Maqbool Bhat award, in memory of one of the most prominent leader of the movement for self-determination, for five people who died during the demonstrations.³⁰

As the Valley seemed to calm down, protests started in the Jammu region. Protesting against the Governor's decision, the BJP and its supporting organisations called for a *bandh* and this time, they received support from Reasi, Samba and Bhandarwah districts too. The Shri Amarnath *Yatra* Sangharsh Samiti (SAYSS), a conglomeration of 30 social, religious, political and trade organisations called for an extension of the *bandh* for 72 hours on July 03, 2008, and extended it until July 08, 2008.³¹ Five days since the declaration of the *bandh*, during which essential supplies to the Valley were blocked off, and five days before the India-Pakistan meet to decide on the opening of the Line of Control (LoC) for trade, on July 05, 2008, some traders in the Valley raised the issue of the opening of the LoC trade to counter the blockade. Amidst reports of 2500 trucks carrying essential supplies being halted at the Lakhapur border between the states of Punjab and Jammu and Kashmir and trucks laden with fruits from the Valley unable to go past Udhampur, it was reported that the President of Jammu and Kashmir Fruit Growers Association warned that if the fruit laden trucks were not allowed to proceed to Delhi, "he will direct all trucks to assemble at Salamabad, the last check point along the Srinagar- Muzaffarabad

²⁹ KT News Service, *Vobra's bid to refuse crisis*, <http://www.kashmirtimes.com/archive/0806/080630/index.htm>, June 30, 2008, accessed on January 16, 2009.

³⁰ KT News Service, *JKLF announced Maqbool Butt awards for those slain in agitation*, July 03, 2008, accessed on January 17, 2009.

³¹ Arun Gupta and Arteev Sharma, *Bandh call extended for 72 hours*, <http://www.kashmirtimes.com/archive/0807/080704/index.htm>, July 04, 2008, accessed on January 16, 2009.

road".³² He also appealed to Pakistan to come to the aid of Kashmiris. In the meantime, when the *bandh* call in Jammu was extended for a few more days, the PDP also called for opening of the LoC trade to counter the blockade affecting the Valley, as well as Poonch, Rajouri and Doda districts in Jammu.³³

The BJP, which was already campaigning against the Chief Minister, also called for the removal of the Governor for compromising on the SASB's request. Opposing the Governor's decision, the Bar Association of Jammu (BAJ) decided to support the ongoing agitation by the SAYSS. Amidst intensification of the stir and police action to curb it, the suicide of a young man from Bishnah further fuelled the fire. In the Bishnah town, the army had to stage a flag march.³⁴ In the violence during a three-day *bandh* call towards the end of July, 21 policemen were injured, and one taken hostage to demand the release of the youth arrested during the *bandh* period.³⁵ 63 senior leaders of the various organisations supporting the SAYSS were arrested for violation of curfew orders. On August 01, 2008, the SAYSS convenor vowed to continue the economic blockade of the Kashmir Valley until the governor reconsidered his stance. The ten-day long *bandh* continued with the army staging a flag march in the Jammu city and the situation in Jammu, Samba, Kathua, Udhampur, Rajouri and Reasi districts continuing to be tense.³⁶ The Congress leaders of Jammu also joined the agitation, which had clearly broken out as a form of Jammu vs. Kashmir tensions. Several times in the month of August, violence flared up so much that the army had to stage a flag march in Rajouri, and had

³² Iftikhar Gilani, *Kashmiris seek LoC trade to beat Jammu blockade*, <http://www.kashmirtimes.com/archive/0807/080706/index.htm>, July 06, 2008, accessed on January 16, 2009.

³³ KT News Service, *PDP calls for opening of LoC routes for trade*, <http://www.kashmirtimes.com/archive/0807/080707/index.htm>, July 07, 2008, accessed on January 17, 2009.

³⁴ KT News Service, *Suicide victim's body cremated at Bishnah*, <http://www.kashmirtimes.com/archive/0807/080725/index.htm>, July 25, 2008, accessed on January 17, 2009.

³⁵ KT News Service, *21 Cops among 60 injured in clashes*, <http://www.kashmirtimes.com/archive/0807/080727/index.htm>, July 27, 2008, accessed on January 17, 2009.

³⁶ Arun Gupta, *Army out but no respite*, <http://www.kashmirtimes.com/archive/0808/080803/index.htm>, August 03, 2008, accessed on January 17, 2009.

to be deployed along with the Rapid Action Force (RAF) in Akhnoor, and later in Kathua and Poonch. 115 policemen were injured during the 10 day *bandh*. Prominent leaders of other political parties with a popular base in Jammu region, such as the JKNPP, started a fast unto death to demand revocation of the Governor's order.

In reaction, JKLF and leaders of the Hurriyat (M) condemned the continuation of the blockade and blamed the centre for letting things come to such a pass. JKLF leader Yasin Malik started a fast unto death as a stand against communal violence and the blockade. Hurriyat factions and fruit-growers associations gave an ultimatum to the government to open the LoC route.³⁷ A day later, and nearly a month after the blockade, the government was able to ensure that the national highway from Lakhanpur to Banihal was sanitised by the security forces and trucks started moving with goods to and from the Valley. After an assurance by the Divisional Commissioner that their goods would be protected on the highway, the Fruit Grower's Association decided to put on hold their decision to cross the LoC until August 07, 2008. A one-day strike was called by the Hurriyat (G) as a protest in support of the vulnerable Muslim minorities in the Jammu region. Among the 60 people injured, were 23 State police and CRPF personnel.³⁸ On August 07, 2008 the All Kashmir Coordination Committee of a dozen fruit-growers announced their decision to march to Muzaffarabad on August 11, 2008 as there were some 200 stranded truckers and another 500 likely to be ready, whose fruit would perish if it did not reach the market. The Fungicides India Limited, Rangreth, on the request of the Federation Chambers of Industry Kashmir (FCIK), offered cold storage facility for all fruit trucks free of cost until the blockade came off.³⁹ On August 09, 2008 the Hurriyat factions decided to join the fruit growers in their march towards Muzaffarabad.

³⁷ Syed Yasir, *Land issue creating sharp regional polarisation*, <http://www.kashmirtimes.com/archive/0808/080802/index.htm>, August 02, 2008, accessed on January 17, 2009.

³⁸ Shabir Ibn Yusuf, *Strike in Valley*, <http://www.kashmirtimes.com/archive/0808/080807/index.htm>, August 07, 2008, accessed on January 17, 2009.

³⁹ KT News Service, *FIL offers cold storage facilities for growers*, <http://www.kashmirtimes.com/archive/0808/080808/index.htm>, August 08, 2008, accessed on January 17, 2009.

It was at this stage that the Prime Minister intervened and a central delegation of the Home Secretary, the Defence Secretary and the DG CRPF travelled to Jammu. In the meantime, supported by the State Congress leaders, Dr. Karan Singh, the former *Sadar-e-Riyasat*, and a prominent political personality, gave his five-point proposal for resolving the tension, which called for replacing the Governor and appointing Gen. (Retd.) J.J. Singh as Governor, reconstituting the SASB with Justice A.S. Anand as its head and the inclusion of Kashmiri Pandits in it, extending the *Yatra* time from one month to two months in view of the increased number of pilgrims with the SASB getting a lease for managing the *Yatra* (pilgrimage) during this period, giving compensations to victims of firing in both regions, and non-acceptance of blockades.⁴⁰

While this proposal did not evoke any response, an All Party Meeting was held in Delhi on August 06, 2008 at which there was a consensus on ending the tensions through a dialogue. On August 08, 2008 an All Party Delegation led by the Union Home Minister met the SAYSS in Jammu. After inconclusive talks with the SAYSS, they went to Srinagar. However, no resolution could be arrived at.

As tension escalated, on August 11, 2008, in simultaneous marches across several towns in the Valley, several people joined the *Muzaffarabad Chalo* ('lets go') drive. The PDP supported the call. In the police action to prevent people from marching towards Uri, Hurriyat activist Sheikh Abdul Aziz died at Chahal near Uri. This triggered another cycle of protests by all shades of separatist leadership and their suppression by the police and the CRPF in the Valley. Due to this incident, communal targeting was also experienced by Muslims in Kishtwar district of Jammu region.⁴¹

To deal with the worsening situation in the Valley, the Army was asked to take over law and order in rural areas and more paramilitary forces were brought in to control the cities. At this stage, the Kashmiri diaspora in the UK supported the call to cross the LoC while others in the US, who were sympathetic, appealed to the UN against the blockade.

⁴⁰ Karan Singh, *Statement on Jammu and Kashmir Issue*, 05 August 2008, <http://www.karansingh.com/blog/?p=14#more-14>, accessed on January 17, 2009.

⁴¹ KT News Service, *Two killed in Kishtwar violence*, <http://www.kashmirtimes.com/archive/0808/080813/index.htm>, August 13, 2008, accessed on January 18, 2009.

Pakistan suggested that the OIC take note of the excessive use of force in Jammu and Kashmir. The Hurriyat factions released a Common Minimum Programme to carry on the agitation. The programme called for opening of the Srinagar-Muzaffarabad Road, the withdrawal of the Armed Forces Special Powers Act (AFSPA), and the withdrawal of cases and release of all ‘freedom fighters’ who were in jail since 1987. On August 18, 2008, they marched in a large procession to submit a memorandum to the office of the UN Military Observer Group in India and Pakistan (UNMOGIP) in Srinagar but were prevented from doing so. This was followed by calls for Lal Chowk *Chalo* and Eidgah *Chalo* with pro-freedom slogans. Government offices and shopping areas remained closed. Some meetings for self-determination were also held in Doda. Amidst reports that the Pakistan flag had been raised in the Valley, two days later, the PM decided to send the National Security Advisor (NSA) to the State. While the Home Ministry claimed that it was able to maintain law and order and hence the situation was not that serious, six additional battalions of BSF were deployed in the Valley to prevent the Lal Chowk march.

In Jammu, in the meanwhile, the Governor’s four-member committee headed by S.S.Bloeria, former Chief Secretary of the State, travelled to Kishtwar, Rajouri and Poonch districts to request people to maintain harmony. The SAYSS had called for a *Jail Bharo Andolan* (filling up jails) in which nearly 1.5 lakh protesters courted arrest. On August 19, the Governor’s Panel submitted a fresh five-point proposal, which the SAYSS agreed to discuss. The agenda included “working out an arrangement for the use of 800 kanals of land at Baltal-Domail by the Shrine Board during the period of *Yatra*, assessment of the total requirement of land by the Shrine Board and the existing availability at various locations, a mechanism for retaining overall responsibility for *Yatra* arrangements by the Shrine Board without any dilution of its role, reconstitution of the Amarnath Shrine Board and role and duties of the Shrine Board in terms of the provisions laid down in Section 16 of the J&K Shri Amarnath Shrine Board Act and further strengthening the functioning of the Board.”⁴² Four rounds of talks

⁴² Arteev Sharma, *Fresh 5-point proposal, SAYSS agrees to discuss*, <http://www.kashmirtimes.com/archive/0808/080820/index.htm>, August 20, 2008, accessed on January 18, 2009.

finally resulted in an agreement between the government and the SAYSS on August 31, 2008 allowing the SAYSS to look after the *Yatra* and the government to continue own the land.⁴³ The coordination committee of separatists in the Valley, however, said that land was not an issue, and they would continue their struggle to resolve the 'Kashmir issue'.

The Shopian Incident, 2009

The newly elected National Conference-Congress coalition government was, among several other issues, also confronted with petitions against various kinds of allegations of human rights abuse. Amidst continuing reports of alleged cases of human rights violations by the Army as well as the paramilitary forces, on May 29, 2009 the Shopian incident of the alleged rape and murder of two women took place at a location close to the CRPF camp near the Rambiarah Nalla. While the police constituted a Special Investigation Team, the Chief Minister ordered a magisterial probe by the Justice Muzaffar Jan Judicial Committee of Inquiry (JCI). The main opposition party, the PDP, made a strong case for the revocation of AFSPA and the withdrawal of central armed forces deployed for internal security duties.⁴⁴

On June 01, 2009, the Lashkar-e-Taibyyaba took the lead in reaching out to international human rights groups and fora to take up the issue. Calls for demilitarisation coming from all shades of separatist leadership soon transformed into pro-freedom protests with anti-India slogans and strike calls by the Hurriyat (G) and the separatist women's group, the Dukhtaran-e-Millat.⁴⁵ Top leaders of all separatist groups were

⁴³ KT News Service, *SAYSS-Government Panel Sign Pact; Syed Basharat, KCC rejects agreement, gives call for strike*, <http://www.kashmirtimes.com/archive/0809/080901/index.htm>, September 01, 2008, both accessed on January 18, 2009.

⁴⁴ KT New Service, *PDP condemns Shopian killing*, <http://www.kashmirtimes.com/>, June 01, 2009. Initial rioting, it was reported later was started by the National Conference workers. See Praveen Swami, *Politicians preying on South Kashmir tragedy*, <http://www.hindu.com/2009/06/14/stories/2009061459700800.htm>, June 14, 2009.

⁴⁵ For the lead role played by the Jamaat-e-Islami leader, Maulana Tariq Ahmad and his links to the Syed Ali Shah Geelani, see Praveen Swami, *Politicians playing on South Kashmir tragedy*, Ibid.

placed under house arrest to prevent them from participating in protests. The moderate separatist faction led by the Mirwaiz also joined in and invited the PDP to join the freedom movement.⁴⁶ The protest that had immediately spread to the neighbouring Pulwama district, further spread to Anantnag, Budgam, Kupwara and Sopore within a week, and later to Bandipore, Ganderbal, parts of Srinagar and Kulgam. Intense protests by the Majlis-e-Mushawarat Shopian (MMS), that was formed soon after the alleged incident had occurred, hampered the working of the SIT as well as the JCI. A strike call given by the Hurriyat (G) continued to be effective until mid-June.

Executive members of the APHC also asked *Imams* (priests) to raise the issue of human rights violation in the Friday sermons. As per the schedule chalked out by the Hurriyat (G), students from government degree colleges joined protests in large numbers. The Employees Joint Action Committee also joined the protest against alleged human rights violations and for withdrawal of troops. Some Traders Associations and the Valley Transporters Association joined in. Doctors and paramedics of the Shri Maharaja Hari Singh Hospital (SMHS) and Sher-e-Kashmir Institute for Medical Science (SKIMS) in Srinagar also carried out pro-freedom demonstrations.

As early as June 04, 2009 the Delhi branch of the People's Union for Democratic Rights (PUDR), joined the chorus and concluded that the double rape and murder had indeed happened and that the CRPF was guilty.⁴⁷ There were recollections of the Syed Mansoor Chota Bazar firing by the CRPF on June 11, 1991 resulting in the death of 22 civilians, as well as that of May 21, 1990 when the firing on the funeral procession of the Mirwaiz resulted in several deaths.⁴⁸ Writing from London, a

⁴⁶ Zulfikar Majid, *Join Movement: Mirwaiz to PDP*, http://www.greaterkashmir.com/today/full_story.asp?Date=3_6_2009&ItemID=64&cat=1, June 03, 2009.

⁴⁷ Anonymous, *PUDR for Observance of Geneva Convention in Kashmir*, http://www.kashmirobservers.net/index.php?option=com_content&view=article&id=1753:pudr-for-observance-of-geneva-convention-in-kashmir&catid=3:regional-news&Itemid=4, June 05, 2009.

⁴⁸ Asifa Amin Koul, *Syed Mansoor-Chota Bazar massacre that shook the Valley 18 years ago*, <http://www.kashmirtimes.com/>, June 11, 2009.

Kashmiri activist even cited the following UNSC resolution 47 (1948) of April 21, 1948 that the Government of India had failed to uphold:

The Government of India under item 2 (c) (i) (ii) and (iii) is required to ensure:

- 2 (c) (i) that the presence of troops should not afford any intimidation or appearance of intimidation to the inhabitants of the State;
- 2 (c) (ii) that as small a number as possible should be retained in forward areas;
- 2 (c) (iii) that any reserve of troops, which may be included in the local strength should be located within their present base area.⁴⁹

While the JCI was still investigating the case, there were reports that it had ruled out death by drowning, and that it had not only found evidence of tampering with evidence by the expert doctors who conducted the second post mortem at Pulwama but also some proof of concealment of information by the four police officials involved in the investigation. A little later, in response to reports that some negative remarks on the character of the women who had died had been included in the report by the police official who was a part of the JCI, Justice Jan disowned the report of his Committee stating parts of it were not written by him. The High Court Bar Association's (HCBA) two-member committee in the meanwhile, claimed that its own independent investigation had confirmed that the women had indeed been raped.⁵⁰ The SIT in the meanwhile was upgraded to include two senior officers, and directed by the High Court to exhume the bodies of the victims for further forensic tests. It continued with the investigation of the four police officials suspended on the basis of the Jan Commission report for destruction of evidence. The MMS called

⁴⁹ Syed Nazir Gilani, *Barking the Wrong Tree*, http://www.risingkashmir.com/?option=com_content&task=view&id=13855, June 15, 2009.

⁵⁰ Danish Nabi, *Bar Association releases fact finding report*, http://www.greaterkashmir.com/today/full_story.asp?Date=10_6_2009&ItemID=62&cat=1, June 10, 2009.

off the 47-day strike after the arrest of the police officials.⁵¹ Much later, the JCI report was tabled in the Assembly on July 28, 2009.

Amidst reports of the non-match between the vaginal swabs of the victims sent by SIT to Central Forensic Science Laboratory and the viscera and blood samples of the victims available with them, and fudging of DNA samples by the SIT, the government handed over the case to the Central Bureau of Investigation (CBI) on August 12, 2009. This was opposed by the HCBA on the grounds that the CBI was not the most efficient body and that its writ did not extend to the State of Jammu and Kashmir, which was ‘disputed territory’.⁵² Meanwhile, Members of Independent Women’s Initiative for Justice in Shopian (MIWIJS), a group of Delhi-based academics and a few lawyers visited Shopian to ascertain the truth in the case.⁵³ By December 2009, the CBI had given a clean chit to the policemen accused by the Jan Commission; it also said that the women had not died due to rape or murder, rather by drowning. They clarified that the first team of doctors from Shopian who conducted the post mortem had lied about the lung flotation test, which ruled out drowning, and the second set of doctors in Pulwama had falsely reported evidence of rape of one of the victims.⁵⁴ The CBI filed a case against 13 people for fabricating evidence.

Alleging fraud, the HCBA demanded that the investigation be handed over to the UN Human Rights Commission and an independent agency nominated by it.⁵⁵ The MMS, the Shopian Bar Association, the MIWIJ,

⁵¹ Khalid Gul, *Majlis suspends 47-day strike*, http://www.greaterkashmir.com/today/full_story.asp?Date=17_7_2009&ItemID=89&cat=1, July 17, 2009.

⁵² Inayat Jehangir, *No objection if case transferred to CBI: HC*, <http://www.dailyexcelsior.com/web1/09aug20/index.htm>, August 20, 2009.

⁵³ Hakeen Irfan, *Shopian case being covered up: MIWIJS* http://www.risingkashmir.com/?option=com_content&task=view&id=16311, August 31, 2009.

⁵⁴ Syed Basharat, *CBI briefs press after HC lifts embargo*, <http://www.kashmirtimes.com/>, December 15, 2009.

⁵⁵ Khalid Gul, Samana Lateif, *Majlis rejects clean chit to cops*, <http://www.greaterkashmir.com>, December 8, 2009.

all separatist groups and the PDP also rejected the CBI report.⁵⁶ In the war of words between the Home Minister who defended the CBI report and the separatists who called for international investigation, the 'quiet dialogue' between the government and the Hurriyat (M) suffered. The face-off between the CBI and the MMS continued well until the next year. In June 2010, a fresh probe was sought. The suspended policemen were reinstated in September 2010.

The Summer Unrest, 2010

In the various incidents of violence and stone pelting that were breaking out in various parts of the Valley in 2010, the Chief Minister requested the *Masjid* (mosque) and *mohalla* (neighbourhood) committees to act as a bridge between the government and the people, and requested the youth to observe restraint.⁵⁷ In such an atmosphere, the alleged fake encounter by the army in the Machil sector in Kupwara on April 30, 2010 of three youth from Nadihal in Baramulla acted as a trigger for one of the worst summers in the Valley. There was immediate reaction from the International People's Tribunal for Human Rights and Justice in Kashmir (IPTK) as well as the Human Rights Watch, with the former demanding independent probe into nearly 20 encounters in which militants had been killed in April-May 2010.⁵⁸ By June 06, 2010 the army responded by suspending the army major and removing the colonel commanding the unit. They also requested that the three civilians who had conspired to involve the Nadihal youth, be questioned. The Bar Association of Sopore objected, and the court denied them permission. On June 09, 2010, the police reportedly started an investigation into the army's counter-infiltration operations that took place from March 23-May 08 2010 during which, 19 militants had

⁵⁶ Anuradha Bhasin Jamwal and Uma Chakravarty, *Burying Justice in Shopian*, <http://www.kashmirtimes.com/>, December 10, 2009.

⁵⁷ Javid Malik, *Omar seeks elders' help to end stone pelting*, http://www.greaterkashmir.com/today/full_story.asp?Date=25_2_2010&ItemID=51&cat=1, February 25, 2010.

⁵⁸ KT News Service, *IPTK demands transparent and independent probe into encounters*, <http://kashmirtimes.com/>, 8 June 2010; GK Monitoring Desk, *Revoke AFSPA: HRW to GoI*, <http://www.greaterkashmir.com/ShowStory.asp?NewsID=72&CategoryID=1>, June 09, 2010.

been slain. It also devised a new way of verifying the truth by laying down that the army would not directly hand over the body to the *Auqaf* (a religious welfare committee) or to the village. They would hand over the body to the police, who would identify the body based on a missing person report and only then could the body be buried.⁵⁹ On July 07, 2010 the NHRC, on a complaint by Radhakant Tripathy, a Delhi-based human rights lawyer, took cognisance of the Machil encounter and asked the Defence Secretary to file a detailed report on it. In October 2010, the army completed its own internal inquiry and found the officials guilty of luring the three young men from Nadihal. However, they wanted the officials to be tried by the army, rather than the civil court.⁶⁰

In the meantime on June 11, 2010 the death of Tufail Mattoo who was hit by a teargas shell while passing by a protest that the police was trying to control, triggered a wave of unrest that continued until September 2010. In the protests that followed there was a pattern. A serious round of stone pelting by the youth accompanied by slogans such as “Go! India go Back” would be sought to be controlled by the police and the CRPF. If their action resulted in an unfortunate casualty, it would be followed by a funeral procession that would attempt to move towards the martyrs’ graveyard; any attempt to stop them would trigger stone pelting and result in further casualties. While in the Valley and among the sympathisers of such protests, the events were perceived and portrayed as deliberate action by the ‘security forces’ abusing their powers, the government’s response was a clear defence of the CRPF, which as the Home Secretary clarified had only fired in self-defence.⁶¹ He also pointed out that while the young people were at the forefront and therefore suffered, the incitement was clearly coming from the separatist leadership, especially of the Hurriyat (G). In a clear refutation of the statements by a State Cabinet Minister suggesting that the CRPF

⁵⁹ Shabir Ibn Yusuf, *After Machil Encounter: Police devises new strategy for identification of ‘militants’ killed on LoC*, <http://kashmirtimes.com/>, June 17, 2010.

⁶⁰ Mushtaq Ahmad, *Army ends enquiry into Machil*, <http://www.greaterkashmir.com/news/2011/Oct/24/army-ends-inquiry-into-machil-killings-52.asp>, October 24, 2011.

⁶¹ KT News Service, *Centre defends CRPF action*, <http://kashmirtimes.com/>, June 29, 2010.

was not acting as per direction of the State police⁶², and similar concerns expressed by the Chief Minister, the Home Minister issued a statement that the CRPF was indeed deployed under the State police and there was no chance of them acting against orders.⁶³

The involvement of separatists was witnessed in the response to the protest calendar announced by Hurriyat (G), guided by younger and more radical leaders such as Masrat Alam. On June 29, 2010, there was a call for *Sopore Chalo*, followed by the announcement of the “Quit Kashmir” campaign on June 23, the *Anantnag Chalo* call on July 04 and the *Idgah Chalo* on August 02. The involvement of the JKLF had been marginal, and the Hurriyat (M) had only led one procession to the office of UNMOGIP in Srinagar and subsequently announced legal aid to youth who had been arrested by the police for participation in the protest. However, while the senior separatist leadership was either under house arrest or operating underground, mobilisation was secured largely through social networking sites.⁶⁴ For a brief period, circulation of Valley newspapers was stopped, mobile telephone services were stopped in North Kashmir, short messaging services were blocked in the entire Valley and then cable operators were told not to air news and religious channels of Pakistan. Though this was confirmed by the Deputy Commissioner, Baramulla, the Deputy Commissioner, Anantnag and the Deputy Commissioner, Srinagar denied the ban.⁶⁵ Police also had to deal with at least two cases of morphed you-tube videos that had shown security forces in the wrong light.⁶⁶ Along the lines witnessed earlier, traders, transporters, students of Kashmir University, the HCBA and several others joined protest movements.

⁶² KT News Service, *Civilian killings by CRPF*, <http://kashmirtimes.com/>, June 28 2010.

⁶³ Statement of P. Chidambaram, <http://www.greaterkashmir.com/news/2010/Jun/30/statement-of-p-chidambaram-46.asp>, June 30, 2010.

⁶⁴ Samaan Latif, *Government lays hands on facebook users: E-crackdown*, <http://www.greaterkashmir.com/news/2010/Jul/12/govt-lays-hands-on-facebook-users-56.asp>, July 12, 2010.

⁶⁵ Ishfaq Mir/Ishfaq Tantri, *Govt bans Pak broadcasts*, http://www.risingkashmir.com/index.php?option=com_content&task=view&id=24957&Itemid=1, July 13, 2010.

⁶⁶ KT News Service, *Police warns against uploading morphed pictures*, <http://kashmirtimes.com>, September 15, 2010.

Some civil society groups from Jammu, such as the Internationalist Democratic Party and the Progressive Students Association joined the chorus for demilitarisation and revocation of the AFSPA. For the first time ever, on July 12, 2010 Kashmiri students in New Delhi staged a protest at the Jantar Mantar and were joined by doctors, businessmen and academics. 122 leading members of the country's civil society appealed in a letter to the National Human Rights Commission, National Commission for the Protection of Children, Office of the Chief Justice of India, Ministry of Home Affairs, Chief Minister of J & K, and the Planning Commission to end the impunity of the security forces, especially the army and the CRPF.⁶⁷ This was when during this unrest the army was called in only twice to stage a flag march on 29 June in Baramulla and on 07 July in Srinagar. By the first week of August 2010, 871 State police and 604 CRPF men had been injured during the protests.

Two issues came to be highlighted during the unrest. First, the issue of improper governance and the lack of connect between the government and the people. This issue was raised by the PDP as well as written about in editorials and independent writers in the context of the use of police forces to deal with the protests.⁶⁸ However, it really came to the fore with the CM urging people to cooperate with the district administration in the implementation of various developmental schemes.⁶⁹ The CPI-M in the State raised the issue of addressing the anger of the alienated youth in the Valley.⁷⁰ The Jammu Kashmir People's Forum brought together political, social and religious leaders from all over the State to an inter-regional dialogue on problems of non-

⁶⁷ The text of the letter appeared in Kashmir Times on July 12, 2010.

⁶⁸ Uday Shankar, *Leaderless Kashmir, and the tragedy is endless*, <http://www.greaterkashmir.com/news/2010/Jul/13/leaderless-kashmir-38.asp>, July 13, 2010, KT News Service, *Mebbooba denounces collective punishment*, <http://kashmirtimes.com/>, July 21, 2010, Editorial, *In the name of good governance*, <http://kashmirtimes.com/>, July 22, 2010.

⁶⁹ KT News Service, *Omar seeks public support for good governance*, http://kashmirtimes.com, July 21, 2010.

⁷⁰ Syed Basharat, *Tarigami calls for release, talks with angry youth*, <http://kashmirtimes.com/>, July 26, 2010.

governance.⁷¹ The problem of unemployment of youth and lack of appointments in institutions like the State Accountability Commission and State Information Commission that could ensure delivery of good governance were also raised.⁷² Second, the NC's call for restoration of autonomy set off a debate on the subject with angry reactions from the BJP at the state and the national level, and some divisions within the state Congress party too. Although the CM clarified that the party would not adopt a hard stand on the issues, the BJP said it was a ploy to divert attention from issues of governance.⁷³ It also said that there were no takers for autonomy in Jammu and Ladakh.⁷⁴ In September 2010, there were several demonstrations in Jammu by the BJP and several Kashmiri Pandit organisations against the proposal being considered by the Union Government.

The first attempt at an all-party meeting in the state on July 12, 2010 remained incomplete with the PDP and JKNPP refusing to join it even on the request of the Home Minister and the Prime Minister, as a protest against excessive use of force and the characterisation of the youth as 'miscreants'.⁷⁵ Despite opposition from the BJP, the meeting called for an independent probe of the loss of life during protests, and a revival of the dialogue with separatists and Pakistan. While nothing came of these initiatives, by the end of July, the Chief Minister conveyed to the PM the need of a job package and more importantly a political package for the State.

A second meeting of the state's political parties convened by the Prime Minister on August 10, 2010 was also not attended by the PDP. At this

⁷¹ KT News Service, *Inter-regional dialogue must for restoring lasting peace: JKPF*, <http://kashmirtimes.com/>, August 02, 2010.

⁷² Editorial, *Issues of Governance*, <http://kashmirtimes.com/>, August 20, 2010.

⁷³ KT News Service, *Don't rake up autonomy issue: BJP to Omar*, <http://kashmirtimes.com>, August 20, 2010.

⁷⁴ PTI, *Forget autonomy, focus on governance: BJP to Omar*, <http://www.greaterkashmir.com/news/2010/Aug/20/forget-autonomy-focus-on-governance-bjp-to-omar-24.asp>, August 20, 2010.

⁷⁵ Danish Nabi, *Mehbooba unmoved by PM's plea to join all party meet*, <http://kashmirtimes.com>, July 12, 2010.

meeting the PM in his first public statement since the unrest began, announced that a committee would be constituted under the leadership of Dr. C. Rangarajan, which would look into the creation of employment opportunities for the youth as well as work with the National Skill Development Mission to increase their employability.⁷⁶ Given the prevailing sentiment and urging that peace be given a chance, he also promised an amendment of the AFSPA, and an eventual take over of all duties by the Jammu and Kashmir Police (JKP). It was at this meeting that the CPI-M leader, Yusuf Tarigami and the Congress leader, Saifuddin Soz suggested that an All-Party delegation visit Jammu and Kashmir. The PM's remarks on granting autonomy to the State if the parties in the State reached a consensus about it was however, sharply criticised by the BJP.⁷⁷ A third All-Party Meeting called by the PM on September 15, 2010 was attended by the PDP as well. The meeting decided to send an All-Party Delegation (APD) to the State to meet all sections of people but reached no consensus of any kind on the AFSPA.⁷⁸

In the meantime, a civil society delegation comprising of prominent activists such as Swami Agnivesh, Admiral L. Ramdas, Mohini Giri, Fr. Dominic Emmanuel and Mazher Hussain visited Kashmir Valley from August 30- September 02, 2010. It made the following recommendations as CBMs that could bring a lasting solution:

- There should be an independent inquiry into all the killings in Kashmir starting from the fake encounter in Machil (Kupwara) in April 2010.
- All political prisoners should be released immediately.
- Cases booked against the protesters should be withdrawn. In many instances, cases of attempt to murder were booked against people including teenagers for stone pelting.

⁷⁶ Full text of the PM's speech, <http://www.pib.nic.in/release/release.asp?relid=64559>, August 10, 2010.

⁷⁷ Agencies, BJP's reservations over autonomy, <http://www.dailyexcelsior.com/>, August 11, 2010. The VHP also reacted strongly to the PM's suggestion.

⁷⁸ Agencies, *All Party Meet decides to send delegation to J&K, divided on AFSPA*, <http://www.dailyexcelsior.com/>, September 16, 2010.

- AFSPA (Armed Forces Special Powers Act), the Disturbed Areas Act and PSA (Public Safety Act) should be withdrawn immediately.
- The army and paramilitary forces should be removed from the cities and civilian areas.
- Space for peaceful protest should be provided. Use of firing should be stopped. Crowd control management should be done with non-lethal measures.
- Violence in all forms should cease immediately by all concerned (*sic*).
- An all Party Parliamentary delegation should visit Kashmir immediately to reach out to the people and start the process of reconciliation and engagement.
- A consistent and uninterrupted process of dialogue should be initiated for a solution to the Jammu & Kashmir issue that is festering for over 60 years.⁷⁹

The All-Party Delegation (APD) visited the State on September 20-21, 2010 and received representations from the National Conference regarding revocation of AFSPA and restoration of autonomy,⁸⁰ from the PDP regarding resolution of the Kashmir issue and revocation of AFSPA⁸¹; from the State Congress party, which called for correction of past wrongs and engaging with the separatists⁸²; from the BJP on fuller integration of the State with the Union; and from the Awami National Conference for a five-region summit including PoK and Gilgit-

⁷⁹ *People's Initiative on Jammu and Kashmir, A Report*, September 04, 2010, <http://www.risingkashmir.com/news/people's-initiative-on-jammu-kashmir-1526.aspx>, September 17, 2010.

⁸⁰ Muddasir Ali, *NC reiterates restoration of autonomy*, <http://www.greaterkashmir.com/news/2010/Sep/21/nc-reiterates-restoration-of-autonomy-15.asp>, September 21, 2010.

⁸¹ Faheem Aslam, *PDP not impressed*, <http://www.greaterkashmir.com/news/2010/Sep/21/pdp-not-impressed-16.asp>, September 21, 2010.

⁸² Muddasir Ali, *Need to reach out to Separatists: Congress*, <http://www.greaterkashmir.com/news/2010/Sep/21/need-to-reach-out-to-separatists-congress-14.asp>, September 21, 2010.

Baltistan.⁸³ It also received representations from minority groups and civil society groups regarding their issues⁸⁴

While the separatists did not meet the APD, they published their memoranda in time for the APD to take cognisance of them. Thus, in a joint memorandum released on September 20, 2010, the Hurriyat (M) and the JKLF called for a sustained dialogue with all sections in keeping with Kashmiri aspirations, resolving the dispute with a common minimum programme of all parties in the state, formation of a Kashmir Committee of all political parties in India and a committee of all political forces in Pakistan.⁸⁵ When some members of the APD met Syed Ali Shah Geelani, he put forth the following conditions for any further dialogue: India should accept Kashmir's disputed territory, agree for demilitarisation, release political prisoners, try police and force personnel responsible for the deaths and revoke the AFSPA.⁸⁶

Following the visit of the APD, an eight-point package was announced:

- appointment of interlocutors for sustained dialogue
- release of students/ youths detained for stone pelting
- review the cases of all PSA detainees
- review the deployment of security forces in the Kashmir valley
- ex-gratia relief to the families of the deceased persons at Rs. 5 lakh per person killed in the civil disturbances since 11.06.2010

⁸³ For full text of the memorandum of ANC see Muzzafar Shah, *ANC submits memo to APD*, <http://www.risingkashmir.in/news/anc-submits-memo-to-apd-1618.aspx>, September 21, 2010.

⁸⁴ KT News Service, *All party meet in Delhi, action replay in Srinagar*, <http://kashmirtimes.com>, September 21, 2010, *APD visiting Jammu today, to meet 70 delegations*, <http://www.greaterkashmir.com/news/2010/Sep/21/apd-visiting-jammu-today-to-meet-70-delegations-2.asp>, September 21, 2010.

⁸⁵ Full text of the joint memorandum submitted by Mirwaiz Umar Farooq and Yasin Malik, *The Hindu*, September 20, 2010, <http://www.thehindu.com/news/resources/article738521.ece>.

⁸⁶ Arif Shafi Wani/Muddasir Ali, *APD reaches out to Separatists*, <http://www.greaterkashmir.com/news/2010/Sep/21/apd-reaches-out-to-separatists-10.asp>, September 21, 2010.

- appointment of special task forces to examine developmental needs of Jammu and Ladakh regions
- reopening of all schools, colleges
- provision of additional central assistance of Rs. 100 crore to the state government to restore the damaged infrastructure of schools and colleges.⁸⁷

A team of interlocutors- Dileep Padgaonkar, Radha Kumar and M.M. Ansari, was announced on October 13, 2010. Two task forces were also set up to examine the developmental needs of the Jammu and Ladakh regions of the State.

Conclusion

The manner in which the crises unfolded reveals several challenges to the process of transition in the State.

First, is the prevalence of longstanding issues of political nature in the State, which could trigger events that could escalate and seriously affect effective functioning of the government. For instance, in the case of the Amarnath agitation, the party in opposition, the NC, raised the issue as a case of 'transfer' when it was later revealed that it was only a case of temporary diversion. The Governor's office too made it out to be a case of permanent transfer. This fed the prevailing fears on demographic change, erosion of Article 370 and fuelled tensions between Jammu and the Valley. In the Shopian case, as well as the summer unrest, the party in opposition, the PDP, was prominent in raising concerns regarding human rights violations by the forces of the Union. This fed the prevailing concerns regarding human rights violations by 'security forces' and their impunity, and were then used by the separatists and the civil society to mobilise large sections of the people. Mainstream political parties also used these moments to make claims for undoing the erosion of autonomy of the State and highlighting poor governance in the State.

⁸⁷ MHA, *Annual Report 2010-11*, [http://www.mha.nic.in/pdfs/AR\(E\)1011.pdf](http://www.mha.nic.in/pdfs/AR(E)1011.pdf), p.8, accessed on February 23, 2012.

Second, given a trigger, political parties and separatist groups are quite swiftly able to form conglomerates or loose associations of like-minded people. Thus, in the Amarnath agitation, the formation of the ACLT in the Valley and the SAYSS in Jammu were crucial to the spread of the mobilisation across the regions. In the Shopian incident, the formation of the MMS had a similar impact in the town, though in other places in the Valley, it was mobilisation by the separatists that had an impact. In the summer unrest of 2010, similarly, the Hurriyat (G) was able to mobilise people to organise protests according to its protest calendars. This not only makes mobilisation of large numbers easy; it also makes calls for *bandhs* and protest marches effective.

Third, the participation of associations of lawyers, businessmen, government officials, businessmen, students, as well as individuals with no known affiliations blurs the distinction between the political and the non-political. This blurred distinction resulted in the involvement of the intelligentsia and the civil society groups from the State, elsewhere in the country, as well as abroad, to espouse the cause of liberty and human rights. Thus, in the Amarnath agitation, such involvement, though minimal, came from the Kashmiri diaspora in the United Kingdom and from Pakistan. In the Shopian incident, the Delhi chapter of the PUDR raised its concerns and the MIWIJS, which was composed largely of Delhi-based academics and lawyers and some prominent personalities in the State, published a report based on their own fact finding. In the summer unrest, such involvement came from Initiative for Peace and Justice, IPTK, Human Rights Watch, individual lawyers from Delhi, Internationalist Democratic Party and Progressive Student's Association from Jammu and 122 prominent members of civil society in the country. Ironically, in each of the three incidents, armed non-state groups, notably the Hizbul Mujahideen and the Lashkar-e-Taibyyaba, were among the first to espouse these causes.

Fourth, the magnitude of the law and order problem necessitated the increased deployment of police forces, which are still in the process of building capacities. Each of these crises was mainly managed by the police, the JKP assisted by the CRPF. They were the first responders and swung into action the moment there was an instance of disruption of law and order. While they were able to control the protests, it took them a long time to do so and there were some unfortunate casualties.

However, the army had to be called on to assist in few instances. During the Amarnath crisis, while the army was asked to take over the control of law and order in rural areas of the Valley, mainly in order to be able to prevent any attempt to march across the LoC, in the urban areas the JKP and the CRPF were at the forefront of handling the protests. In fact, during this crisis, the army was more visible staging flag marches in the Jammu region i.e. not only in Jammu city but in various districts of the Jammu region where communal trouble could be fomented. It was also used to clear the blockade of NH I (A). In the Shopian crisis, which was limited to the Valley, at no point of time was the army called upon for maintaining law and order. In the summer unrest of 2010 also, apart from two instances, first in Baramulla and then in Srinagar, where the army only staged a flag march, the entire incident was handled by the JKP and the CRPF.

It emerges from the given analysis that the period of transition is riddled with challenges on various fronts. The three crises-ridden years reveal that longstanding political issues such as the special status of the State, regional tensions between Jammu and Kashmir often buttressed by religion-based sentiments, concerns regarding human rights, the feeling of separatism and alienation among the youth, deficit of governance and accountability and finally security with a focus on policing are all issues that require a response. Broadly, they may be categorised as relating to security, governance and development.

Since each of the crises described above created a serious law and order situation that escalated quite rapidly, the security response of the government was the most apparent. It is the reactions to this response that resulted in the reiteration of several stereotypes that characterise the prevailing discourse on 'Kashmir' that:

- the main characteristic of the government's response to every problem in the State (read Valley) is the use of force
- this problem is compounded by the fact that 'security forces' do not exercise adequate restraint
- the people of 'India' do not care enough about the people in the Valley
- there are severe restrictions on freedom of speech and people are not free to criticize the government

- the media in the Valley is mainly focused on ‘anti-India’ propaganda

While most of these stereotypes emanate from those critical of the state,⁸⁸ the last one often emanates from those critical of the separatist tendencies in the Valley.

Such stereotypes seem to hint at an extreme polarisation between the state and the people, especially in the Valley. However, a deeper analysis of the response of the state/government to issues of security, governance and development and of the media in the Valley seems to suggest otherwise.

⁸⁸ In addition to the writings in Valley print media, see Ira Pande (ed.), *A Tangled Web Jammu and Kashmir*, IIC Quarterly, Winter 2010/Spring 2011.

III

RESPONSE TO SECURITY ISSUES

The security response to the crises brought to fore the increased role of the police forces, i.e. the State police JKP, assisted by the CRPF. This was a definitive indicator of the fact that the improvement in the security situation has been substantial to reduce the role and presence of the army in the State. Towards the eventual aim of handing over most security related duties to the police, the State government assisted by the Union Government, has focussed on various aspects of policing. However, since during the crises the role of the CRPF was quite crucial, there has also been a substantial debate on the Armed Forces Special Powers Act (AFSPA), which enables all armed forces of the Union to perform their duties in the designated disturbed areas.

Policing

While issues regarding strengthening the police force and training it better for law and order duties, was raised by some people during the Amarnath crisis, it was mainly during the unrest of 2010 that it came to be seriously debated. As if by premonition, the Chief Minister speaking at the annual internal security conference organised by the MHA in early 2010, had pointed out that while the police was geared up for counter-insurgency, the main problem was of law and order and hence, the Centre must pay attention to training and equipping them for these duties.⁸⁹ With the Defence Minister endorsing the policy of using armed forces for internal security only as a last resort,⁹⁰ there has been a sustained effort by the State and Union governments to improve policing in the

⁸⁹ Anonymous, *CM favours surrender policy for youth wanting to return*, <http://www.dailyexcelsior.com/>, February 08, 2010.

⁹⁰ IANS/PTI, *JKP building capacity to restore peace*, http://www.greaterkashmir.com/today/full_story.asp?Date=3_2_2010&ItemID=66&cat=1, February 03, 2010.

State. As indicated by the Union Home Minister at a meeting of the Unified Command, which under the Chief Minister of the state, brings together heads of all forces engaged in security duties in the State, in 2009, this not only means augmenting the capacities of the police force, but also increasing their numbers to the mandated full strength of 79,275.

Security Related Expenditure for policing [*SRE (P)*] has been reimbursed by the Union to the State government.⁹¹ The total amount reimbursed (from 1989 till 31.3.2011) under SRE (P) is Rs 3,583.305 crore.⁹² This is for expenditure relating to carriage of constabulary, material and supplies, rent of accommodation hired for security forces, border posts, honorarium to SPOs, raising of India Reserve Battalions (IRBs), construction of alternate accommodation, airlift charges, security works by the Police Department, expenditure on deteneus etc.⁹³

Table 4: SRE (P) for J&K

(Rs in crore)

Year	Amount
2008	396.42
2009	166.70
2010	354.90

(Source: MHA)

The IRBs have been created specifically for law and order and internal security duties all over the country.⁹⁴ Jammu and Kashmir has been sanctioned the highest number of IRBs among all states in the country. Five among these were sanctioned in 2009, with nearly 5035 new posts

⁹¹ MHA, Rs. 210 Crore SRE Reimbursed to Naxal Affected and NE States, <http://pib.nic.in/newsite/erelease.aspx?relid=61121>, accessed on March 27, 2012. Also, see MHA, *Annual Report 2010-11*, p.6, Note 87.

⁹² MHA, *Annual Report, 2011-12*, p. 9, Note 9.

⁹³ MHA, Department of J&K Affairs, *Schemes*, <http://mha.nic.in/pdfs/JK-sch8.pdf>, accessed on March 27, 2012.

⁹⁴ MHA, *Constitution of India Reserve Battalions*, <http://pib.nic.in/newsite/erelease.aspx?relid=75366>, accessed on March 27, 2012.

and they were being trained at the Sher-e-Kashmir Police Academy, as well as other academies in the country.⁹⁵

Table 5: IRBs in J&K

(Rs in crore)

S.No.	State	IRBs sanctioned	IRBs raised	Amount reimbursed
1.	J&K	20	20	280.40

(Source: MHA)

By 2011, the IRBs were being trained and equipped with non-lethal weapons like stun grenades, laser guns, teaser guns, gas guns, anti-riot rifles, and pump action guns to reduce civilian casualties while performing law and order duties. They were also being provided body protectors, poly carbonate shields, poly carbonate lathies, helmets and visors. Attention was also being given to police training programmes of a large variety. Latest training in the field of crime control, mob controlling without using lethal weapons, cyber crime, fake currency detection and respect towards human rights was being imparted at police training schools in Manigam and Kathua.⁹⁶

Illustrative of the policy emphasis on increasing the role of police forces for also taking the lead in counter-insurgency operations in Jammu and Kashmir, the state received some of the highest funds under modernisation of police forces (MPF) scheme from 2008-09 to 2010-11. In 2008-09 it was the highest recipient of funds among all states; in 2009-10, it was next to Uttar Pradesh and Andhra Pradesh, and in 2010-2011, it was the highest recipient under the MPF scheme.⁹⁷

⁹⁵ Excelsior Correspondent, *5 more IR Battalions for JKP: Khoda*, <http://www.dailyexcelsior.com/>, January 01, 2009.

⁹⁶ Excelsior Correspondent, *Upgradation of Police Training Institutions in the offing: Khoda*, <http://www.dailyexcelsior.com/>, October 21, 2011.

⁹⁷ MHA, *Allocation under MPF Scheme*, <http://pib.nic.in/newsite/erelease.aspx?relid=81427>, March 21, 2012, accessed on April 09, 2012.

Table 6: Funds Released under MPF Scheme
(Rs in crore)

Year	Amount
2008-09	109.65
2009-10	111.18
2010-11	148.25

(Source: MHA)

Further, as part of capacity building for the police, the Home Minister in 2009 announced that steps would be taken to identify a secure communication network between the 174 police stations in the State and the district and State police headquarters.⁹⁸ During the year, new district police headquarters were inaugurated at Shopian and Pulwama, and a model police station at Gandhinagar.⁹⁹ The State was also made a part of the Crime and Criminal Tracking Network Systems (CCTNS), which provides for up gradation of police stations and higher offices at various levels.¹⁰⁰

Table 7: Coverage under CCTNS

(Rs in lakh)

State/UT	Total Police Stations	Higher Offices	Funds allocated	Total funds spent
J&K	189	140	2802.97	97.86

(Source: MHA)

In 2012, a cyber crime police station was set up in Jammu, and another was coming up in Srinagar.

⁹⁸ Suchismita, *AFSPA revocation discussed at appropriate time*, <http://www.kashmirtimes.com>, March 19, 2009.

⁹⁹ KT News Service, *Maintain people-friendly image: DG to JKP*, <http://www.kashmirtimes.com/>, December 08, 2009.

¹⁰⁰ MHA, *15000 police stations and 7000 higher offices to be covered under CCTNS*, <http://pib.nic.in/newsite/erelease.aspx?reid=73676>, August 02, 2011, accessed on April 09, 2012.

As the crises played out, relations between the police and certain sections of people had been severely strained. Fears were expressed regarding brutalities of the Special Operations Group (SOG, the erstwhile Special Task Force) of the police during counter-insurgency in the mid-1990s,¹⁰¹ and a case was made for limiting the powers of the SOG as well as the *Ikhwans* (militants-turned-counter-insurgents) who were later made Special Police Officers (SPOs) and used in counter-insurgency. In 2010, there was a tirade against the police, its SPOs and SOGs comprising of *Ikhwans* were portrayed as having “a historical propensity for anti-people attitude”.¹⁰²

Countering such narratives that drew on exaggerated guesses of the numbers of youth detained since the unrest, the police, since January 2011, provided periodic updates on the actual numbers including information on the large numbers of policemen- 2828 of JKP and 1351 of CRPF-injured during the protests.¹⁰³ In March 2011, it was clarified that of the 4661 people detained after Machil, 4595 had been released, while only 240 had been booked under the Public Safety Act (PSA).¹⁰⁴ In June 2011, the Home Minister clarified that contrary to claims of Hurriyat leaders, only 123 youth were in jails on charges of stone pelting in the entire valley, while 45 persons were facing detention under the PSA.¹⁰⁵ As on April 2012, only 25 of them were facing detention under PSA. In August 2011, the CM quantified the damage to public property during the unrest; 92 government and private buildings were set ablaze, 56 buildings were damaged and nearly 62

¹⁰¹ Editorial, <http://www.kashmirtimes.com/>, February 11, 2009.

¹⁰² Ishfaq Mir, *Ikhwani terror revisits Islamabad*, http://www.risingkashmir.com/?option=com_content&task=view&id=25679, August 09, 2010, Mushtaq Ul Haq Ahmad Sikander, *Police-public relations*, <http://kashmirtimes.com/>, August 11, 2010; *Return of the Ikhwani culture*, <http://kashmirtimes.com/>, August 24, 2010.

¹⁰³ Syed Amjad Shah, *Separatist fund, fuel unrest: DGP*, <http://www.greaterkashmir.com/news/2011/Jan/4/separatists-fund-fuel-unrest-dgp-52.asp>, January 04, 2011.

¹⁰⁴ Abid Bashir, *Nearly 1000 youth arrested in 72 days*, <http://www.risingkashmir.com/news/nearly-1000-youth-arrested-in-72-days-7424.aspx>, March 17, 2011.

¹⁰⁵ D.S Ahmad/Shabir Ibn Yousuf, *Centre, Cong happy with Omar*, <http://www.kashmirtimes.com/news.aspx?ndid=10012>, June 22, 2011.

government and private vehicles were set ablaze and 160 vehicles were damaged in the protests of 2010. Yet, as a gesture of goodwill, cases against 1200 youth were withdrawn.¹⁰⁶

In addition, it was clear that a key factor in improving policing was rebuilding the trust between the police and the people.¹⁰⁷ In order to do this, with the full understanding that people might be apprehensive to interact with the police in police stations, police-public *melas* (exhibition-cum-meetings) have been organised. In a move to employ the local educated youth, the police fast-tracked the recruitment of 574 constables in JK Executive Police, 263 candidates are from Baramulla, 211 from Kupwara and 100 candidates from Bandipore Districts.¹⁰⁸ 1.5 lakh youth applied for police jobs for various positions in 2009.¹⁰⁹ In 2011, police increased its engagement with the youth. In February 2011, a talent hunt competition was held, involving young singers from across the Valley.¹¹⁰ A cricket tournament was organised in Budgam, to be followed by similar tournaments in other districts.¹¹¹ Also as part of its civic action programme, Rs. 5 lakh was given for construction of a sports stadium in Shopian. A *watan-ki-sair* (tour of the country) of

¹⁰⁶ Faheem Aslam, *As a goodwill gesture, government withdraws cases against 1200 stone pelters*, <http://www.greaterkashmir.com/news/2011/Aug/29/as-goodwill-gesture-govt-withdraws-cases-against-1200-stone-pelters-88.asp>, August 29, 2011.

¹⁰⁷ Arif Shafi Wani, *Ahead of assuming key role, police goes for reforms*, http://www.greaterkashmir.com/full_story.asp?Date=5_2_2009&ItemID=29&cat=1, February 05, 2009.

¹⁰⁸ KT News Service, *574 candidates selected as police constables*, <http://www.kashmirtimes.com>, March 02, 2009.

¹⁰⁹ Excelsior Correspondent, *Police-Public mela organised*, <http://www.dailyexcelsior.com/>, February 22, 2010.

¹¹⁰ GK News Network, *Young children enthral audience at police talent hunt*, <http://www.greaterkashmir.com/news/2011/Feb/18/young-singers-enthrall-audience-at-police-s-talent-hunt-4.asp>, February 18, 2011.

¹¹¹ Rising Kashmir News, *IGP Kashmir inaugurates cricket tourney at Budgam*, <http://www.risingkashmir.com/news/igp-kashmir-inaugurates-cricket-tourney-at-budgam-11367.aspx>, June 20, 2011.

students from remote parts of Kupwara, Baramulla, Bandipore and Ganderbal districts was organised in December 2009. In 2010, students from Kupawara, Anantnag and Budgam were sent on a tour in collaboration with a local NGO.¹¹²

Another key point for discussion was the extraordinary powers conferred on the police through a security-related legislation in the State, the PSA, enacted in 1978.¹¹³ There had been a sharp reaction to the detention of separatists under the PSA during the Shopian related agitation.¹¹⁴ Yet, the Government rejected a proposed amendment of the PSA that was introduced by a PDP leader in 2009. However, in response to the concerns regarding the arrest of stone-pelting youth under the PSA and lodging them with hardened criminals and separatists in prisons, a similar debate ensued.¹¹⁵ With the High Court of the State directing the government to set up juvenile homes under the Juvenile Justice Act, the case for which had been made by lawyers as early as 2006, a beginning was made in addressing one aspect of criminal justice dealing with juveniles.¹¹⁶ An NGO, Save the Children, organised a training programme for the police in the juvenile justice system.¹¹⁷ Also after considerable debate, in October 2011, the cabinet approved changes to the PSA, which barred the arrest of those below the age of

¹¹² KT News Service, *JKP eager to help underprivileged children: DGP*, <http://www.kashmirtimes.com/>, February 03, 2010.

¹¹³ Jammu and Kashmir Public Safety Act, 1978 (Act No. 6 of 1978), available at: <http://www.unhcr.org/refworld/docid/3ae6b52014.html>, accessed on September 19, 2012.

¹¹⁴ Editorial, Kashmir Times, <http://www.kashmirtimes.com>, June 10, 2009 and June 12, 2009.

¹¹⁵ Asian Centre for Human Rights, *Juveniles of Jammu and Kashmir: Unequal before the law and denied justice in custody*, <http://www.achrweb.org/reports/india/JJ-J&K-2011.pdf>, November 16, 2011, accessed on September 19, 2012. The study was conducted at the height of the unrest in 2010.

¹¹⁶ Naseer Ahmad, *HC directs establishing of juvenile homes*, <http://www.greaterkashmir.com/news/2010/Jul/13/hc-directs-establishing-of-juvenile-homes-33.asp>, July 13, 2010.

¹¹⁷ Excelsior Correspondent, *DGP visits police academy*, <http://www.dailyexcelsior.com/>, July 19, 2011.

18 years under the PSA.¹¹⁸ Other aspects of the PSA were also amended to reduce the initial period of detention from a year to three months in law and order cases and in cases related to security of the State from two years to six months. The amended Act provides that the grounds of detention will be conveyed to the person arrested or the family within six weeks as opposed to eight weeks. Also, it stipulated that the Chairman of the PSA Board would be appointed for two terms only.¹¹⁹ The amended PSA was finally passed by the State Legislature in April 2012.

The government has also been partially responsive to the need for police reform. In 2009, in response to a Supreme Court directive, the State government set up a committee to draft a revised Police Act. The committee comprised of the Additional Director General of Police (CID), the Inspector General of Police (Modernisation), the Special Secretary, (Home) and the Director (Prosecution). The Draft Act prepared two years hence, was almost along the lines of the draft suggested by the Soli Sorabjee Committee set up by the MHA for the new police act for the rest of the country.¹²⁰ However, of the seven directives of the Supreme Court, the State does not fare very well on most.¹²¹

¹¹⁸ On the Governor's insistence, all juveniles, permanent residents and those from outside the State were included in the ambit of the Act. KT News Service, *Government to examine Raj Bhawan objections on P.S.A ordinance*, <http://www.kashmirtimes.com/news.aspx?ndid=23597>, December 14, 2011. Also see, Editorial, *Tendency to overkill*, <http://www.kashmirtimes.com/news.aspx?ndid=24696>, December 28, 2011.

¹¹⁹ Muddasir Ali, *Government approves PSA amendments*, <http://www.greaterkashmir.com/news/2011/Oct/20/government-approves-psa-amendments-54.asp>, October 20, 2011.

¹²⁰ Faheem Aslam, *JK to refurbish archaic police act*, <http://www.greaterkashmir.com/news/2011/Feb/18/jk-to-refurbish-archaic-police-act-57.asp>, February 18, 2011.

¹²¹ Faheem Aslam, *Police Reforms: Where does JK stand?*, <http://www.greaterkashmir.com/news/2011/Feb/18/police-reforms-where-does-jk-stand-56.asp>, February 18, 2011. On two of them, i.e., formation of State Security Commission and Police Complaints Authority the State government sought an exemption claiming the special security circumstances in the State. On the Police Establishment Board, it claims that they have been set up but they do not exist on ground. On appointment of the DGP, it says this should be done by the UPSC, but in the State, it is still decided by the Central and the State government. The directive of 'two-year tenure' for police officials performing operational roles too is not adhered to.

It is important to note that civil society actors have had the space to debate such issues. The Valley-based Jammu and Kashmir Coalition of Civil Society and the New Delhi-based Commonwealth Human Rights Initiative (CHRI), have taken keen interest in the formulation of the new Police Act in the State.¹²² When the Police Act was likely to be discussed in the budget session in 2011, CHRI held meetings with the DGP and the Home Secretary of the State on the subject and hoped that there would be a public debate before the law is finalised. PUCL Convenor, Balraj Puri, also demanded that the draft be submitted for public discussion.¹²³ A Draft Police Reform Act, which is based on model Police Acts in other states of the country, has been prepared.¹²⁴

The Armed Forces and their Powers

During the Amarnath agitation, the State police, the CRPF and the army were deployed in various capacities to deal with the protestors in both Jammu and Kashmir Valley. There were nearly 50-60 deaths in the Valley, and in the Jammu region there were 15 deaths. While the numbers vary greatly, it is important to note that criticisms in Jammu were framed in the language of use of harsh methods by the police and CRPF, whereas that in the Valley was about the misuse of AFSPA and the public safety act. Also, while most civil society groups like the Peoples Union for Democratic Rights and editorials in newspaper raised serious concerns about the manner in which the CRPF and army were dealing the people in the Valley, they chose to ignore Jammu. Other members of the civil society from Jammu and other parts of the country also appealed to the PM to address the situation in Kashmir arising out of the communal agenda being pursued by those in

¹²² Sana Altaf, *Non-formal core group formed*, <http://www.kashmirtimes.com/news.aspx?nid=22315>, November 28, 2011.

¹²³ Excelsior Correspondent, *Balraj Puri's plea over new police law*, <http://www.dailyexcelsior.com/>, February 18, 2011.

¹²⁴ Sanjeev Pargal, *Models of various states included in PRA*, <http://www.dailyexcelsior.com/web1/12june30/index.htm>, accessed on July 05, 2012.

Jammu.¹²⁵ Similarly, during the Shopian incident and the summer unrest in the year following, the AFSPA came to be questioned even more severely in the Valley.

Everyone starting from the ‘mainstream’ political parties especially the PDP, to the separatist groups, to members of civil society both in the Valley, in the rest of the country and indeed sympathisers abroad came down hard upon the prevalence of the AFSPA and harped on the immunity it gave to the violators of human rights. PDP leader Mufti Mohammed Sayeed, in a letter to the PM, made an appeal for relieving the security forces of internal security duties and scrapping of AFSPA since people have chosen the path of peace.¹²⁶ Yet others called for ‘demilitarisation’.¹²⁷ Subsequently the PDP launched a state-wide campaign for revoking AFSPA and troop withdrawal. In 2011, the State Human Rights Commission too asked for phased revocation of the Act from civil areas¹²⁸, while the Jammu and Kashmir Tourism Alliance said the Act was responsible for travel advisories issued by European governments thereby inhibiting economic gains.¹²⁹ 2012 added a new tangle to the AFSPA debate; the Central Industrial Security Force (CISF) personnel protecting the Nations Hydroelectric Power Corporation (NHPC) power plant fired at protesters at Boniyar resulting

¹²⁵ KT News Service, *Civil Society appeals PM for peaceful resolution of J&K crisis*, August 14, 2009, <http://www.kashmirtimes.com/archive/0808/080815/index.htm>, August 15, 2008, accessed on January 18, 2009. Signatories to the letter included Anuradha Bhasin Jamwal, Apoorvanand, Arundhati Dhuru, Dhruv Sangari, Dunu Roy, Ganesh Devy, Ghanshyam Shah, Indu Prakash Singh, Jatin Desai, Jaya Mehta(Dr), KM Shrimali (Prof), KN Panikkar, Kumkum Sangari, Lalit Surjan, Mahendra Sangari, Mansi Sharma, Nandita Das, Ram Puniyani (Dr), Saif Ahmed Khan, Sandeep Pandey, Shabnam Hashmi, Tapan Bose, Uma Chakravorty, Vineet Tiwari and Zafar Agha.

¹²⁶ See full text of the letter, KT News Service, *Mufti writes to PM*, <http://www.kashmirtimes.com/>, June 09, 2009.

¹²⁷ Sheikh Showkat Hussain, http://www.greaterkashmir.com/today/full_story.asp?Date=9_6_2009&ItemID=18&cat=11, June 09, 2009.

¹²⁸ Arif Shafi Wani, *SHRC joins chorus*, <http://www.greaterkashmir.com/news/2011/Oct/25/shrc-joins-chorus-55.asp>, October 25, 2011.

¹²⁹ Interview with G.M. Dugg, Chairman JKTA, *AFSPA responsible for travel advisories*, <http://www.risingkashmir.com/news/afspa-responsible-for-travel-advisories-18596.aspx>, November 28, 2011

in the death of a young boy. As they claimed immunity under AFSPA,¹³⁰ the incident brought into sharp relief the tension between conflict-related incidents and people's protests for basic needs.¹³¹ With the Amnesty International, the UN Special Rapportuer on Human Rights Defenders and UN Special Rapporteur on extrajudicial, summary or arbitrary executions calling for revoking the AFSPA, and the IPT-K too raising the issue, international attention to the issue is on the rise all over again.

One of the main concerns regarding the AFSPA was that a person detained by the army does not get handed over to the police. It was argued that the police often claim ignorance about such detentions, thus leading to the formation of the Association of Parents of Disappeared Persons (APDP), by mothers and half widows and *yateem kebanas* or orphanages for children of such women. Also, many locals have been labelled foreign mercenaries and no enquiry had been allowed.¹³² In addition, a study published by the Yale University in 2009 based on a field-study in Srinagar, claimed that a 1992 circular prevents the police from lodging FIRs against security forces without permission from higher authorities, sanction for prosecution also comes in the way, trials in military courts are an eyewash and the system has failed to respond to habeas corpus petitions.¹³³

It is however, important to note that the government of the State itself has been actively pursuing the agenda of the revocation of AFSPA. In June 2009, the Chief Minister requested the UPA government to set up a committee for amending the AFSPA for removing its 'draconian

¹³⁰ Muddasir Ali, *CISF Chief arrives in Valley*, <http://www.greaterkashmir.com/news/2012/Jan/4/cisf-chief-arrives-in-valley-42.asp>, January 04, 2012.

¹³¹ Editorial, *The Day After*, <http://www.kashmirtimes.com/news.aspx?ndid=25316>, January 05, 2012.

¹³² Shafat Ahmed Beigh, *AFSPA must go*, http://www.risingkashmir.com/?option=com_content&task=view&id=13567, June 05, 2009.

¹³³ GK News Network, *Yale Law School releases "Myth of Normalcy in Kashmir"*, http://www.greaterkashmir.com/full_story.asp?Date=19_6_2009&ItemID=62&cat=1, June 19, 2009. See Allard K. Lowenstein International Human Rights Clinic, Yale Law School, *Myth of Normalcy: Impunity and the Judiciary in Kashmir*, April 2009, www.law.yale.edu/documents/pdf/.../Kashmir_MythofNormalcy.pdf, accessed on April 16, 2012.

nature' as an important CBM.¹³⁴ Coming in the immediate aftermath of the incident in Shopian during which he had asked for revocation of the Act, this was seen as a compromise.¹³⁵ Later, at the Annual Conference of Chief Ministers on Internal Security in February 2010, the CM requested a consideration of partial revocation from some places. Yet again in the midst of the summer unrest of 2010 and in the presence of security forces, the CM said the AFSPA cannot be revoked right away, but could surely be withdrawn from some areas in Jammu and the Valley where there was a decline in terrorism.¹³⁶

Differences between the MHA and the Ministry of Defence (MOD) became apparent when it was reported that at a meeting of the Unified Headquarters in early June 2009, the Home Minister had indicated that the AFSPA may be revoked from Srinagar and Badgam. By the end of the month there was also talk of it being withdrawn from Jammu and Kathua. However, in December 2009, the Defence Minister stated that the AFSPA will be amended, but will continue to be in place in all the designated districts. He contended that decline in militancy and infiltration levels can only be attributed to the presence of the army.¹³⁷ Then at the peak of the summer unrest in 2010 the Home Ministry submitted the amended AFSPA for the consideration of the Ministry of Defence and the Law Ministry. The proposed amendments were mainly to Section 4 of the Act to make use of force permissible only in self-defence or in imminent threat of death or serious injury, limiting these powers to commissioned officers, seeking a warrant before arrest, proportional use of force, and as under Criminal Procedure Code (CrPC) handing over of the those arrested to the police within eight to twelve hours.¹³⁸

¹³⁴ Anonymous, *Omar seeks AFSPA amendment*, http://www.greaterkashmir.com/today/full_story.asp?Date=1_6_2009&ItemID=73&cat=1, June 01, 2009.

¹³⁵ Editorial, *Omar's about turn on AFSPA*, <http://www.kashmirtimes.com/>, June 02, 2009.

¹³⁶ Rajeev Sharma, *AFSPA to Stay: Omar*, <http://www.greaterkashmir.com/news/2010/Aug/19/afspa-to-stay-omar-49.asp>, August 19, 2010.

¹³⁷ PTI, *30,000 troops withdrawn from J&K but AFSPA to stay*. <http://www.dailyexcelsior.com/web1/09dec18/index.htm>, December 18, 2009.

¹³⁸ Syed Junaid Hashmi, *Centre makes moves to amend AFSPA*, <http://kashmirtimes.com/>, June 21, 2010.

Since then, army officials joined the debate against the revocation claiming that it would affect their operational ability. Thus, on June 14, 2010 the Northern Army Commander said the AFSPA was like a holy book to the army, and like any other holy book, some people may misuse it, but the book itself cannot be blamed for this. It was also argued that the Act allows the army to be proactive, rather than only fire in self-defence, and gives it the right to destroy ammunition dumps and IEDs.¹³⁹ This was criticised as the army was now seen as interfering in policy matters that are best left to political leadership.¹⁴⁰ Moreover, reference to the Holy Book provoked reactions from all factions of separatists. Soon after, the army chief's remarks about 'narrow political gains' driving the calls for revocation of the AFSPA raised concerns regarding the communalisation of the Indian Army and of it going the way of the Pakistan Army by questioning political/civil authority.¹⁴¹

Pertinently, the debate resonated at the highest level as the apex body of the country on matters of security, the Cabinet Committee on Security (CCS), in September 2010, reached a consensus that the AFSPA should not be diluted, but that it could be made more humane.¹⁴² The debate on revocations however, continued.

In 2011, there were reports that the Core Group for each region to discuss revocation of the AFSPA that had been constituted in 2010, was to meet to discuss the issue.¹⁴³ The debate heated up again towards the last quarter of 2011, when the Chief Minister announced that the Disturbed Areas Act (DAA) and the AFSPA would be revoked from

¹³⁹ Iftekhar Gilani, *Army dares Centre on AFSPA*, <http://kashmirtimes.com/>, June 23, 2010.

¹⁴⁰ Editorial, *Its a lawless law*, <http://kashmirtimes.com/>, June 16, 2010.

¹⁴¹ Abdul Majid Zargar, *Army politics: This will damage the fabric of democracy in India*, <http://www.greaterkashmir.com/news/2010/Jun/29/army-politics-19.asp>, June 29, 2010, Bashir Assad, *Indian Army goes the Pakistan Way*, <http://kashmirtimes.com/>, June 30, 2010, Mehmood-ur-Rashid, *India's Kashmir Experiment*, <http://www.greaterkashmir.com/news/2010/Jul/1/india-s-kashmir-experiment-13.asp>, July 01, 2010.

¹⁴² KT News Service, *CCS Silent, all party meet tomorrow*, <http://kashmirtimes.com/>, September 14, 2010.

¹⁴³ Sanjeev Pargal, *AFSPA may go from urban areas of some districts*, <http://www.dailyexcelsior.com/>, October 24, 2011.

some areas of the State at a police commemoration meeting in Srinagar. This time though, in a meeting with the Union Cabinet Secretary, the army, the CRPF and the BSF representatives were reported to have expressed reservations on this proposal.¹⁴⁴ In November, the Chief Minister also constituted a three-member committee of the Director General of Police (DGP), the Additional DGP and the Home Secretary for talks with the Union Home Department, the Army Headquarters and the Defence Ministry for preparing a road map for revoking the AFSPA.¹⁴⁵ In an attempt to take into consideration the requirements of the army for providing effective security, the Chief Minister also suggested that the Ranbir Penal Code of the State could be brought on par with the Criminal Procedure Code to provide immunity to the army, a proposal that was immediately opposed by senior NC leader who called it a compromise on the ‘greater autonomy’ proposal of the party. The PDP said this would amount to bringing in “martial law” in the State for all times to come.¹⁴⁶ The move was also criticised by votaries of police reforms such as the CHRI, and several members of civil society opposed to the AFSPA.¹⁴⁷

The CM’s remarks regarding the DAA triggered a discussion on whether the State government had the authority to revoke the Disturbed Areas Act (DAA) by an executive order as had been reportedly suggested to him by the Home Minister in September 2010. The army however, clarified that the DAA was a State law, which had expired since it was not renewed since 1997, whereas the AFSPA had been promulgated by a resolution of the Parliament.¹⁴⁸ The Law Ministry later clarified

¹⁴⁴ Muazam Mohammad, *Central forces express reservation*, <http://www.greaterkashmir.com/news/2011/Oct/24/central-forces-express-reservation-60.asp>, October 24, 2011.

¹⁴⁵ Excelsior Correspondent, *My views on AFSPA reflect public aspirations: Omar*, <http://www.dailyexcelsior.com/>, November 22, 2011.

¹⁴⁶ Daily Excelsior, *NC planning ‘Marshall Law’: Mehbooba*, <http://www.dailyexcelsior.com>, November 28, 2011.

¹⁴⁷ Abid Bashir, *Government wants to make Police Act more draconian: CHRI, others*, <http://www.risingkashmir.com/news/govt-wants-to-make-police-act-more-draconian-chri-others-18608.aspx>, November 28, 2011.

¹⁴⁸ PTI, *DAA revocation, AFSPA not linked*, <http://www.greaterkashmir.com/news/2011/Dec/13/-d-a-revocation-afspa-not-interlinked—45.asp>, December 13, 2011.

that the power to revoke the AFSPA lay with the Governor, and he must act keeping in mind the will of the Parliament.

There were several discussions in the strategic community regarding the ‘soldier’s perspective’ on the AFSPA. It was argued that the Act is not only an administrative necessity, but Article 4 is also important for tactical reasons and national security, defined as peace and development.¹⁴⁹ It has also been argued that given the people-centricity of its operations with minimum use of force, the levels of human rights violations have been minimal. The army has its own mechanism of taking cognisance of human rights violations if they do occur. The Army’s Human Rights Cell was set up in 1993, even before the National Human Rights Commission was established. In the words of the Corps Commander of the Valley-based 15 Corps:

“From 1990 to 2009, 1510 charges of human rights violations were filed against security forces and only 35 were found true. In 17 cases, the Indian Army took *suo moto* cognisance. Due to strict measures taken by the Indian Army against the offenders, numbers of such cases have reduced drastically. Totally, 104 personnel including 39 officers have been punished for violations. While in the same period, 3806 soldiers and officers achieved martyrdom and 9219 faced non-fatal injuries. The data is self-explanatory about the conduct of troops and a testimony of people friendly operations.”¹⁵⁰

As reported in the Valley’s newspapers quoting army sources, allegations of human rights violations against the army were 1790 in 1990.¹⁵¹ However, the number of such allegations has come down considerably.

¹⁴⁹ Harinder Singh, *AFSPA: A Soldier’s Perspective*, http://idsa.in/idsacomments/AFSPA:ASoldiersPerspective_hsingh_060710, July 06, 2010.

¹⁵⁰ Report of CLAWS seminar on *Internal Security: Duties and Obligations in Upholding Human Rights*, January 05, 2010, http://www.claws.in/index.php?action=master&task=462&cu_id=36; Also see Report of CLAWS seminar *AFSPA: Is a Review Necessary?*, http://www.claws.in/index.php?action=master&task=610&cu_id=36, July 29, 2010.

¹⁵¹ Harmeet Singh, *One case of HR violation against the Army*, http://www.greaterkashmir.com/today/full_story.asp?Date=27_8_2009&ItemID=86&cat=1, August 27, 2009.

More recently, the Defence Minister said that since 2007, 24 cases were forwarded to MoD by the government, 19 of which were rejected for lack of a prima facie case, and others were being investigated.¹⁵²

The debate on the AFSPA in Jammu and Kashmir has drawn strength from judgements and reports that have been arrived at in contexts other than Jammu and Kashmir, mostly North East India. Several write-ups appeared in the Valley press on the constitutional validity of the Act that was upheld by the Supreme Court with clear instructions on the dos and don'ts for the conduct of armed forces when deployed in the case of Naga People's Movement for Human Rights vs. Union of India in 1997. References are also made to the Justice Jeevan Reddy Commission 2005, which had recommended that eventually the Act must go and relevant provisions of the Act could be incorporated in Unlawful Activities Prevention Act. In the meantime, it suggested the setting up of a grievance redressal cell in every district. Another point of reference is the Second Administrative Reforms Commission 2007, which made the same suggestion, but only with reference to states in North East India.

Thus, it is pertinent to point out that during these years, among those seeking to revoke or amend the AFPSA, there are several protagonists. To begin with, there are human rights groups based in the State as well as international organisations. Support is also forthcoming from the civil society in the country. The Centre for Policy Analysis forwarded an appeal to the PM to, among other things, repeal the AFSPA and PSA.¹⁵³ Successive elected government's in the State since 1996 have

¹⁵² PTI, *19 AFSPA cases rejected: Anthony*, <http://www.dailyexcelsior.com/>, December 20, 2011.

¹⁵³ The signatories included Justice Rajinder Sachar, former President PUCL/ Justice AP Shah, former Chief Justice/ Kuldip Nayar, veteran journalist, former Rajya Sabha MP/ Aruna Roy, Mazdoor Kisan Shakti Sangathan/ Prashant Bhushan, senior Advocate/ Saeed Mirza, filmmaker/ SP Shukla, former Finance Secretary, Managing Trustee, CPA/ Mahesh Bhat, filmmaker/ Githa Hariharan, Author/ Anand Patwardhan, filmmaker/ Kamal Mitra Chenoy, Professor, Jawaharlal Nehru University/ Probir Purkayastha, Delhi Science Forum/ Mohan Roy, Professor, JNU/ Vrinda Grover, Advocate/ Shabnam Hashmi, Activist/ Anuradha Chenoy, Professor JNU, Trustee CPA/ Ayesha Kidwai, Associate Professor, JNU/ Zafar Agha, Journalist/ Meena Menon, Activist/ Seema Mustafa, Journalist, Director, CPA, [.http://www.risingkashmir.com/news/open-letter-to-manmohan-singh-16072.aspx](http://www.risingkashmir.com/news/open-letter-to-manmohan-singh-16072.aspx), September 29, 2011.

also pushed for the eventual withdrawal of the Act. In addition, since its establishment in 1997, the State Human Rights Commission has been taking up several cases related to violation of human rights by forces acting under the AFPSA and has achieved limited success in getting compensations awarded in some cases. At the interstices of the Union and State government, the report of the Working Group on Confidence Building Measures in the State, set up by the Prime Minister in 2005, which consisted of members of all political parties in the State, states that the Act “impinges on fundamental rights of citizens and adversely affects the public” and therefore, must be reviewed and revoked.¹⁵⁴ Significantly, in a hearing of the long pending Pathribal case, the Supreme Court of India arguing that those allegedly involved in rape and murder could not invoke AFSPA, ruled that the army proceed with the trial of the accused in its own court or allow for their trial in a civil court. Thus compelled by court orders, the army has initiated trial proceedings against the accused.

Conclusion

From the above mentioned discussion, it emerges that the security response of the State at the present juncture, which comprises of increasing use of police forces and the use of armed forces where required, has certain defining characteristics.

On the policing front, there has been special focus on strengthening the police apparatus through capacity-building. As elsewhere in the country, the Union Government is supporting this process through various schemes such as the MPF, CCTNS, creation of IRBs, and provision of SRE (P). This process however, is proceeding along with attempts of the state to respond to concerns raised by people regarding police reforms, amending security related legislation such as the PSA, removing bunkers of the police from Srinagar, and some engagement with NGOs in the State and from elsewhere in the country on these issues.

¹⁵⁴ Recommendations of the Working Group on Confidence Building Measures across the State, Recommendation no.1.3, January 2007.

On the armed forces and their powers, the debate is ongoing. It reflects an attempt at finding the right balance between the need to have adequate presence of the armed and police forces in the State to further reduce violence levels by counter-militancy operations and manage serious law and order situations on the one hand; reducing their numbers and visibility based on threats assessments on the other; while simultaneously ensuring that the forces present observe maximum restraint while performing these duties. The concerns of the civil society and the NGOs have been taken seriously at the highest levels in the country's parliament and the Supreme Court.

IV RESPONSE TO GOVERNANCE ISSUES

The state of governance in Jammu and Kashmir, which had not been a major issue in the crises during 2008 and 2009, was suddenly brought to the fore with the PDP linking the unrest of 2010 to mis-governance and the inability of the government to address the aspirations of the young people. The response of the government to both these issues however, had begun much before the issues were raised during the unrest. Prominent among these were the conduct of elections to the panchayats to empower people at the grass-roots, some movement forward on empowering the watchdogs of governance and addressing concerns of human rights.

Panchayats

Holding elections to *panchayats* was an election promise of the NC. *Panchayat* elections had earlier been held in 1979 and then in 2001.¹⁵⁵ In the first reference to the promised *panchayat* elections in 2009, the Minister for Rural Development stated that since funding under centrally sponsored schemes has been linked to holding of *panchayat* elections, not holding elections in 2006 meant that funds worth Rs. 15 lakh annually per *panchayat* or nearly Rs. 254 crore for the entire State could not be disbursed to the *panchayats*. However, given the security considerations arising from the turmoil in the Valley due to the Shopian incident, elections to the *panchayats* were planned for 2010.¹⁵⁶ In the meanwhile,

¹⁵⁵ During 2001 elections, there were a total of 2700 *panchayats* in the State—1470 in Kashmir and 1230 in Jammu. After the completion of their term in 2006, the delimitation was carried out and at present there are 4139 *panchayats* across the State—2170 in Kashmir division and 1969 in Jammu province. The Leh and Kargil districts have 93 and 95 *panchayats* respectively. See Mohinder Verma, *J&K losing 254 cr Central assistance*, <http://www.dailyexcelsior.com/web1/09july21/index.htm>, July 21, 2009, accessed on July 24, 2009.

¹⁵⁶ Mudassir Ali, *Panchayat polls likely to be delayed*, http://www.greaterkashmir.com/full_story.asp?Date=19_7_2009&ItemID=56&cat=1, July 19, 2009.

the State government constituted a committee on rural development, which among other things was to suggest amendments to the Panchayati Raj Act, 1989. Then in June 2010, the 13th Finance Commission (2010-2015) sanctioned Rs. 1000 crores, including the amount that was due during the 12th Finance Commission period (2005-10). The *panchayat* elections would be held in September 2010, and elections to municipal bodies, earlier scheduled for May 2010, were postponed to the last quarter of 2010.

By January 2011 it was declared that the CM had announced the creation of a three-tier *panchayat* system as in the rest of the country, envisaging *panchayats* and municipal bodies, with reservation for women.¹⁵⁷ 16-phase elections to the PRIs were announced in March 2011 and a model code of conduct was imposed.

The civil society in the State has been actively engaged in carrying forward the debate on the empowerment of institutions of governance at the grassroots mainly to make them comparable to similar institutions in the rest of the country. Balraj Puri, a prominent voice on issues of politics and governance in the State, pointed out that the State Act, does not allow for any direct elections at the district and block levels, but limits them to the lowest, i.e. *balqa panchayat* level.¹⁵⁸ At all levels there is official oversight or control, while there is no provision for overseeing of the elections by the Election Commission of India or audit of the accounts of these bodies by the Comptroller and Auditor General of India. The State law also does not ensure the financial viability and autonomy of these institutions. Moreover, in place of 33 per cent reservation, it provides only for nominations of two members, women and scheduled caste or any other class at the block level.

Once elections were announced, a committee headed by the Chief Secretary was set up on April 13, 2011 to decide on devolution of

¹⁵⁷ KT News Service, *Three-tier panchayati raj a milestone: Rana*, <http://kashmirtimes.com/>, February 14, 2011.

¹⁵⁸ Balraj Puri, *Panchayati Raj in J&K*, <http://www.risingkashmir.com/news/panchayati-raj-in-jk-8116.aspx>, April 06, 2011.

powers to *panchayats*. The committee submitted its report on July 15, 2011.¹⁵⁹ It recommended that under the J&K State Finance Commission for Panchayats and Municipalities Act, 2011, the State Finance Commission would be set up to decide on funding for the *panchayats*. It recommended a strong auditing and reporting system to be put in place as the Panchayati Raj Institutions (PRIs) would be receiving considerable funds under various centrally sponsored schemes. While the PRIs would function with the 1989 Act (as amended) to have a State Election Commission, for the rest of the changes, it would wait to see the working over the next five years. The only changes it asked the government to consider were:

- amendment to section six of the J&K Panchayati Raj Act, 1989 so as to reduce the eligibility for election as *Panch/ Sarpanch* from the present 25 years to 21 years on the lines of the 73rd Amendment Act
- amendment to section 45 of the J&K Panchayati Raj Act so as to create provision for election of the Chairman District Planning and Development Board by an electoral College of *Panches, Sarpanches of Halqa Panchayat* and Chairman of Block Development Council
- amendment to section four and other relevant provisions of the J&K Panchayati Raj Act, 1989 to extend reservation of women and SC/ST to the levels of Sarpanch of Halqa Panchayat, the Chairman Block Development Council, and the Chairman of District Planning and Development Board.¹⁶⁰

It recommended that certain powers, partly corresponding to the 73rd amendment in the Constitution of India regarding the 14 departments to be devolved to the PRIs, Agriculture , Animal & Sheep Husbandry, Consumer Affairs & Public Distribution , Education (School) Department, Fisheries Department, Forest Department, Health &

¹⁵⁹ Government of Jammu and Kashmir (General Administration Department), *Report of the Committee on Devolution of Powers to Panchayats*, http://jkgad.nic.in/statutory/Report_PRIs.pdf, accessed on April 25, 2012.

¹⁶⁰ *Ibid*, pp.13-14.

Family Welfare Department, Horticulture Department, Industries & Commerce Department, Public Health Engineering and I&FC, Public Works (R&B) Department, Revenue Department, Rural Development Department, Social Welfare Department. There was a proviso for capacity building of the PRIs through the Institute for Management and Public Administration (IMPA).

There was an 80 per cent voter turn out in the elections in which 29,707 *panches* (head of the village) and 4128 *sarpanches* (head of a group of *panches*) were elected. They took oath of the office from July 19-26, 2011, and the CM visited several Assembly constituencies to meet the newly elected *panches* and *sarpanches*. The first devolution was announced on August 28, 2011, and the cabinet committee of the State approved the recommendations of the Report on September 20, 2011, and the CM announced the creation of *Panchayat ghars* (home/office space).¹⁶¹ In November, the Finance Department announced the scheme for devolution of funds to the PRIs through each of the 14 departments identified by the Report, including setting up of a Local Fund Audit Cell. Training programmes of various kinds have been held since June 2011 in various districts of Jammu, Kashmir and Ladakh. The government claimed that the process of devolution of powers - functions, functionaries and finances- coined as the 3Fs- has commenced. By 2014, an elected member of the *panchayat* would be made Chairman of the District Development Board; in the interim, one such person will be the Vice Chairman of the Board.¹⁶² After several months of wait, and with considerable effort of the State Congress, the State cabinet passed an ordinance in October 2012 accepting reservations for women, scheduled castes and tribes at the block level and reportedly accepting most provisions making the State Act comparable to the all-India law.¹⁶³

¹⁶¹ GK News Network, *Cabinet approves devolution of powers to panchayats*, <http://www.greaterkashmir.com/news/2011/Sep/22/cabinet-approves-devolution-of-powers-to-panchayats-70.asp>, September 22, 2011.

¹⁶² Jammu and Kashmir National Conference, *Three Years Walk Through*, <http://www.jknc.in/UploadFiles/ThreeYearsWalkThrough.pdf>, p. 4, accessed on February 06, 2012.

¹⁶³ Abid Bashir, *Govt defers BDC polls, Cabinet approves ordinance on SC, ST, women reservation*, <http://www.greaterkashmir.com/news/2012/Oct/16/govt-defers-bdc-polls-83.asp>, October 16, 2012.

Watchdogs of Governance

Much debate in the State has focussed on ensuring good governance in the State. In order to be responsive to the people's needs, a grievance redressal cell, *Awaz-e-Awam* (voice of the people), was set up on September 4, 2009 in the CM's Secretariat with nodal officers in each department to deal with complaints. 13,041 cases of the 14,067 complaints received had been disposed off until December 21, 2011. The Jammu and Kashmir Public Service Guarantee Act was passed in August 2011. The Act provides for the delivery of 45 public services in the six departments of Public Health Engineering (PHE), Power, CAPD, Revenue, Housing and Transport) by the designated officers within the specified time limit.¹⁶⁴ Also, under the Jammu and Kashmir e-Governance Authority (JKeGA), 700 *khidmat* (service) centres were set up and a state of the art data centre is being created.¹⁶⁵

There has also been some movement forward on empowering institutions that would ensure better delivery of governance namely the State Accountability Commission (SAC), State Vigilance Commission (SVC) and the State Information Commission (SIC). The Act setting up the SAC in 2003 was amended in 2011 to limit its purview to 'public functionaries', and the SVC was set up by an Act of 2010 to look into cases related to public servants.

The government enacted the new Right to Information Act in 2009, thus replacing the 2004 Act (amended in 2008).¹⁶⁶ The CHRI and activists in the Kashmir Valley led by Raja Muzzafar Bhat played a key role in bringing in the new Act, which brought the RTI Act of the State nearly on par with the Central RTI Act. The rules for using the Act were revised based on inputs from the Central Chief Information Commission. However, it took until January 2011 to set up the State Information Commission. A committee headed by the CM appointed

¹⁶⁴ Om Raj Katoch, *JK PSG Act: A way to good governance*, <http://www.dailyexcelsior.com>, December 29, 2011.

¹⁶⁵ Jammu and Kashmir National Conference, *Three Years Walk Through*, Note 162.

¹⁶⁶ Jammu and Kashmir Government, *Jammu and Kashmir Right to Information Act*, March 20, 2001, <http://jksic.nic.in/Pages/JK-RTI-Act-2009.PDF>, accessed on April 25, 2012.

the State Chief Information Commissioner and two information officers in 2011. Also public information officers (PIOs) were appointed in all departments and were being trained at the Institute for Management and Public Administration (IMPA) with funding from the Central Department of Personnel and Training. Since the appointment of the State CIC, it had become active in penalising PIOs who had not furnished information in the requisite period. However, its working is limited since a legal cell, Monitoring and Reporting Wing, Right to Information and Transparency Institute, Human Resources Development wing and Public Relations wing have not yet been created.¹⁶⁷ In August 2012, the government amended the RTI rule of 2010 to lower the RTI application fee, but created a controversy by making the process of applying for information more tedious and limiting the powers of the SIC to act in case of non-provision of information by PIOs.¹⁶⁸

There are frequent reports in the print media regarding the information sought by RTI activists and users. Such information has revealed several interesting details- that the claims of the State government for takeover of Salal hydropower project from the National Hydroelectric Power Corporation (NHPC) which has been a source of protests and angst has no formal basis; that officials of the Power Development Department in Tral pay only 30 per cent of the basic charges for power usage, and such a concession is not given to the BPL population in the area; that 362 *madrasas* in the State have benefited from the centrally sponsored scheme for providing quality education. An RTI by the JKCCS even brought out the mismatch of numbers between State government and the Ministry of Defence affidavit on AFSPA cases. It revealed that from 1989-2011, the State had forwarded 50 AFSPA related cases to the Centre- 19 to the Home Ministry and 31 to the Defence Ministry. Of these 26 were rejected, 16 cleared. In eight cases sanction for prosecution were given of which, six pertain to the Home

¹⁶⁷ Umer Maqbool, *SIC without staff, creation proposal hit*, <http://www.greaterkashmir.com/news/2012/Feb/21/sic-without-staff-creation-proposal-hit-79.asp>, February 22, 2012.

¹⁶⁸ Umer Maqbool, *Govt amends RTI rules*, <http://www.greaterkashmir.com/news/2012/Aug/31/govt-amends-rti-rules-61.asp>, August 31, 2012. The new RTI Rules 2012 have done away with 38 of the 51 rules.

Ministry and two pertain to the Defence Ministry. However, the Defence Ministry denied that these two prosecutions had been allowed.¹⁶⁹

Human Rights

Human rights concerns, especially vis-à-vis the Valley, that have underscored a large part of the discourse on ‘Kashmir’, were resuscitated during the three years of crises. The London-based Royal Institute for International Affairs or Chatham House in a report based on the first ever survey of opinions on both sides of the Line of Control (LoC) on a wide range of issues, revealed that human rights was rated as being among the top issues confronting the people of the Valley.¹⁷⁰

Table 8: Human Rights as priority issue

District	Per cent
Srinagar	87
Anantnag	73
Baramulla	88
Badgam	55
Kargil	42
Leh	18
Jammu	03
Udhampur	06
Kathua	08
Poonch	02
Rajouri	05

(Source: Kashmir: Paths to Peace)

The debate on human rights has been predominantly carried forward by state-based and international human rights NGOs. However,

¹⁶⁹ KT News Service, *Impunity under AFSPA*, <http://www.kashmirtimes.com/news.aspx?ndid=19431>, October 20, 2011.

¹⁷⁰ Robert W. Bradnock, *Kashmir: Paths to Peace*, Chatham House, London, May 2010, http://www.humansecuritygateway.com/documents/CHATHAM_KashmirPathsToPeace.pdf, p.7, accessed on April 15, 2012. In Jammu and Kashmir, the survey was conducted in 11 districts, with a sample-size of 2374.

successive governments in the State have regarded human rights as a critical aspect of governance. The vision document of the NC, for instance, mentions zero tolerance of human rights violations as a key measure of governance that it would try to uphold. In 2009, it operationalised the investigative wing of the SHRC headed by an IG rank officer. In 2011, the Governor appointed two more advocates, so that the SHRC could function at full strength.¹⁷¹

Despite several limitations, the SHRC, which was set up in 1997 has done some commendable work in ameliorating the human rights concerns of the people. It has received a large number of cases of human rights violations, not necessarily relating to violations by armed or police forces.¹⁷²

Table 9: Human rights cases received by the SHRC

Year	Number of Cases Received
1997-98	51
1998-99	227
1999-00	309
2000-01	395
2001-02	474
2002-03	482
2003-04	575
2004-05	406
2005-06	312
2006-07	366
2007-08	716
2008-09	404
2009-10	467

(Source: SHRC Annual Reports)

¹⁷¹ GK News Network, *Fida, Singh are new SHRC members*, <http://www.greaterkashmir.com/news/2011/Jun/29/fida-singh-are-shrc-members-28.asp>, June 29, 2011.

¹⁷² The SHRC has received 18 types of cases since its inception. These include cases of ex-gratia relief, release, rape case, land case, harassment, disappearance, custodial death, murder, death investigation, death compensation, compassionate appointment, occupation, service matter, security cover, rent cases, enquiry, kidnapping and others. The number of cases is drawn from Annual Reports of the SHRC for 2007-08 onwards.

Several cases that are being brought to the SHRC in recent years pertain to the time during which insurgency/militancy was quite prevalent and counterinsurgency operations were at their peak. For instance, in 2009 the Member of the Legislative Assembly from Langate, Engineer Sheikh Rashid filed 24 applications with the SHRC related to 33 deaths caused by the army, the BSF, the STF, the militants and Ikhwanis during early 1990s. He alleged that from 1990 to February 2003, 39 families of Langate were used as labourers without payment by the 30 RR.¹⁷³ In the Kunanposhpura case of alleged rape of February 22-23, 1991, there was no satisfactory progress on the investigation. Several years later in 2007, the petitioners appealed to the SHRC for justice. However, there are also more recent cases such as the one in which the SHRC approached the Ministry of Defence to request that the army personnel, who according to an enquiry conducted by the State police, had in a case of mistaken identity, targeted a tailor in Kupwara in February 2009, must be allowed to be prosecuted.¹⁷⁴

The SHRC though, has not been successful in getting compensations or getting investigations done in all cases. For instance, it investigated the case of Abdul Rashid Bhat who allegedly died in custody in 2000. After all investigations by the SHRC, it found the police/security forces guilty, and in 2007 ordered a compensation of Rs. 1 lakh and benefits under SRO-43.¹⁷⁵ His wife was still awaiting this compensation in 2009.¹⁷⁶ In another case, the family of a man who had been shot for being a militant, in 2002 in Surankote, was exhumed and it was established that unlike the claim of the SOG and the army, he was not a guide for militants. So, the family approached the SHRC, which asked the police

¹⁷³ Syed Basharat, *International Human Rights Day*, <http://www.kashmirtimes.com/>, December 10, 2009.

¹⁷⁴ Arif Shafi Wani, *SHRC indicts troops in civilian killing*, <http://www.greaterkashmir.com/news/2010/Oct/21/shrc-indicts-troops-in-civilian-killing-42.asp>, October 21, 2010.

¹⁷⁵ SRO-43 or the Jammu Kashmir (Compassionate Appointment Rules) 1994, is the ordinance under which appointment and/or scholarship is provided to families affected by militancy.

¹⁷⁶ Sana Altaf, *Even after nice years Raja Begum's struggle for justice continues*, <http://www.kashmirtimes.com/>, December 30, 2009.

to file a reply in 2007. There has however, been no response from the police.¹⁷⁷

In some cases where the army or paramilitary forces are the accused, the police have been successful in investigating the cases, but not so successful in others. Thus, in the case of the death of Zahid Farooq in February 2010, the police were able to complete investigation and held that orders for firing that were given by a commandant of the BSF were unprovoked. However, in the Doodipora case of 2006, where four young boys playing cricket had been allegedly targeted by the army, the police have claimed that they have not been able to receive cooperation of the army to carry out an investigation.¹⁷⁸ Moreover, cases such as the firing in October 2002 in Bijbehara, where 13 BSF men were found guilty of firing on a procession protesting the siege of Hazratbal by the military, resulting in the death of 40 people, still linger in the minds of people. A judicial inquiry found them guilty but the General Security Force Court acquitted them based on their version that militants had fired upon them from the crowds. The NHRC too has been unable to bring about their conviction and had filed a case in the Supreme Court, which it later withdrew.¹⁷⁹

Reports of civil society groups continue to highlight areas of concern. Thus, a report by the Valley-based Jammu Kashmir Coalition of Civil Society (JKCCS) stated that from 2003-2010, there have been 225 custodial killings and 360 enforced disappearances.¹⁸⁰ In the aftermath of the unrest of 2010, a study conducted by the Delhi-based Centre for Dialogue and Reconciliation of the 97 families whose children lost their lives in the summer unrest of 2010 revealed that several deaths,

¹⁷⁷ Samaan Latif, *8 yrs on, Justice eludes Poonch family*, <http://www.greaterkashmir.com/news/2010/Nov/8/8-yrs-on-justice-eludes-poonch-family-36.asp>, November 08, 2010.

¹⁷⁸ Shabir Ibn Yousuf, *Doodipora killings: Arrest guilty troopers, say families*, <http://www.kashmirtimes.com/>, February 22, 2010.

¹⁷⁹ Shabir-ul-Haq, *Bijbehara Massacre: Rashid lost brother, became disabled themselves*, <http://kashmirtimes.com/>, October 22, 2010

¹⁸⁰ Syed Basharat, *14,000 people die in 7 years*, <http://kashmirtimes.com/>, February 24, 2010.

though not deliberate, were perhaps avoidable.¹⁸¹ The study found that 39 of the 97 were students, 27 unskilled labourers, 19 petty businessmen/traders, six employed in government or private service, two farmers and four women. In 74 cases, there was a clear denial of involvement in stone pelting. 51 of those killed were by-standers, 35 were participating though not necessarily indulging in stone pelting, 21 families were not offered compensation, 68 accepted it, eight refused it on moral grounds, and two have not yet received it. Studies by the Asian Centre for Human Rights on the juvenile justice system mentioned earlier and by Amnesty International on the Public Safety Act point to several weaknesses in the administration of justice.¹⁸²

The SHRC has also been taking cognisance of some issues being highlighted by groups such as the Association of Parents of Disappeared Persons (APDP), JKCCS, Amnesty International and the IPTK. On the basis of an APDP survey, which claimed the existence of 940-1000 unmarked graves in the Uri sub-division that the Amnesty International had highlighted, the SHRC sought to seek information on 202 unmarked graves – 97 in Bijhama, 75 in Boniyar and 30 in Uri and ordered an independent inquiry too.¹⁸³ The APDP also claimed that it had discovered 1500 unidentified graves, of which eight had more than one dead body in Baramulla, Kupwara and Bandipore.¹⁸⁴ In August 2011, SHRC released a report by its 11-member Special

¹⁸¹ Centre for Dialogue and Reconciliation, *Behind the Numbers: Profiling those killed in Kashmir's 2010 unrest*, <http://www.cdr-india.org/pdfs/Kashmir's%20unrest%202010.pdf>, August 2011, accessed on April 20, 2012. They belonged to Baramulla -39, Anantnag- 12, Pulwama- 11, Srinagar -16, Budgam -7, Shopian- 3, Ganderbal- 2, Kupwara -2, Bandipore -2, Kulgam -3. 21 families were not offered compensation, 68 accepted it, 8 refused it on moral grounds, 2 have not yet received it.

¹⁸² Amnesty International, A 'Lawless' Law: Detentions under the Jammu and Kashmir Public Safety Act, 2011, <http://www.amnesty.org/en/library/asset/ASA20/001/2011/en/cec7e82a-f6a1-4410-acfc-769d794991b1/asa200012011en.pdf>, accessed on September 19, 2012.

¹⁸³ GK News Network, *SHRC seeks government response on unmarked graves*, http://www.greaterkashmir.com/today/full_story.asp?Date=12_6_2009&ItemID=50&cat=1, June 12, 2009.

¹⁸⁴ Aijaz Hussain, *APDP finds more unmarked graves in Kashmir*, http://www.risingkashmir.com/index.php?option=com_content&task=view&id=16016&Itemid=1, August 21, 2009.

Investigation Team stating that it had come across unidentified graves with 2156 bodies in the Valley. It also said that the 2730 such graves were spread over 38 cites in Baramulla, Bandipore and Kupwara districts. Of these 517 were identified and 17 shifted to their native places. It put on record the testimonies of 62 witnesses and recommended that a DNA profiling of these bodies be carried out to ascertain if these are of the disappeared people that the APDP/IPTK had been speaking about. The report provoked reactions from political parties, separatists, human rights advocates from the Valley like the APDP and its supporters the IPTK, the Amnesty International and the Indian civil society, who felt vindicated by these findings. By October, the SHRC had also ordered a *suo motu* investigation into such graves that the APDP said it had found in Poonch and Rajouri.

The MHA too has given attention to human rights issues by emphasising the setting up of SHRCs in all states of the country. The MHA reported that since January 1994 until March 2009, 1185 complaints were received against the army and Central Paramilitary Forces personnel of whom 1162 were investigated, 1129 were found to be false, 33 cases found genuine, penalties imposed on 69 personnel and six compensations awarded.¹⁸⁵ In a significant move in the case relating to the death of human rights lawyer Jaleel Andrabi in 1996¹⁸⁶, the MHA, in June 2011, forwarded the request of the State police to the Ministry of External Affairs (MEA) for the extradition of the accused from the USA.

Conclusion

From the discussion above, it emerges that on issues of governance, the government has taken some steps to fulfil the people's expectations. Though delayed, elections to the *balqa panchayats* were held after a long gap of 33 years. The process of their empowerment by devolving powers to them and training them is ongoing. The amended Panchayati Raj Act is a definite step forward towards bringing it closer to the national act on the subject.

¹⁸⁵ MHA, *Annual Report 2008-09*, p. 48, Note 6.

¹⁸⁶ Syed Basharat, *Jaleel Andrabi killing case*, <http://www.kashmirtimes.com/>, March 05, 2009.

As regards the watchdogs of governance, namely the SAC, SVC and the SIC, there has been a nominal move forward as the organisations have been given heads, members and manpower to function. The RTI Act was amended, thus enabling the nascent RTI activists and others to seek information on a wide range of issues affecting their lives.

On the human rights front, the SHRC has been provided with an investigative wing, which played a key role in investigating the unmarked graves in the State. It has emerged as the organisation that has been able to conduct inquiries and award compensations in cases that have been pending for a long time. It is also taking cognisance of cases and issues being highlighted by civil society groups.

V

RESPONSE TO DEVELOPMENT ISSUES

In the years under consideration, the National Conference led coalition government in the State has had eleven main areas of developmental focus: empowerment of masses, more knowledge centres, integrating youth into the economic map of the State, focus on health and medical education, power and electrification, infrastructure development in districts, industry, agri-growth, social welfare, forest conservation, tourism development.¹⁸⁷ Although balanced development has been the catchword of the government, longstanding regional tensions have been hallmark of the politics of Jammu and Kashmir. Jammu and Ladakh have claimed regional autonomy and Union Territory status respectively at various points of time since 1947. The Amarnath crisis was a clear manifestation of the tension between Jammu and Kashmir regions. After the decision of the new Governor to go back on the decision to give land to the SASB, the entire mobilisation was based on the feeling of discrimination that the Jammu region has faced vis-à-vis the Kashmir Valley. Commenting on the Amarnath crisis, in a perceptively written article, Rekha Chowdhary warned that history was repeating itself in the State where polarisation between the regions was manifesting itself along religious lines.¹⁸⁸ This regional politics, she argued, had played out using the logic of exclusivity and zero-sum games, preventing people from thinking like other people of the same State. While the summer unrest of 2010 was limited to the Valley, it is perhaps the memory of the regional frictions that prompted the leaders of the All Party Delegation to suggest the formation of two special task forces to assess the development needs of Jammu and Ladakh, and to

¹⁸⁷ Jammu and Kashmir National Conference, *Three Years Walk Through*, Note 162.

¹⁸⁸ Rekha Chowdhary, *The need to assert the middle ground*, <http://www.kashmirtimes.com/archive/0806/080627/index.htm>, June 27, 2008, accessed on January 16, 2009.

appoint interlocutors who would interact with the people and representatives of all three regions of the State to learn more about their grievances and their conceptions of various political solutions that would lead to peace in the State.

Regions and their Development

The Special Task Force for Jammu was mandated to focus on- two-year projects, developmental needs based on feeling of discrimination, low density of population and large area needing more infrastructure than for normal population norms. It was felt that projects having multiplier effect on employment should be considered.¹⁸⁹ The Chief Secretary when consulted, pointed out that there was need of immediate benefits in the form of roads, bridges and irrigation infrastructure, and education, health care and road connectivity infrastructure in Rajouri, Poonch, Reasi, Doda and Kishtwar.¹⁹⁰ Every political, civil society and community group that met with the task force “spoke on political lines consistently emphasising the point that Jammu was a neglected region....”¹⁹¹ The task force based on its visit felt urgent need for employment opportunities, poor power supply, drinking water and solid waste management.¹⁹² It was felt that most of these could be met with from ongoing central and state sector schemes-thru plans and the line ministries concerned.¹⁹³ Of the 67 PMRP projects, 18 are in Jammu region with a project cost of Rs.13, 116 crore. These are in the field of education, ITIs for women, Tourism Development Authorities,

¹⁸⁹ Special Task Force Report to Examine Developmental Needs of Jammu Region of the State of Jammu and Kashmir (STFJ, abbreviation mine), February 2011, p. 1. (Courtesy, MHA)

¹⁹⁰ STFJ, p. 2

¹⁹¹ STFJ, p.5

¹⁹² STFJ, p. 2

¹⁹³ The task force pointed out that much of this was being done under the Prime Minister's Reconstruction Programme (PMRP), as well as through the normal plan process and the 14 flagship programmes of the Union government. The 13th Finance Commission gave grants worth Rs. 125 crore. Of the total plan outlay of Rs. 6000 crores, Rs. 1633.49 crore is earmarked for District Plans. The Jammu region was allocated Rs.752.38 crore, Kashmir region- Rs.736.16 crore and Ladakh got Rs.144.94 crore.

temporary shelters and repairs, power, roads, health, civic amenities, tourism circuit/conservation, dislocated Kashmiri Pandits and militancy affected persons (those coming from PoK).¹⁹⁴

Therefore, it identified short duration discrete projects not covered by them or execution of which will have a multiplier effect in terms of promoting livelihood, facilitating tourism and removing alienation, to be implemented over the next two years at the cost of Rs.496.63 crore.¹⁹⁵

- water supply scheme for Katra town
- project to expand/upgrade Jammu Airport
- upgrading the general bus stand in Jammu
- consolidation of public service delivery through integrated mini-secretariat complexes in Rajouri, Poonch and Doda
- upgrading industrial estates of Jammu Division to overcome deficiencies of power transformers, HT/LT lines, roads, etc. affecting profitability and leading to loss of employment in Jammu, Samba, Kathua and Udhampur, Rajouri, Poonch and Kishtwar
- development of tourism infrastructure in Jammu
- promotion of basmati rice
- road connectivity projects
- development of Naigad Multipurpose Canal in Kishtwar
- construction of Disaster Management Stores with Heli Base facilities at Birmon Udhampur
- solid Waste Management in towns of Jammu
- construction of Chenab House at Jammu for people of erstwhile Doda District
- Gaddi/Sippi Hostel at Udhampur, along the lines of a Gujjar/Bakkerwal hostel

¹⁹⁴ For details see, pp. 3-4 and Annexure II of the Report.

¹⁹⁵ For details and rationale of these projects see, pp. 6-10.

- a slaughter house and truck terminal in Doda.¹⁹⁶

The Special Task Force on the developmental needs of Ladakh region identified the following special needs of inadequacy of physical infrastructure-air connectivity, roads, tunnels and bridges and electronic connectivity with others parts of the State and the rest of the country.¹⁹⁷ Therefore, it recommended:

- air connectivity for Kargil, Zaskar and Nubra.
- road connectivity through Zojila tunnel, alternate route to Padam and connecting Padam with Himachal Pradesh, Panikhar-Pahalgam road to connect Kargil to Valley, internal roads, especially in Kargil.
- electronic connectivity by introducing BSNL, Airtel and Reliance service in the region.
- power to be provided by completion of hydel power projects, transmission lines from Srinagar to Leh approved in 2004 to be completed, and to develop geothermal energy sources if viable in addition to harnessing solar energy.
- tourism potential to be advanced by a cohesive master plan integrating the two districts to promote cultural, rural and adventure tourism.
- focus on education, skill development and sports for youth by providing degree colleges and a campus each of the two proposed Central Universities, ice-hockey, polo and indoor sports facilities.¹⁹⁸

Like the Task Force for Jammu, this Task Force too noted that the PMRP, Annual State Plan, recommendations of the Finance Commission, and the Solar Mission are already in place. Given that the Annual Plan expenditure in Ladakh is Rs.150 crore, the task force

¹⁹⁶ For 22 more projects recommended to be undertaken in the future see STFJ, pp. 10-12 and Annex VII, p. 26.

¹⁹⁷ Special Task Force on Developmental Needs of Ladakh (STFL, abbreviation mine), January 31, 2011. (Courtesy MHA), p. 4.

¹⁹⁸ Ibid.

recommended a package of Rs.416 crore covering short terms projects that can be implemented over two working seasons (April-September).¹⁹⁹ It recognised the need to strengthen Public Works Department (PWD) and integrate its efforts with the Border Roads Organisation (BRO), involve Northern Command especially in providing medical support and identify Public Sector Undertakings (PSUs) that could work there as well as explore public-private partnerships (PPPs).²⁰⁰

Table 10: Works and funds for Ladakh

(Rs in crore)

Kargil	Amount	Leh	Amount
Roads and bridges	80.77	Roads and Bridges	67.95
Skill Development	38.93	Skill Development	27.16
Agriculture/Horticulture/ Animal Husbandry	13.13	Agriculture/Horticulture /Animal Husbandry	29.45
Education	29.14	Education	1.00
Sports	14.43	Sports	9.00
Health	7.54	Health	48.9
Tourism	6.76	Tourism	5.72
Power*	1.05	-	-
Irrigation/Flood Management*	34.76	-	-
Total	226.51		189.19

(*Source:* STFL, Annexure C), * Specific to Kargil

Based on the report of the Special Task Forces on Jammu and Ladakh, of the total amount of Rs. 497 crore and Rs. 16 crore respectively, Rs. 150 crore and Rs. 100 crore has been made available to the State as Special Plan Assistance.²⁰¹ Significantly each of the new universities was asked to set up separate campuses in the Ladakh region.²⁰²

¹⁹⁹ Ibid, p. 10.

²⁰⁰ Ibid, p. 11.

²⁰¹ MHA, *Annual Report 2011-12*, p.10, Note 9.

²⁰² STFL, Note 197.

Focus on Youth

Engaging the youth of the State and more so of the Valley, has been a very pronounced feature of the policy of the government. Policies have been formulated to encourage bringing the youth into the mainstream and discourage them from joining militancy. This engagement has not only involved evolving policies and mechanisms of providing employment to the youth but other innovative means as well.

Several positive suggestions have been made to address the problem of unemployment. There are 6,04,109 unemployed youth in the State.²⁰³ Given the magnitude of the problem, it has been argued that the issue needs to be addressed through technology upgradation, infrastructure development and human resource development by a constructive partnership between the government and the private sector.²⁰⁴ Government response to the problem of unemployment of youth in the State has been quite innovative. It has sought to improve the existing state infrastructure and involve large companies in the corporate sector from the rest of the country to employ skilled and unskilled youth.

Taking the lead in increasing employment opportunities for the youth of the State, the Chief Minister, in a renewed effort at an award ceremony held in Mumbai in 2009 urged corporate India to engage in imparting skills to the young people in Kashmir as the first step before they locate themselves in the State as it returns to normalcy.²⁰⁵ 18 polytechnics were set up in districts in which none was present hitherto. Aegis, a subsidiary of the ESSAR group laid the foundation of one of its BPOs at Rangreth, Srinagar, which by 2011 had employed 500

²⁰³ Jammu and Kashmir Government, Department of Employment, *Qualification-wise breakup*, <http://jakemp.nic.in/>, accessed on October 17, 2012. Of these 322873 are in the Kashmir division, 281236 in the Jammu division. Figures as on June 30, 2012.

²⁰⁴ Nazir-ul Islam Wani, *Solving the Unemployment Problem*, http://www.greaterkashmir.com/full_story.asp?Date=10_2_2009&ItemID=9&cat=12, February 10, 2009.

²⁰⁵ KT News Service, *Give J&K a chance, Omar to India Inc*, <http://www.kashmirtimes.com>, January 18, 2009.

youth.²⁰⁶ Collaboration with the CII was initiated with the formation of a joint task force with the CM as the Chairman and Sunil Mittal of Bharti Airtel as the co-chairperson. The CM urged the corporate sector to invest in farming, power, tourism, IT and handicrafts. Corporate India called for the setting up of development and infrastructure board, universalising education, and providing skill development in rural areas.²⁰⁷

At the state level, self-employment initiatives under the Sher-i-Kashmir Employment and Welfare Policy for the Youth (SKEWPY) was launched on April 01, 2010 were implemented under the aegis of the Jammu and Kashmir Entrepreneurship Development Institute (JKEDI). Entrepreneurship development programmes were held in Ramban, Srinagar, Poonch. As an initiative in Corporate Social Responsibility (CSR) in rural and urban areas, the JK Bank planned to set up 1109 common services centres or *kehidmat* centres, which would also generate employment of which the first 300 were inaugurated on February 17, 2010.²⁰⁸ The state level advisory committee on youth programme launched a plan to employ 8000 youth as tourist guides under the PM's package through Nehru Yuvak Kendras (youth centres) at Rs. 148 crore and was to be implemented by the JKEDI.²⁰⁹ By September, the JK Bank entered into a partnership with the government to provide 65 per cent of the loan, while 35 per cent of non-refundable seed money would be given by the JKEDI. The scheme provided for non-refundable seed money to the maximum limit of Rs. 3 lakh for undergraduates/ graduates, Rs. 5 lakh for post-graduates and Rs. 7.5

²⁰⁶ Excelsior Correspondent, *IT Policy soon: Rubullah*, <http://www.dailyexcelsior.com/>, July 19, 2011.

²⁰⁷ Excelsior Correspondent, *Omar seeks investment in J&K by private companies*, <http://www.dailyexcelsior.com/>, June 16, 2009.

²⁰⁸ KT News Service, *CM hails JKs kehidmat initiative*, <http://kashmirtimes.com/>, February 17, 2010. The centre would provide online services like air/railway ticketing, internet surfing, financial services, Result/Exam notifications, e-learning etc would be provided at these centres. Besides, many off-line services will also be offered like Desktop Publishing (DTP), Digital Photography, Scanning and CD writing, JK Bank loan documentation, Mobile Bills/ recharging would also be provided.

²⁰⁹ Excelsior correspondent, *Process for registering 8000 volunteers under PM's initiative takes off: Chib*, <http://www.dailyexcelsior.com/>, February 19, 2010.

lakh for doctors/engineers/MBA. An overseas employment corporation was set up in June 2010. Initiatives were also launched to help the small industry to grow and to provide employment to people in the Valley alone. An IT Park is being created in Budgam.

As part of the PMRP Phase I, nine ITIs were set up and began to impart training to women exclusively and 11 others were to be given additional women wings. These were in Kulgam, Budgam, Sopore, Handwara, Leh, Kargil, Jammu, Udhampur, Kathua, Poonch and Sunderbani. Given the demand, in Phase II five more would be set up in Gurez, Hajan, Bani, Banihal and Nowshera.²¹⁰ Since 2005-06, the World Bank has supported a programme of improving the skills of instructors at the ITIs. Some ITIs are being upgraded through PPP mode.²¹¹ The State government has provided support to individual women entrepreneurs, and credit cooperatives for rural women in Jammu; it has encouraged their participation in national and international taekwondo championships. There is also an attempt at encouraging youth to take to newer professions such as fashion designing, radio jockeying, music etc.

To meet the aspirations of the youth, an expert group was set up in 2010 to enhance employment opportunities in public and private sector.²¹² The group was led by C. Rangarajan and other members were N.R. Narayan Murthy, Tarun Das, T. Nand Kumar, Shakeel Qalander, Y.V. Sharma, Bharat Vyas, Sanjay Mitra and K. Skandan. The group submitted its report, which was based on the NSSO data on unemployment in the State in 2007-08 of 1.3 lakh as the baseline and the District Employment and Counselling Centres (DECC) data of 4.48 lakh in November 2009, 5.89 lakh in March 2010 and as the aspirational ceiling number, in February 2011. The focus of the expert group was on human resource development.

²¹⁰ MHA, *Jammu and Kashmir Update*, http://jammuandkashmirupdate.com/june_2011/ITI.html, accessed on February 21, 2012.

²¹¹ MHA, *Jammu and Kashmir Update*, http://jammuandkashmirupdate.com/July_2011/VTIP.html, accessed on 21 February 2012

²¹² MHA/Expert Group on Job Plan (EGJP), February 2011, pmindia.nic.in/J&K%20jobs%20plan.pdf, accessed on February 24, 2012, p. 1.

The Group devised a Skill, Empowerment and Employment (SEE) initiative in consultation with the Ministry of Human Resource Development. This initiative seeks to train 50,000- 1 lakh youth in three to five years. Due to its experience in these matters, Ministry of Rural Development (MoRD) was made the implementing agency. The scheme will be aimed at moving the youth from the unorganised to the organised sector. The funding for the scheme would come from two sources and be managed under two windows. The first window will be for training the rural BPL youth for which, 75 per cent of the funding will come from Ministry of Rural Development (MoRD) under the Sampoorna Gram Swarozgar Yojana (SGSY), while for the remaining 25 per cent a special allocation can be made under PM's J&K Package to the Ministry of Home Affairs (MHA) who can then partner MoRD in implementing the scheme. The second window will be for rural non- BPL and urban youth for which, 100 per cent of the funding will be under the PM's J&K package to be placed with the MHA.²¹³ To engage the youth, another initiative suggested was to identify 10-20 companies across industry sectors to collaborate with an educational institution and run special training programs to enhance employability for 8000 students per year over a five year period. This would translate into 40,000 youth in J&K becoming employable in various sectors across India.

In addition, to increase the access of the youth to educational opportunities the Expert Group recommended four initiatives - first, a Special Scholarship Scheme for J&K (SSS J&K), second, faculty development programmes, third, initiative by Delhi Public School and fourth, special initiatives by Indira Gandhi National Open University (IGNOU) for J&K.

The Sectoral Initiative was devised to focus on key sectors that would drive development namely agriculture, animal husbandry, horticulture, tourism-religious, adventure, leisure tourism, e-tourism, convention tourism, handicrafts—building a Kashmir brand, craft tourism, skill development by Ministry of Textiles, medium scale and micro enterprises and Information Technology. The Prime Minister's

²¹³ Ibid, p. 43.

Employment Guarantee Programme (PMEGP), a centrally sponsored credit linked subsidy scheme envisages the generation of employment opportunities through establishment of micro enterprises in rural as well as urban areas. The scheme has a total outlay of more than Rs 4000 crores, and has been working very well in J&K for the past two years. In 2009-10 the State set up 1782 units at an expenditure of Rs 18.2 crores while in 2010-11, 1036 units have already been set up at an expenditure of Rs 19 crores. This scheme also has a component for skill development to build capacities of the rural artisans. The Expert Group recommended an allocation of Rs. 10 crores for this component over the next four years.²¹⁴

It suggests the following departments for facilitating direct employment creation- Ministry of Heavy Industry and Public Enterprises, MHA, Ministry of Commerce and Industry/J & K Department of Commerce and Industry, Ministry of Agriculture and Cooperation, Ministry of Textiles, Commerce and Industry/J & K Department of Commerce and Industry, Ministry of Heavy Industries and Public Enterprises, Ministry of Railways, MHA, Ministry of Power/ New and Renewable Energy, Ministry of Road Transport and Highways/Department of J&K State, Ministry of Tourism/Department, Ministry of Civil Aviation, Ministry of Human Resource Development, Ministry of Information Technology and Telecommunication/Department of JK State, Ministry of Environment and Forest/Department of J&K State Ministry of Water Resources/Department of Housing and Urban Development of J&K State, Ministry of Youth Affairs and Sports/ Department of Tourism, Youth Service and Sports of J&K State.

The Union Ministry of Rural Development launched the programme *Himayat* (support and protection) under which 100,000 youth are to provide free skill development training over the next ten years. The first batch of 1000 youth was given appointments in private companies in 2012.²¹⁵ Taking forward the other suggestion of the Expert Group,

²¹⁴ Ibid, p. 35.

²¹⁵ MHA, *Jammu and Kashmir Update*, http://jammuandkashmirupdate.com/Feb_2012/Himayat.html, accessed on February 22, 2012.

a Special Industry Initiative Scheme (SII-J&K) was launched in partnership with the National Skill Development Corporation (NSDC). It was to be implemented with the help of the corporate sector. It was aimed at educated youth who did not have marketable skills. The website of *Udaan* (flight), the online portal for the job seekers from the State and potential employers was launched in April 2012.²¹⁶

In addition to creating job opportunities in various fields, youth are also being recruited into police forces. The State police, as mentioned earlier, increased the posts for recruitment as police constables. In 2009, 574 candidates were recruited into the Jammu and Kashmir Executive Police, 263 of whom were from Baramulla, Kupwara and Bandipore.²¹⁷ For recruitment into the newly raised IRB battalions, a recruitment drive was held in Poonch.²¹⁸ The bar for recruitment into the police was reduced to Class VIII, to help recruitment of 50,000 youth from backward and remote areas of the State.²¹⁹ In March 2011 the police held on-the-spot recruitment for 300 vacancies for police constables. According to the DGP, this was done, as it was realised during the unrest that Srinagar is not represented adequately in the police force.²²⁰ The CRPF too is recruiting young people into the Force.

The MHA has reserved seats for youth from militancy affected border areas of J&K in recruitment for BSF, CISF, ITBP and SSB to ensure that they are well represented.²²¹ More recently, in order to facilitate the

²¹⁶ Ministry of Agriculture, *Proposal for "Special Industry Initiative Scheme in Jammu & Kashmir" approved*, <http://pib.nic.in/newsite/erelease.aspx?relid=73071>, July 07, 2011, accessed on April 09, 2012. Also see National Skill Development Corporation, India, <http://nsdcudaan.com/>.

²¹⁷ KT News Service, *574 candidates selected as police constables*, <http://www.kashmirtimes.com>, March 02, 2009.

²¹⁸ KT News Service, *Recruitment Drive in Poonch*, <http://www.kashmirtimes.com/>, March 03, 2009.

²¹⁹ Rising Kashmir News, *8th pass can get police job: CM*, <http://www.risingkashmir.com/news/8th-pass-can-get-police-job-cm-2680.aspx>, October 21, 2010.

²²⁰ MHA, *Jammu and Kashmir Update*, http://jammuandkashmirupdate.com/March_2011/police.html, accessed on February 21, 2012.

²²¹ Excelsior Correspondent, *Special concession to border area youth in Central forces*, <http://www.dailyexcelsior.com/>, February 18, 2011.

recruitment of people from the State into the Central Armed Police Forces namely the CRPF, BSF etc, the MHA announced the relaxation in measurement of height (165 cms for male and 155 cms for females, for Scheduled Tribes (STs) 162.5 cms for males and 150 for females) and chest (78 cms (minimum 5 cms expansion), for STs 76 cms (minimum 5 cms expansion); such measurements that were hitherto applicable to the people of Kashmir, Leh and Ladakh regions were also extended to the people of Jammu in 2011.²²²

Engagement of youth however, is not limited to providing them job opportunities. In order to end the sense of alienation among the youth, the police and other armed forces are undertaking other initiatives. The state police organised a sports-cum-cultural event called the *Jashn-e-Dal* (celebration at Dal) in September 2011 that involved participation of 600 young people. The CRPF has taken the lead in encouraging the youth of the Valley to showcase their talent in music by collaborating with Valley Youth Expressions, and arranging a Rock and Sufi music festival.²²³ With the increase in its popularity, a “Battle of the Bands” was organised in 2011.²²⁴

Engaging youth in sports has been one of the key areas of the army’s contribution to the State government’s initiatives. Under its operation *Sadbhavana* (goodwill), it has constructed several sports stadium in the Valley to encourage the youth to involve themselves in sports.²²⁵ In association with the Jammu and Kashmir Cricket Association (JKCA), in July 2011, the army organised a month long KPL tournament that involved 14 teams from ten districts of the Valley.²²⁶ In 2011, the JKCA

²²² MHA, *CAPF Recruitment Rules Amended...*, <http://pib.nic.in/newsite/erelease.aspx?relid=71752>, April 22, 2011, accessed on April 09, 2012.

²²³ MHA, *Jammu and Kashmir Update*, http://jammuandkashmirupdate.com/Apr_2010/srinagar%20rock.html, accessed on February 09, 2012.

²²⁴ MHA, *Jammu and Kashmir Update*, http://jammuandkashmirupdate.com/Feb_2012/Rock%20Fest.html, accessed on February 22, 2012.

²²⁵ Rising Kashmir News, *Omar bails Army for creating sports infrastructure*, http://www.risingkashmir.com/?option=com_content&task=view&id=16015, August 21, 2009.

²²⁶ Sameer Showkin, *CM inaugurates first KPL T20*, <http://www.risingkashmir.com/news/cm-inaugurates-first-kpl-t20-12128.aspx>, July 06, 2011.

invited Bishen Singh Bedi to help in cricket coaching and has set up the first cricket academy in the State with the help of the BCCI.²²⁷ The International Sports Academy Trust managed by Brazilian coach Juan Marcos Troia and his wife Priscilla has been training young boys in soccer since 2007. In 2011, six young men were sent for higher training to Brazil, one of whom had also indulged in stone pelting.²²⁸ In addition, they organised counselling for higher education by setting up a Youth Employment Guidance Node in Mendhar (Poonch), and conducted a training programme in welding for 30 young people from Pulwama, Kulgam, Shopian, Ganderbal and Anantnag districts at the Kashmir Government Polytechnic College, Srinagar.²²⁹ In an interactive session with 350 youth, the army urged them to look out for employment opportunities in the rest of the country.²³⁰ The *Bharat Darshan* (visit to other parts of India) or *Desb ko jano* (know the country) initiatives of the army, paramilitary forces and the State government through the *Nebru Yuvak Kendras* have been encouraged to integrate the youth with the rest of the country.²³¹

Conclusion

From the above analysis it may be concluded that the development response of the government has been targeted towards assuaging feelings of regional and sub-regional marginalisation. Thus, Special Task Forces were set up to ascertain the needs of the Jammu and Ladakh regions. They recommended short and long term projects for the regions. However, given the overall assistance the State receives from

²²⁷ MHA, *Jammu and Kashmir Update*, http://jammuandkashmirupdate.com/July_2011/Bedi.html, accessed on February 21, 2012.

²²⁸ MHA, *Jammu and Kashmir Update*, http://jammuandkashmirupdate.com/Jan_2012/Football%20Transforms.html, February 22, 2012.

²²⁹ GK News Network, *Chinar Corps holds 4-week long training course for unemployed youth*, <http://www.greaterkashmir.com/news/2011/Oct/3/chinar-corps-holds-4-week-trg-course-for-unemployed-youth-9.asp>, October 03, 2011.

²³⁰ KT News Service, *Interactive session with the youth of South Kashmir*, <http://www.kashmirtimes.com/news.aspx?ndid=19422>, October 20, 2011.

²³¹ MHA, *Jammu and Kashmir Update*, http://jammuandkashmirupdate.com/March_2011/youth.html, accessed February 21, 2012.

the Union under the PMRP, they emphasised smaller projects that could be completed in a time bound manner. Kashmir region continues to benefit from the regular schemes of the government.

The focus on youth in the development of the State has been an important aspect of the development response of the government. Here, while the primary concern has been the alienation of the youth in the Valley, the initiatives devised focus on youth all over the State. The initiatives aim at skill development and creating opportunities in key sectors of the economy. Youth are also being engaged in sports and cultural activities and encouraged to join the police and other forces.

VI

CONCLUSION

Analysing the Government Response

The crises in Jammu and Kashmir from 2008-2010 highlighted the challenges of the transition in Jammu and Kashmir, all related to the politics in and of the State. These challenges are fourfold; the necessity of a consistently mature government reaction to longstanding issues in politics, of dealing with coalitions that can mobilise large numbers, of blurred lines between a wide range of actors from civil society groups to violent groups on issues of liberty and human rights, and the magnitude and complexity of the law and order problem.

The response of the government to the crises could be analysed from two vantage points. The first is the learning in preventing sensitive issues from spiralling into bigger crises or crisis prevention, which is quite visible. And second, the attempts aimed at addressing fundamental issues of security, governance and development. There are some limitations of this response, which could be overcome as it evolves further. Such limitations, distinct from an audit of specific policies or measures adopted, are analysed below.

Crisis Prevention

Since 2008, the regional tension has manifested itself in several instances. A prominent case in 2009 was the proposal to set up a Central University in Jammu and an Indian Institute of Management (IIM) in the Valley. Fears were expressed that the reason for having an IIM in the Valley was that under its garb, faculty and students from other parts of the country would be allowed to stay in the Valley.²³² Amidst concerns that the Central University may be located in the Valley, the BJP leaders

²³² Faheem Aslam, *Everything Goes the Jammu Way*, http://www.greaterkashmir.com/full_story.asp?Date=5_2_2009&ItemID=14&cat=12, February 05, 2009.

suggested that two universities be set up.²³³ The Jammu Justice Movement gave a three-day ultimatum to the government and threatened to launch an agitation.²³⁴ Early on, the newly elected State government approached the Centre for sanctioning two universities. In the meantime the Central University Joint Action Committee had started spearheading agitations in the Jammu region. In early August, about a month and half after the issue had erupted and several opinion pieces appeared arguing for the setting up of such a university in one or the other regions, or the backward sub-regions of Jammu, the PM assured that the proposal would be considered seriously. By the end of August, a Central University Andolan Samiti had organised more protests and *bandhs*. By December, the Parliament had amended the Central Universities Ordinance Act to create a separate university for each region.²³⁵

The Union's police and armed forces too have observed restraint and have intervened to prevent conflagrations based on small instigations. In an interview given to the *Force* magazine, the then Inspector General (Operations) of the CRPF, Kashmir stated that the force had evolved a strategy of maintaining adequate force levels, synergy with police, field level intelligence etc to ensure better handling of law and order situations.²³⁶ It has acquired non-lethal weapons and has given more training to its personnel in their use.²³⁷ Similarly, an allegation of rape against two army men in Kulgam in July 2011 was dealt with immediate alacrity. Amidst some protests, an SIT of the police conducted quick investigation and forensic examination and proved that the allegation was false.²³⁸ In a second instance involving the death of an innocent

²³³ Excelsior Correspondent, *Gupta warns against shifting of proposed university to Kashmir*, <http://www.dailyexcelsior.com/web1/09june20/index.html>, accessed on June 20, 2009.

²³⁴ Excelsior Correspondent, *JJM to fight for Jammu cause*, <http://www.dailyexcelsior.com/web1/09july21/index.htm>, July 21, 2009.

²³⁵ Agencies, *House passes bill for additional Central Varsity in J&K*, <http://www.kashmirtimes.com/>, December 08, 2009.

²³⁶ Interview with B.N. Ramesh, IG Ops, Kashmir, CRPF, *Force*, May 2011

²³⁷ Pravin Sawhney and Ghazala Wahab, "Cloak of Invisibility", *Force*, July 2012, pp.23-24.

²³⁸ Khalid Gul, *Kulgam woman not raped: Police*, <http://www.greaterkashmir.com/news/2011/Aug/17/kulgam-woman-not-raped-police-113.asp>, August 17, 2011.

person in a case of mistaken identity in Handwara, the army publicly regretted the loss of life.²³⁹ In a third instance in January 2012, protestors marched towards the NHPC's power station at Boniyar to press for their demand for electricity, the CISF protecting this critical infrastructure fired to disperse the crowd, which resulted in the death of a young person. Just as the various sections of the society had started to mobilise people, the CM was the first to visit the bereaved family to share their grief and assure them of support.

Such timely response was imminently successful in preventing large scale disturbance.

Limitations of Long-Term Response

While the long-term response to issues of security, governance and development has taken into consideration the concerns of the people, the response has some limitations, which could come in the way of addressing these issues adequately.

Thus, in the realm of security, there has been some move towards police reforms and a debate on special powers of the armed forces. The State government must particularly focus on police reforms and misuse of the PSA, since prominent human rights organisations like the Amnesty International hold the government of India responsible for such acts, even though this is a state level legislation that the Union Government cannot amend due to the special status of Jammu and Kashmir.²⁴⁰ However, security considerations that require the presence of adequate numbers of police and armed forces have not been spelt out clearly, either by the government or by the concerned forces. As a result, the debate has focussed more on addressing human rights concerns than on clear and present security concerns and how they may best be addressed. There has hardly been a public debate on the security situation in the State despite the decline in levels of militancy.

²³⁹ Shahid Rafiq, *Handwara protests youth's killing*, <http://www.greaterkashmir.com/news/2011/Feb/6/handwara-protests-youth-s-killing-33.asp>, February 06, 2011.

²⁴⁰ See Note 182.

Little concern is expressed regarding the fact that the demand for withdrawal of the Union's police forces from urban areas coincides with sporadic militant attacks and discovery of hideouts in the outskirts of cities and in civil areas.²⁴¹ Twice in the last two years, prominent religious leaders, one of *Ahl-e-Hadis* and another *Sufi*, were attacked and killed in the heart of Srinagar city by suspected militants. More recently, elected representatives of the people at the grassroots have received threats from militants forcing them to resign.²⁴² It is also important to bear in mind that although the unrest was mostly handled by the State and Union's police forces, yet, the army was required to aid civil authorities in urban areas even if only to stage flag marches. It is also pertinent that the slogans raised during the unrest did, on the face of it, question the territorial integrity and sovereignty of the country.²⁴³ This is especially a matter of concern since it is now known that in the unrest, the Over Ground Workers (OGWs) of militant organisations as well as released terrorists used their resources to coerce people to participate in the unrest. In addition, once the police action started, the people disappeared and the face-off was mainly between such hard-core elements and the police.²⁴⁴ It must also be recognized that there are also additional concerns regarding the fallout from the thinning of US presence in Afghanistan after 2014. There is no denying that all forces, police and others, must act with utmost restraint so as to prevent human rights violations. This however, should not come at the cost of denying their necessity in maintaining law and order and curtailing violence.

As an important aspect of governance, allaying concerns of human rights of the people especially in the Valley is of utmost importance. Stories in the media create a perception of several cases that have not

²⁴¹ Rohit Singh, *AFSPA: Needless Controversy*, http://www.claws.in/index.php?action=master&task=984&u_id=80, October 25, 2011.

²⁴² Khalid Gul, *Panch, Sarpanchs get threats in Shopian*, <http://www.greaterkashmir.com/news/2012/Aug/12/sarpanchs-panchs-get-threats-in-shopian-14.asp>, August 12, 2012.

²⁴³ The debate on the various meanings of *Azadi* (freedom) for the people of the Valley is ongoing.

²⁴⁴ Interview with S.M. Sahai, IG, Kashmir, *Force*, May 2011, pp.33-35

come to fruition due to resistance from various authorities involved. Reasons for these must be made available in the public domain, perhaps through the SHRC. Providing compensation to victims and their families is important and the media often highlights cases where such compensation, though having been ordered by the SHRC, has not actually been paid. Reasons for non-payment must also be made public through the SHRC. Ensuring that punishments given to those found guilty of human rights violations are put out in the public domain in a timely manner is also in order.

Equally important, given the political overtones and international resonance of the debate on human rights, is the need for the government to highlight cases where allegations have not been substantiated. This is important in the light of the fact that the SHRC itself acknowledges that in the State, it is important to protect the personnel of the armed forces against false allegations.²⁴⁵ It is also important because there are instances coming to light of human rights violations committed by militant groups. For instance, in December 2011, a report submitted to the SHRC by the APDP stated that of the 132 cases of unmarked graves it documented in the Banihal area, 21 could be attributed to the army, 1 to the JKP and 24 to militant groups, mostly the Hizbul Mujahideen.²⁴⁶

Such clarifications are also essential because there is often a huge gap between official numbers and allegations. To begin with there is the huge gap between the separatist and civil society claim that in the last 20 years, 1 lakh people have lost their lives, to the official numbers being approximately 45,000. Recently in 2009, for instance, when the Mirwaiz claimed that he had brought 400 cases of human rights violations to the notice of the SHRC, the SHRC claimed there were

²⁴⁵ SHRC Jammu and Kashmir, Speech of the Chairperson at the Human Rights Seminar organised at 16 Corps, Akhnoor on applicability of AFSPA in the present socio-political-military environment and its impact on human rights, *Annual Report 2009-10*, pp.353-357, at p. 357.

²⁴⁶ PTI, *Valley group admits militants responsible for disappearances*, http://articles.timesofindia.indiatimes.com/2011-12-12/india/30508497_1_disappearances-security-forces-militantsalley, December 12, 2011.

only 40 cases, and they were all from Rajouri and Poonch in the Jammu region.²⁴⁷ Similarly, while human rights groups have claimed that nearly 8,000 to 10,000 people have disappeared since 1989, the state government stated that “3,429 people have disappeared from their homes while 110 others disappeared from the custody of government forces in the last two decades.”²⁴⁸

It is also important to highlight that the SHRC, despite its limitations, has addressed a substantial number of cases. While the media highlighted that the SHRC received 467 cases of human rights violations, nothing was said about the cases it has been able to dispose of, at least to the point of ordering compensations. For instance, in the year 2009-10, the SHRC disposed of 249 cases in various categories.²⁴⁹ The report also states that 165 of them were dismissed, as the case was not substantiated, while recommendations were given in 93 cases. A detailed analysis of the 101 cases that have been described in detail in the Annual Report is revealing in many ways.²⁵⁰ The earliest of these cases that disposed off in 2009-10 was instituted in 1999. In nine of these cases, there is no mention of the accused. In 28 of them, the allegation is against the police/prison authorities or armed forces. Of the 28, none is an allegation of rape. In some cases the allegations could not be proved and some cases needed to be investigated. In five cases compensation was given, however, not all were cases of deliberate violation of any kind, but rather of losses suffered during action by these forces. There are also several allegations against militants, unidentified gunmen, deaths in crossfire, firing from across the LoC, other government officials/departments etc, in which compensation has been ordered on compassionate grounds. However, the story may

²⁴⁷ Rising Kashmir News, *SHRC refutes Hurriyat statement*, http://www.risingkashmir.com/?option=com_content&task=view&id=13778, June 12, 2009.

²⁴⁸ Aijaz Hussain, *APDP finds more unmarked graves in Kashmir*, http://www.risingkashmir.com/index.php?option=com_content&task=view&id=16016&Itemid=1, August 21, 2009.

²⁴⁹ SHRC Jammu and Kashmir, *Annual Report 2009-10*, Annexure ‘B’, p. 325.

²⁵⁰ There is a slight discrepancy in the numbers cited from the Report. The author has not been able to clarify this from the SHRC. However, the discrepancy is not substantial enough to affect the analysis.

very well be different for another year; so this in no way reduces the importance of improving the systems for dealing with cases of human rights violations.

On other aspects of governance, it is important for the government to strengthen the various institutions of good governance as these are essential to providing a sense of democracy, participation and accountability to a people who have lived in an atmosphere ridden by militancy for a long time. Thus, it is important that devolution of powers to the grassroots that had been suggested by a government appointed committee be speeded up, to give a sense of empowerment to the newly elected *panches* and *sarpanches* in the State. Alongside, it is important to implement initiatives for delivery of better governance such as the State Wide Network (SWAN) to provide connectivity to blocks and tehsils. Although the feasibility study for this was conducted in 2000, the network is yet to be created. This has affected the e-governance initiative of the government.²⁵¹ It is also important for the government to strengthen the SAC, which did not have a Chairman and members for two years²⁵², the SVC whose chairperson and other commissioners, once appointed by the government, can only register a case and not take any action against the errants²⁵³, and the SIC, which no longer has the powers to penalise PIOs who do not provide the requisitioned information. These initiatives are entirely the responsibility of the State government.

In the realm of development, while one can hope that the short term goals set by the Special Task Forces for Jammu and Ladakh shall be achieved, their long term reliance on working of systems that have existed for long must be an area of priority for the government. This

²⁵¹ CAG, *Audit Report (Civil), Jammu and Kashmir*, http://saiindia.gov.in/english/home/Our_Products/Audit_Report/Government_Wise/state_audit/recent_reports/Jammu_Kashmir/2007/Civil/civil_chap_3.pdf, pp. 139-140, accessed on April 06, 2012.

²⁵² Fahim Aslam, *SAC revival, what is JK waiting for?*, <http://www.greaterkashmir.com/news/2011/Jun/20/sac-revival-what-is-jk-waiting-for—38.asp>, June 20, 2011.

²⁵³ Raja Muzaffar Bhat, *The epidemic of corruption*, <http://www.greaterkashmir.com/news/2011/Dec/9/the-epidemic-of-corruption-17.asp>, December 10, 2011.

is because regional tensions, to the extent that they have been based on developmental lags, have persisted despite the existence of several schemes and initiatives of the State and mainly the Union government. Thus, in several remote districts and blocks of the Jammu and Kashmir regions, people came out to protest in large numbers. Such areas have received funding under the Border Area Development Programme (BADP) of the Ministry of Home Affairs. The BADP was initiated in 1992-93 in 41 blocks, was subsequently extended to 44 blocks in the State.²⁵⁴ As of April 2010, it covers the following blocks in Jammu and Kashmir:

Table 11: BADP Districts and Blocks

District	Block/Taluka
Jammu	Akhnoor, Bishnah, Khour, Marh, R.S. Pura, Satwari
Samba	Samba, Vijaypur, Ghagwal
Kathua	Barnoti, Hiranagar, Kathua
Poonch	Balakote, Mandi, Mendhar, Poonch
Rajouri	Manjakote, Nowshera, Rajouri, Sunderbani
Baramulla	Boniyar, Tangmarg, Baramulla, Ruhama, Uri, Dangiwachacha/ Rafiabad
Bandipora	Gurez
Budgam	Khag
Kupwara	Kralpora, Kupwara, Langate, Rajwar, Ramhal, Sogam, Tangdar, Teetwal, Trehgam
Kargil	Drass, Kargil, Shaker Chikten
Leh	Durbuk, Khalsi, Nobra, Nyoma

(Source: MHA)

²⁵⁴ For the achievements of the BADP in the state until 2001-02 see, Planning Commission, http://planningcommission.nic.in/plans/stateplan/sdr_jandk/sdr_jkch6.pdf, accessed on April 23, 2012.

The allocation under the BADP for the State over past few years has also been substantial:²⁵⁵

Table 12: BADP allocation for J&K

(Rs in lakh)

Year	Allocation	Release	Expenditure
2006-07	9793.05	9793.05	9768.35
2007-08	10583.00	10583.00	10324.45
2008-09	10394.88	10394.88	9802.33
2009-10	9877.74	9877.74	-
2010-11	10000.00	-	-

(Source: MHA)

More recently, under the PMRP, Rs.24,000 crore was allocated to the state in 2004, which is given annually along with the Annual Plan Grant.²⁵⁶

Table 13: PMRP outlay for J&K

(Rs in crore)

Annual Plan	Total Outlay	PMRP
2004-05	3008.03	443.77
2005-06	4200.00	1199.57
2006-07	4347.67	847.67
2007-08	4850.00	850.00
2008-09	5513.00	1013.00
2009-10	5500.00	1200.00
2010-11	6000.00	1200.00
2011-12	6600.00	1200.00

(Source: MHA)

²⁵⁵ Annexure to reply by Minister of State in the Ministry of Home Affairs, Shri Mullappally Ramachandran to unstarred question No. 4086, April 20, 2010, <http://www.pib.nic.in/archieve/others/2010/apr/d2010042002.pdf>, accessed April 09, 2012. Figures as on April 15, 2010.

²⁵⁶ MHA, Jammu & Kashmir Division, *Prime Minister's Reconstruction Plan for J&K announced on 17th/18th November, 2004 (as on 31.3.2012)* <http://mha.nic.in/pdfs/PM-Reco-Plan.pdf>, accessed on April 29, 2012.

Under the PMRP, a wide range of developmental activities have been covered under state sector projects implemented by state agencies, central sector projects implemented by state agencies and central sector projects implemented by central agencies. These are in the areas of infrastructure development in the power sector, roads and bridges, water supply, provision of basic services in education, health, infrastructure for civic amenities, employment and income generation in tourism, industry and self-employment, and rehabilitation of militancy-affected families. They are intended to cover even the remotest of places in each of the regions and nearly every district. However, as on March 31, 2012 of the 67 projects, only 31 had been completed.

There are also some issues related to the development planning in the State. The Gross State Domestic Product of the State has grown at a steady rate since 2005-06.²⁵⁷

Table 14: Trends in Gross State Domestic Product

(Rs in crore)

	2005-06	2006-07	2007-08	2008-09	2009-10
Gross State Domestic Product	26537	29030	31793	34805	38298
Growth rate of GSDP	9.36	9.39	9.52	9.47	10.03

(Source: CAG Annual Report, 2009-10)

However, development expenditure, which is incurred to provide social and economic services, and has increased by 28 per cent in substantial terms, has actually declined as a proportion of the aggregate expenditure of the State. Given the importance of such expenditure for social and economic development, its proportions also need to be maintain or even increased.²⁵⁸

²⁵⁷ Comptroller and Auditor General (CAG), *Audit Report (State Finance) Jammu and Kashmir 2009-10*, Appendices, http://saiindia.gov.in/english/home/Our_Products/Audit_Report/Government_Wise/state_audit/recent_reports/Jammu_Kashmir/2010/State_Finances/Appendix.pdf, p.48, accessed on April 24, 2012.

²⁵⁸ *Ibid*, Table 1.16, pp. 16-17.

Table 15: Fiscal Priorities and Fiscal Capacity of the State during 2009-10

(Rs in crore)

Fiscal Priority by the State	AE/GSDP	DE/AE	SSE/AE	CE/AE	Education/AE	Health/AE
J&K's Average (Ratio) 2005-06	57.06	71.22	25.49	23.24	9.11	4.42
J&K's Average (Ratio) 2009-10	56.42	69.07	27.22	28.85	11.03	5.20

(Source: CAG Annual Report, 2009-10)

(AE: Aggregate Expenditure, DE: Development Expenditure, SSE: Social Sector Expenditure, CE Capital Expenditure. Population of J&K: 1.08 crore in 2005-06 and 1.16 crore in 2009-10. Development expenditure includes Development Revenue Expenditure, Development Capital expenditure and Loans and Advances disbursed. Source: (1) For GSDP, the information was collected from State's Directorate of Economics)

A department-wise break up of assistance provided to local bodies is also revealing. According to the CAG, nearly 61 per cent of the financial assistance during 2009-10 was given by the State government for education and sports, housing and urban development and agriculture sectors. These sectors have received most assistance over the years. However, in terms of development industry and tourism also need to be prioritised urgently.²⁵⁹

Table 16: Financial Assistance to Local Bodies

(Rs in crore)

Name of the Department	2005-06	2006-07	2007-08	2008-09	2009-10
Education and sports	78.24	88.01	116.45	113.93	521.66
Housing and Urban Development	118.30	135.49	146.05	170.82	217.01
Agriculture	51.04	72.90	60.72	80.60	138.63
Art and culture	5.44	7.32	7.93	9.43	-
General Administration	3.50	2.95	4.66	4.20	11.14

²⁵⁹ Ibid, p. 15.

Name of the Department	2005-06	2006-07	2007-08	2008-09	2009-10
Industries	4.00	5.25	7.05	7.04	25.53
Tourism	3.43	5.06	5.24	15.06	71.17
Administration of Justice	1.91	1.63	2.26	3.30	3.32
Health and Family welfare	0.48	0.44	0.64	- *	0.47
Others	7.35	11.83	9.86	146.02	442.27**
Total	273.69	330.88	360.86	550.40	1431.20
Assistance as a percentage of Revenue expenditure	2.76	3.12	2.96	4.57	9.34

(Source: CAG Annual Report, 2009-10, Table 1.15, p. 15)

*Negligible

** This includes Rs. 387.92 crore, disbursed to Ladakh Autonomous Hill Development Council, Leh (Rs. 193.31 crore) and Ladakh Autonomous Hill Development Council, Kargil (Rs. 194.61 crore)

Finally, time and cost overruns are a common problem in the implementation of government projects. Consider the example of power/electricity, the lack of which resulted in several protests in 2011 and an unfortunate loss of life in 2012. In this sector, the JK State Power Development Corporation runs 21 generating units, ten of which, with a total installed capacity of 797.40 MW were audited for a period of 2005-06 to 2009-10. These were:

Jammu: BHEP I (450MW), Chenani I (23.30 MW), Chenani II (2 MW), Chenani III, (7.50MW) and Sewa III (9 MW)

Kashmir: USHP I (22.60 MW), USHP II (105 MW), Gas Turbine I (100 MW) and Gas Turbine II (75 MW)

Ladakh: Igomercillong (3 MW)

In these projects, and two more, the cost overrun ranged between 41 to 687 per cent. So both the State and Union governments need to improve their record of implementation of projects after allocation of substantial funds. Structural barriers to their effective implementation will need to be addressed.

There was a time overrun in the date of completion, date of start of transmission, and date of commissioning in four of these, namely, the BHEP I (4 years) Igomercillong (8 years), Haftal (1 MW) (16 years) and Marpachu (0.75 MW) (15 years). The reasons for delay were:

- delay in acquisition of land and handing over of site
- undue time taken in obtaining clearances from various agencies
- militancy in the state and other law and order problems
- delay in obtaining government sanctions and subsequent delayed financial closures and delay in release of payments to contractors
- settlement of Indus Water treaty issue
- floods and other force *majeure* events²⁶⁰

Similarly, there are structural and socio-cultural problems that come in the way of successful implementation of some schemes. For instance, regarding self-employment schemes, in a study conducted in October 2010 by the NGO Mercy Corps as part of its *Start up Kashmir Youth Entrepreneur Development Project*, it was concluded that Kashmir had the potential for economic entrepreneurship (own business), social entrepreneurship (health, environment, etc.), and public entrepreneurship (delivery of public services). However, only four per cent of 1000 youth surveyed for the study knew of the skill development initiatives of the State, 81 per cent said they were not aware of SKEWPY; 64 per cent were not aware of the PMEGP. The study also highlighted that the District Employment and Counselling Centres had 597322 people enrolled with them in December 2010, but in June 2011 only 2281 people had enrolled with JKEDI.²⁶¹ While 45 per cent of those

²⁶⁰ CAG, *Annual Report 2009-10*, Commercial Activities, http://saiindia.gov.in/english/home/Our_Products/Audit_Report/Government_Wise/state_audit/recent_reports/Jammu_Kashmir/2010/Civil/Chapter_5.pdf, p. 155, accessed on April 06, 2012.

²⁶¹ Mercy Corps, *Youth Entrepreneurship in Kashmir: Challenges and Opportunities*, http://www.mercycorps.org/sites/default/files/youth_entrepreneurship_in_kashmir.pdf, p. 30, accessed on April 21, 2012.

surveyed preferred to be self-employed, the survey identified the following top barriers to entrepreneurship - lack of entrepreneurship education and training (79 per cent), no access to finance (60 per cent), social factors (parental influence) and limited access to business development services (58 per cent), limited local market opportunities for expanding youth enterprise (52 per cent), and difficulties in navigating administrative and regulatory framework (50 per cent).

While the response of the government vis-à-vis the youth has been quite innovative, and has gone much beyond providing for employment opportunities by engaging them in sports, it is important to bear in mind that another issue regarding the youth that may require attention is the radicalisation of youth in the Valley.²⁶² There are multiple sources of radicalisation including the feeling of discrimination and fears of the larger 'hindu majority'.²⁶³ As argued by Arjmand Hussain Talib, organised radicalism and its ability to instigate youth has declined as the Jamaat-e-Islami has been weakened. However, groups such as the *Jamaat Able Hadis* have sprung up and are demanding the setting up of an Islamic University, in response to the setting up of Shri Mata Vaishno Devi University in Jammu. There is also a growth of Wahabi thinking in the country-side and in Srinagar. Other sources of radicalisation are the demands of the Panun Kashmir movement for a homeland, the politics of organisations espousing Hinduism, AFSPA and PSA, and marginalisation of secular groups such as the JKLFF.

²⁶² Radicalisation however, is not just a Valley-centric phenomenon. For the dynamics of radicalisation in Jammu and Ladakh, see Sandip Singh, "Challenges in Jammu region: Understanding the Amarnath Land Shrine Controversy", pp. 13-17, and Tashi Morup, "Challenges in Ladakh: Understanding the Political and Religious Polarity", pp. 23-26, in *Epilogue*, Vol. 3, Issue 12, December 2009.

²⁶³ Arjmand Hussain Talib, *Understanding Religious Radicalisation: Issues, Threats and Early Warnings in Kashmir*, IPCS Issue Brief, No. 149, May 2010, http://www.ipcs.org/pdf_file/issue/IB149-BPCR-Arjmand.pdf, accessed on April 22, 2012. For responding to radicalisation in the communally Pir Panjal region of Jammu see, D. Suba Chandran, *Pir Panjal Regional Festival, Integrating the border districts in J&K and building peace from below*, IPCS Issue Brief No.142, http://www.ipcs.org/pdf_file/issue/IB142-BPCR-Suba.pdf, accessed on April 22, 2012.

Since several of these issues are important in the state of transition, mature government response to these will be critical in preventing further radicalisation of the youth. Such initiatives gain greater significance in the light of a recent perception survey of the impact of media on Kashmiri youth which concludes, among other things, that the current generation:

- is an inward-looking generation that is poorly connected and negatively disposed towards the rest of the country
- is turning towards Islam of not necessarily the sufi variant but more radical forms such as the *Tablighi Jamaat* and *Ahl-e-Hadis*
- has a civil-political-economic or a non-territorial conception of *Azadi*
- has a high level of concern with corruption, human rights violations, education, political status of J&K, employment opportunities, militarisation, and drug addiction
- is disconnected from the democratic processes of the state-party politics, governance, NGOs, etc.²⁶⁴

So in addition to keeping the youth gainfully occupied, it is also important, as the study recommends to transforming the social milieu of the youth by involving them in local governance, skill development, sports and other ways of entertainment. One of the main limitations of these initiatives is that they do not attempt to integrate the youth of the Valley with those in Jammu and Ladakh.

The Interlocutor's Report

The team of Interlocutors, which had been set up to carry out a sustained dialogue with the people of the State met with more than 700 delegations in the State including that of political parties, civil society groups engaged in protection of human rights, development and good governance, students bodies, professional associations, organisations of various ethnic communities, displaced people, heads of the police

²⁶⁴ Navnita Chadha Behera, *A Perception Survey of Media Impact on the Kashmiri Youth*, Institute for Research on India & International Studies, New Delhi, 2012.

and armed forces in the state, women's groups, and newly elected members of *panchayats*. Based on these interactions, the group submitted its report to the government in October 2011, which after some internal consultations, was made public in May 2012.

The report brought out the common desire of the people in all three regions of the state for a life of dignity and honour, free from forces of extremism, opaque and unaccountable administration, structures that come in the way of balanced economic development, policies detrimental to disadvantaged groups, harsh and harshly applied laws, violence, threats to identity-religious, linguistic and cultural, and pressures on the media and civil society.²⁶⁵ It thus, reinforced a need for an effective government response in the realms of security, governance and development.

However, underscoring the importance of the political dimension of several issues in the state, it also emphasised the importance of a sustained dialogue with separatists, made suggestions for firming up centre-state relations under Article 370 and for economic development of the State. More importantly, it suggests cultural initiatives aimed at integrating the people of the three regions of the State. This in fact, is one of most important requirements for the State, and thus far, not much has been done to bridge this divide. Deliberations with the people in the State on recommendations of the Report are ongoing, though this has largely been the initiative of the interlocutors, and has had no direct involvement of the government.

Beyond Stereotypes

Despite several limitations, the defining feature of the government's response has been an increased engagement with issues of the people and an attempt at addressing their concerns. Both the Union and State governments have worked together to create this ambience of responsiveness. Thus, in the realm of security, there has been an attempt at strengthening policing in the state along with addressing concerns related to the presence and powers of the armed forces. In the realm

²⁶⁵ Group of Interlocutors for J&K, *A New Compact with the People of Jammu and Kashmir*, <http://mha.nic.in/pdfs/J&K-InterlocutorsRpt-0512.pdf>, accessed on June 30, 2012, p.2.

of governance, the State government has made attempts at strengthening institutions that would enable empowerment of people and institutions of good governance. In the realm of development, the Union Government has supported the State government by providing special assistance to the State, to its regions and for specific schemes especially for the youth.

As mentioned earlier, in the course of these crises, some stereotypes about the problems in and of 'Kashmir' came to be articulated by various stake-holders. The response to these crises however prompts a questioning of some stereotypes that underscore the discourse on 'Kashmir'.

The first stereotype is that the main characteristic of the government's response to every problem in 'Kashmir' (read Valley) is the use of force. From the foregoing analysis, it is quite obvious that the response of the government has not been limited to use of force. To the extent that it has deployed police forces of the State or the Union, there is a definite climb down from the deployment of the army. The issue of transition of these forces to a law and order mode is also being addressed. Also, the option of a dialogue has always been kept open in the form of all party meetings for arriving at consensus among the leaders and the process of interlocution involving even the common people of the State. More importantly, the Union government has been the source of substantial developmental assistance to the State. Several of the achievements of the State government could be attributed to this funding. Faulty implementation of some schemes at the level of the state though, is a separate issue.

The second stereotype is that the problem is compounded by the fact that 'security forces' do not exercise adequate restraint. Again from the foregoing analysis, considerable degree of restraint of the 'security forces' is seen in the form of the high number of injuries suffered by them; though there is indeed scope for improving their response and capacities for dealing with law and order situations, since loss of life is an irreparable loss. Moreover, the fact that the same forces have been present in the Valley since 2010, and similar developments did not recur should also help rethink the stereotype. It is also to be borne in mind that the army only staged flag when it was so requested by the State government. Also, in response to the people's desire, several of

the CRPF personnel have been withdrawn from the Valley and bunkers removed from the cities in the Valley. All this is happening under orders from the civil authority. In fact, the police and the armed forces have eagerly taken to engaging with the people and youth in various ways. There is also some involvement of civil society in the attempt for police reform in the State.

The third stereotype is that the people of 'India' do not care enough about the people in the Valley. During each of the crises, the civil society in India quite vocally stood in support of the people who they felt were at the receiving end of the harsh response of the state. Moreover, in the aftermath of the crises, corporate India has been very forthcoming in responding to the developmental needs of the State, as well as capacity building and employment of the youth.

The fourth stereotype is that there are severe restrictions on freedom of speech and people are not free to criticise the government. While during the crises there were some instances of blocking news channels in the Valley from airing news at the peak of the unrest, a 'ban' that continues till date, and some days on which newspapers were not allowed to be circulated, the thousands of newspaper articles criticising the government on various counts that have formed the basis of this study, point in quite another direction.

A final stereotype is that the media in the Valley is mainly focussed on 'anti-India' propaganda. It would be contrary to evidence to argue this. There has been a vibrant debate on issues of governance in the Valley media. Constructive suggestions on every aspect of government policy are a common feature in the print media surveyed for this study. While during times of crises, substantial space is given to issues that are emotive, at other times issues pertaining to daily lives of people are also discussed. Thus, during the unrest of 2010 for instance, the disillusionment with the separatist protest calendars that were affecting the education of students was also voiced in the media.

Times of transition are indeed challenging. The challenge is not just one of doing things right; it is also about countering stereotypes that prevent the discourse from changing. A beginning has been made with some positive steps taken by the government. The people too have engaged with the government. There is, thus, substantial evidence to

suggest that the polarisation between the state and people suggested by the stereotypes is no longer as extreme as it is made out to be. Recognising that change has been initiated and working towards building on it must be the way forward in Jammu and Kashmir.

POSTSCRIPT

In the months since this monograph went into print, developments in the State and the government's response reinforce some of the salient issues highlighted in the study.

On matters related to security, the subject of policing is being debated by the civil society, including the Amnesty International, since the Jammu and Kashmir Police Bill 2013 was made public on February 14, 2013 and the government invited comments and suggestions on it.¹ Enduring concerns regarding security have been reinforced with the death of three *sarpanchs* in the Valley since the beginning of 2013 and with an attack on a CRPF camp in Srinagar in which five CRPF personnel lost their lives.

On related issues in the realm of governance, amidst the ongoing debate on the AFSPA in the State, a report by the IPTK and APDP published in December 2012 highlighted cases of allegations of human rights violations over the last two decades.² And yet the declining numbers of such allegations were attested to by the Defence Minister who stated that the Army had received 27 complaints of allegations of human rights violations from Jammu and Kashmir- 18 in 2010, five in 2011 and four in 2012.³

On the development front, programmes with a focus on youth, such as *Himayat* and *Udaan*, are being implemented in all seriousness. 5000 youth have been trained under the former scheme since its launch in 2011, with a target of another 15,000 to be trained this year.⁴ While companies like Bajaj Allianz, Icon Central Laboratories, Pinkerton C&I India, Rooman Technologies have been involved in the *Udaan* initiative, the scheme was revised recently to make it more flexible and relevant.⁵

The scheme was extended to allow Public Sector Undertakings (PSUs) to undertake training programmes, enable three-year engineering diploma holders to benefit from the scheme and provided the flexibility to appropriate the budget under different expense heads. More allocations have been made under the PMRP for the State.⁶ In terms of financial assistance to local bodies, the allocation for tourism increased substantially in 2010-11, while that for education and sports declined substantially.⁷ (For details refer to pp. 96-97 of this document)

This study aims to highlight the contours of transition in Jammu and Kashmir. The study assays the issues and challenges that were highlighted during the three crises in the State since 2008. It analyses the immediate as well as long-term response of the government to these challenges. Based on these, it questions the stereotypes that the dominant discourses on 'Kashmir' perpetrate. It argues that there is substantial evidence to suggest that as a result of the change in the attitude and approach of the state and the people, the polarisation between them is not as extreme as is made out. It makes the case that the questioning of these stereotypes creates a space that could be used by the various stakeholders to engage with each other more constructively.

Dr. Arpita Anant is Associate Fellow at the Institute for Defence Studies and Analyses. She holds a PhD in International Politics from Jawaharlal Nehru University, New Delhi. Her current research interests include internal security in India with a focus on Jammu and Kashmir and international relations.

Institute for Defence Studies and Analyses

No.1, Development Enclave, Rao Tula Ram Marg,
Delhi Cantt., New Delhi - 110 010
Tel.: (91-11) 2671-7983 Fax: (91-11) 2615 4191
E-mail: contactus@idsa.in Website: <http://www.idsa.in>