

TERRORISM, MILITANCY, AND QUESTION OF UNIVERSAL HUMAN VALUES: A STUDY OF JAMMU AND KASHMIR BEFORE AND AFTER ABROGATION OF ARTICLE 370

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Abstract

Every individual has the right to live with dignity and respect. Everyone wants to live in a society that ensures fairness, equality, security, peace, and where there is no discrimination. The Union Territory (UT) of Jammu and Kashmir is known for its geo-strategic importance and as a piece of heaven on earth, located in the Himalayan Mountains. Since its inception, due to the conflict with Pakistan, Jammu and Kashmir has become the hub for terrorists and militants over the past several decades. This paper attempts to understand the nature and development of terrorism and militancy in Jammu and Kashmir - how it impacted Universal Human Values where everyone in the region hoped for peace, human dignity, and a harmonious environment. The study analyzes the militancy, terrorism, and human rights situations before and after the abrogation of Article 370 of the Indian Constitution.

Keywords: Militancy, Terrorism, Jammu and Kashmir, Peace, Human Dignity, Abrogation of Article 370

Introduction

Contemporary society is characterized by an exponential expansion of knowledge and significant advancements in science and

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technology. Concurrently, a discernible decline in human values and a concerning deterioration of individual and societal mental and moral well-being are observed. Global interconnectedness has fostered a sense of shared humanity, underscoring the universal nature of human rights and responsibilities, which are grounded in enduring human values that transcend socio-cultural and geographical boundaries (Geol & Geol, 2008, pp. 106-107). Swami Visharananda, in his work on human values, stated that the pursuit of happiness is a universal and perennial human aspiration. Achieving this necessitates internal peace, a state unattainable for a perturbed mind (Geol & Geol, 2008, p. 4). Fundamental human aspirations encompass the intrinsic desires of individuals to attain fulfillment, purpose, and meaning. These aspirations include, but are not limited to, happiness, prosperity, interpersonal connection, achievement, autonomy, security, well-being, and ecological harmony. These interconnected aspirations collectively shape individual trajectories and collective human endeavors (Sujatha, 2024, pp. 1-7).

Universal Human Values is the paramount standard of societal well-being. In the context of Jammu and Kashmir, historical grievances, ethno-political conflict, and instances of terrorism and militancy have posed significant challenges to these values which are crucial for fostering human value, peace and reconciliation among diverse communities. However, the socio-political landscape of Jammu and Kashmir diverges substantially from that of other Indian states. This paper is structured into four sections. Firstly, it examines the development of terrorism within the region. Secondly, it analyzes the ramifications of terrorism and militancy. Thirdly, it investigates the flow of universal human values among marginalized and neglected populations of the region. Finally, it addresses the socio-political transformations following the abrogation of Article 370 and its subsequent impact on Universal Human Values among the people of Jammu and Kashmir.

Methodology

This research paper accesses a qualitative methodology to analyze the complex interplay of Militancy and Terrorism and the violation of Universal Human Values in Jammu and Kashmir before and after the abrogation of Article 370. Historical, political, socio-cultural, and statistical methods were accessed to address the issue. The secondary data was collected from a diverse range of sources, including academic literature, articles, print and online newspapers,

reports from governmental and non-governmental organizations, magazines, and relevant online platforms.

Section- I

Development of Terrorism and Jihadi Movements in J&K

During the partition of British India in 1947, Maharaja Hari Singh, the Hindu ruler of Kashmir, deferred a decision regarding the state's accession to either India or Pakistan. Following the Pakistani-supported tribal invasion of Kashmir, Maharaja Hari Singh signed the Instrument of Accession¹ with India (Dabla, 2011, p. 22). This instrument conferred jurisdiction upon the Indian government over the state of Jammu and Kashmir in matters of defense, external affairs, and communication. Furthermore, Article 370 of the Indian Constitution granted the state a degree of autonomy within the Indian Union (Ghummna, 2001, p. 33). The contestation over the Kashmir region precipitated a series of conflicts between India and Pakistan, commencing in 1947, with subsequent wars occurring in 1965, 1971, and 1999 (Sabni, 2006, p. 48).

The separatist movement in Jammu and Kashmir, which escalated in 1987, had its antecedents in the period between 1953 and 1975. The 1987 state legislative elections served as a pivotal moment in the region's history. Allegations of electoral malpractice by Muslim political parties led to the formation of militant factions. Pakistan provided diplomatic and moral support to the movement, advocating for a United Nations-sponsored referendum. Conversely, the Indian government maintained that Pakistan's support constituted the training and arming of separatist militants, repeatedly demanding a cessation of "cross-border terrorism." The ideological underpinnings of these movements shifted from secular nationalism to Islamic ideology, largely due to the influx of Islamic "Jihadi" fighters who had participated in the Soviet-Afghan War during the 1980s. The influence of Hizb-ul-Mujahideen, affiliated with Jamaat-e-Islami, was particularly pronounced (BBC, 2017). The dispute over the 1987 elections catalyzed a period of intensified, organized, and frequent violent protests. India's Republic Day, celebrated on 26th January, witnessed a diminished observance in the state. Demonstrations featuring black flags were prevalent in Srinagar, the principal city in the Kashmir Valley, as residents protested Indian national holidays and commemorated Pakistani national holidays. The anniversary of Kashmir's accession to India on 26th October was designated as a day of occupation. Furthermore, the death of Pakistani military

dictator General Zia-ul-Haq, known for his promotion of extremist religious policies, was mourned. The state administrative apparatus experienced a complete breakdown, with widespread disregard for official regulations (Mahapatra, 2017, p. 59).

The fear of militant reprisal resulted in the abdication of official duties by government personnel in Jammu and Kashmir. Anti-Indian sentiment permeated all facets of life in the Kashmir Valley. Local grievances like increases in electricity tariffs, religious controversies and the publication of Salman Rushdie's *The Satanic Verses*², were transformed into anti-Indian protests. Demonstrators defied state-imposed curfews, engaged in mass processions, and articulated pro-independence and anti-Indian slogans. In Srinagar, groups comprising women, medical professionals, educators, and legal practitioners conducted near-daily street marches (Schofield, 2000, p. 150).

Role of Pakistan and Inter-Services Intelligence (ISI)

Prior to the commencement of the insurgency in 1989, the People's League and the Jammu and Kashmir Liberation Front (JKLF) emerged as prominent militant organizations. The JKLF, established in 1984, spearheaded the propagation of militancy within the state. After 1986, individuals from Jammu and Kashmir crossed the Line of Control (LoC), seeking weapons and training. Pakistan collaborated with the JKLF, then the principal nascent militant organization. Concurrently, a network was established to disseminate propaganda beyond Jammu and Kashmir and to facilitate the recruitment of individuals for cross-border training and armament acquisition (Prakash, 2008, p. 18). The escalating alienation of the Kashmiri people did not manifest in widespread militarization until the 1987 elections. Allegations of electoral irregularities, specifically the deprivation of seats from Muslim United Front candidates and the assault and expulsion of counting agents from polling stations, catalyzed the Kashmiri insurgency, which by 1989 had garnered substantial popular support (Chenoy, 2010, p. 29). Pakistan's strategic objectives centered on the acquisition of Jammu and Kashmir from the Indian Union. The pattern of terrorist activities that emerged after 1989 stemmed from the confluence of two fundamental perceptions: firstly, the assertion that India was obligated to cede Jammu and Kashmir to Pakistan due to its Muslim-majority demographic and geographical contiguity; secondly, the belief that the perceived success of the Afghan conflict after 1989 provided a

template for the acquisition of Jammu and Kashmir (Sreedhar & Manish, 2003, p. 20).

Subsequently, numerous organizations and groups aligned with Jamaat-e-Islami and Pakistan was emerged. Notable among these were the Allah Tigers, established on 15th August 1989, under the leadership of Noor Kha; Islami Tahrik-e-Tulba (ITT), founded in November 1982; Hizbe Islami, established in December 1989; and the Muslim Student Federation (MSF), led by Mushtaq Ahmad Bhatt. Additional organizations included the Islamic Students League (JSL), founded on 16th September 1986 by Shakeel Ahmad Bakshi; the Zia Tiger Force, established in 1988 under Mohammad Ashraf Dar; and Islami Jamiat-e-Tulba, founded in September 1977. Al-Umar-Mujahideen, affiliated with Lt. Maulvi Farooq's Awami Action Committee (AAC), was also formed. Initially led by Mushtaq Zarger, it comprised approximately one thousand highly trained militants. The formation of Jamaat-ul-Mujahideen was also decided upon (Thakur, 2000, p. 178).

The JKLF and Muslim Janbaaz Force (MJF) achieved operational status in 1988-1989, operating primarily within the Kashmir Valley. The Inter-Services Intelligence (ISI) sought to establish a new organization operating from Jammu. ISI's Brigadier Farooq tasked Muslim United Front (MUF) chief Babar, a Jammu native trained in Pakistan, with establishing Al Madad Algar Ali. This organization's primary objective was to conduct harassment operations aimed at impeding the mobility of the Indian Army, thereby disrupting the crucial land link between the Kashmir Valley and the rest of India. On 31st July 1988, the Central Telegraph Office in Srinagar and the Srinagar club were targeted with explosives. The ISI's strategic approach involved the proliferation of militant organizations within Jammu and Kashmir, ostensibly to mitigate the risk of attrition or defection associated with reliance on a limited number of groups (Sreedhar & Manish, 2003, pp. 23-24).

Hizbul Mujahideen (HM), established in 1989, emerged as a prominent militant organization characterized by the exercise of modern training techniques and weaponry, reportedly supplied by the Pakistani military. This group was implicated in the targeted killings of individuals such as Shahid Birna, a Muslim Janbaaz Force (MJF) area commander in North Kashmir, and Jammu and Kashmir Liberation Front (JKLF) ideologues, including Mohammad Maqbool Maulvi, Dr. Abdul Ahmad, and Professor Ahmad Wani. Concurrently, Al-Qaeda, founded by Osama Bin Laden and Abdullah Azzam in Afghanistan in 1988, articulated a strategic

agenda to confront perceived “enemies of Islam.” In 1989, Bin Laden declared a jihad in Kashmir and extended support to various militant organizations, including Harkat-ul-Mujahideen (HKUM), Harkat-ul-Jihad-Islami (HUJI), Harkat-ul-Ansar (HUA), Lashkar-e-Taiba (LeT), and Jaish-e-Mohammed (JeM). This support aligned with his objective of establishing a *Nizam-e-Mustafa* (the system of the Prophet Muhammad) within the Ummah (Muslim community bound together by ties of religion or Islamic nation), which encompassed the Indian Union (Sreedhar & Manish, 2003, p. 25). This evolving environment enabled Pakistan to diminish the influence of the JKLF, a proponent of Kashmiri nationalism, and to supplant it with pro-Islamist and pro-Pakistan groups, including non-Kashmiri militants. Amanullah Khan, the chief of the JKLF, alleged that “the pro-Pakistan Hizbul Mujahideen was killing JKLF workers.” He further asserted that “terrorist organizations, funded and motivated by the ISI of Pakistan, included the Hizbul Mujahideen, the Allah Tigers, the Muslim Janbaz Force, the Pasdaran Inqilab-e-Islami, and the Ikhwan Muslimeen.” Jameel M. Qureshi, the security advisor to the Governor, stated that the JKLF had been effectively neutralized through the combined efforts of India and Pakistan (Puri, 2012, p. 61).

Section -II

Impact of Terrorism and Militancy on Human Life

The socio-political conditions of Jammu and Kashmir have profoundly impacted the daily lives of its residents. The consequences of militancy are examined across three domains: the displacement of the Kashmiri Pandit community, the militarization of the state, and the articulation of demands for self-determination.

Exodus of Kashmiri Pandits: A Gross Violation of Human Rights

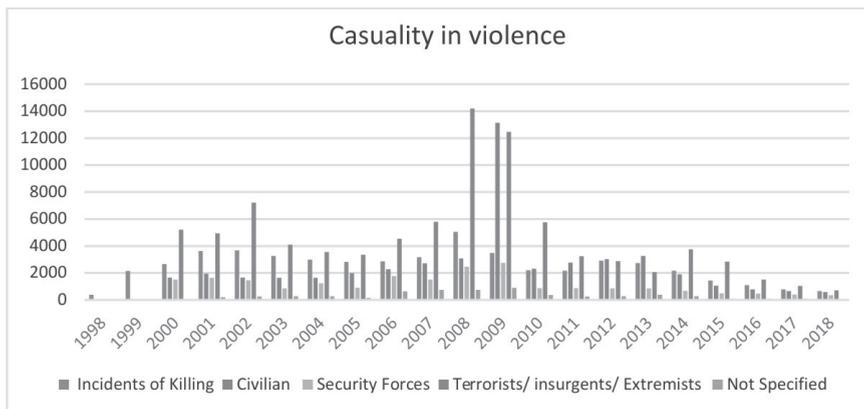
The separatist/JKLF contributed to an environment in which Kashmiri Pandits were targeted and forced to leave their homes. After events on 19th January 1990, pamphlets were issued, instructing the Kashmiri Pandit community to either leave Kashmir or convert to Islam or face execution. They declared Kashmiri Pandits as “Kafirs” (non-Muslim). Kashmiri Muslims were also directed to identify Hindus for conversion or elimination. Reports indicate incidents of arson, torture, rape, and other atrocities on the Hindu community especially women and young children (Baghel, 2022, p. 4). Militants

engaged in the abduction and assassination of state civil servants and suspected informants. The Pandit community, estimated at 120,000 to 140,000 individuals, experienced widespread displacement, and around 90,000 to 100,000 members of the Kashmiri Pandit community either left the Kashmir Valley or were pressured to do so (Bose, 2021, p. 373).

Militarization of Jammu and Kashmir and Social Unrest

In the Kashmir Valley, a discourse on national security has integrated aggressive nationalism, market expansion, and militarism. While Kashmiri residents have articulated their grievances through historical, regional, and ethnic frameworks, Indian nationalist narratives have framed the insurgency in nationalist and communal terms, portraying Kashmiris as a threat to the nation's ethno-religious order. The resistance movement has been depicted as a proxy conflict between India and Pakistan, emphasizing Pakistan's role in the organization, training, and armament of Kashmiri insurgents. The national discourse has positioned the insurgency as a national security issue, justifying state violence along the state's sensitive border (Duschinski, 2009, p. 699). India acknowledged the necessity for a strategic shift in its approach to Kashmir, reclassifying the issue from an internal "law and order" problem to a matter of "cross-border terrorism," necessitating a counterinsurgency strategy (Behera, 2006, p. 48).

Table 1. Violence in Jammu and Kashmir (1998-2018)



Source: South Asia Portal. Jammu and Kashmir. <https://www.satp.org/#>

In 1989, a popular armed rebellion against Indian rule commenced in Kashmir. The Indian state responded with a large-scale counterinsurgency operation, deploying over 700,000 military and paramilitary personnel. This resulted in a heavily militarized environment characterized by surveillance, control, and punitive measures imposed upon the civilian population. With a high troop-to-civilian ratio, approximately one soldier for every 17 Kashmiris, the region became one of the most densely militarized zones globally (Bhan, 2018, p. 2). During 1990, approximately 1,000 civilians and 130 security force members were killed in approximately 4,000 incidents of militant violence. The government invoked the 1987 Terrorist and Disruptive Activities (Prevention) Act (TADA) to detain suspected terrorists for up to one year without formal charges (Kapur, 2017, p. 86).

These conditions prompted the Union Government to enact the Armed Forces (Jammu and Kashmir) Special Powers Act³ (AFSPA) in 1990 (effective from 5th July 1990). Initially, the districts of Anantnag, Baramulla, Budgam, Kupwara, Pulwama, and Srinagar, along with areas within 29 kilometers of the Line of Control (LoC) in Rajouri and Poonch, were designated as “disturbed.” By 2001, the districts of Jammu, Kathua, Udhampur, Poonch, Rajouri, and Doda were also declared “disturbed,” extending the AFSPA’s application to these regions (Kanungo, 2012, pp. 28-29). In August 1992, Indian security forces launched “Operation Tiger,” a counterinsurgency campaign involving surprise raids targeting suspected militants and aimed at disrupting civilian support networks. This operation, along with subsequent operations such as “Operation Shiva,” was characterized by reports of summary executions of detainees and indiscriminate attacks on civilians. Security forces were also reported to have engaged in frequent arson attacks, destroying residential and commercial properties (Human Rights Watch, 1993, p. 2).

During this period, the slogan “*Mujahideen Ka Kya Pegam? Kashmir Banega Pakistan*” (What is the message of the Mujahideen? Kashmir will become Pakistan) became prominent at Kashmiri rallies, reflecting prevailing political sentiments (Hindutva Shorts, 2023). Following the Mujahideen’s capture of Kabul in 1992, Pakistan-based jihadist groups experienced an influx of resources, enabling them to expand their operational scope. Consequently, in 1994, a significant number of foreign Mujahideen, referred to as “mehmaan mujahideen,” joined the insurgency in Jammu and Kashmir. Interviews conducted by Pakistani journalist Mohammad Amir Rana, an expert on regional jihadist organizations, indicated that religious indoctrination was a primary motivator for many militants, although factors such as

machismo and a desire for adventure also played a role. The jihad provided an outlet for young individuals seeking to escape perceived social constraints and limited opportunities (Swami, 2007, p. 180).

The All Parties Hurriyat Conference (APHC), a coalition of twenty-six political, social, and religious organizations in Kashmir, was formed in 1993. The APHC's objectives included the annexation of Indian-administered regions of Kashmir to Pakistan and the establishment of Islamic governance. The Jammu & Kashmir Democratic Freedom Party (JKDFP), founded in 1998 by Hashim Qureshi and Shabir Ahmad Shah, also emerged, although neither party has participated in electoral politics (Suri, 2015, p. 224). Various militant groups and organizations aligned under the APHC, with Syed Ali Shah Geelani serving as a prominent hardline leader. Internal divisions over ideology and objectives led to a split within the APHC, with Mirwaiz Umar Farooq leading a moderate faction. Established to provide political representation to the insurgency, the APHC has been vocal in its criticism of security forces and in raising human rights concerns with international bodies. However, internal discord between pro-Pakistan factions led by Geelani and pro-independence factions led by figures like Yasin Malik has weakened the Hurriyat's cohesion since 1994 (Kanungo, 2012, p. 24).

In 1996, the United Front Government's Common Minimum Programme proposed greater autonomy within the Indian constitution as a means to restore normalcy and peace in Jammu and Kashmir. Prime Minister H.D. Deve Gowda's offer of maximum autonomy within the constitutional framework facilitated Farooq Abdullah and his party's participation in the September 1996 Assembly elections (Shah, 2002, p. 266). The strengthening of fundamentalist elements within Pakistan's political and military establishment, coupled with the Inter-Services Intelligence (ISI)-backed Taliban regime in Afghanistan, posed a challenge to India's efforts in curbing insurgency and restoring elected governance in Jammu and Kashmir (Budania, 2001, p. 114). The post-9/11 period witnessed two significant terrorist incidents attributed to pro-Pakistan militants operating in Jammu and Kashmir. On 1st October 2001, Jaish-e-Mohammed suicide bombers attacked the Jammu and Kashmir State Assembly in Srinagar, resulting in forty fatalities. Subsequently, on 13th December 2001, Jaish-e-Mohammed and Lashkar-e-Taiba terrorists attacked the Indian Parliament in New Delhi. These coordinated attacks, potentially involving elements of the Pakistani military, marked the first major terrorist incidents following the 9/11 attacks (Snedden, 2015, p. 174).

The 2002 Jammu and Kashmir Legislative Assembly elections, the

second since the onset of the insurgency, were marked by violence, with 99 political activists killed by militants. The National Conference was particularly targeted, with Hizb-ul-Mujahideen and Lashkar-e-Taiba urging voters to oppose the ruling party (Swami, 2006, p. 213). Both militant groups and security forces were observed to have curtailed electoral freedoms. While the civil and economic rights of Kashmiri Muslims were not directly threatened, many Kashmiris recognized the benefits of remaining within democratic India, having acceded to the Union under specific circumstances necessitating greater state autonomy (Koithara, 2004, p. 287). In 2003, India and Pakistan established a ceasefire along the Line of Control, which remained largely in effect until 2006. In January 2004, a pro-dialogue faction of the All Parties Hurriyat Conference engaged in formal discussions with Indian Home Minister and Deputy Prime Minister L.K. Advani, marking the first high-level political engagement between Indian officials and Kashmiri secessionists (Swami, 2006, p. 215).

However, between 1989 and 2002, estimates of fatalities resulting from the conflict, including civilians, militants, and security personnel, ranged from 40,000 to 80,000 (as claimed by the Hurriyat Conference). Indian counterinsurgency sources reported over 4,600 security personnel deaths, approximately 13,500 civilian deaths (predominantly Muslims), and 15,937 militant deaths, including approximately 3,000 foreign fighters, primarily Pakistani and Afghan. During this period, 55,538 incidents of violence were recorded, and Indian forces seized approximately 40,000 firearms, 150,000 explosive devices, and over 6 million rounds of ammunition (Bose, 2003, pp. 4-5).

Voice of Azaadi: Mass Protection and Stone Pelting

Even minor civic grievances in Kashmir frequently escalated into demands for self-determination. Large-scale demonstrations, often involving hundreds of thousands of participants, challenged security forces, dismantling fortifications and confronting armed personnel. Slogans such as "*Hum kya chahte? Azadi!*" (What do we want? Freedom!) and "*Jeevey Jeevey Pakistan!*" (Long live Pakistan!) were prevalent (Roy, 2011, pp. 37-38). The Jammu and Kashmir Liberation Front (JKLF), while nominally secular, continued to advocate for an independent Kashmir, despite having received support from the Pakistani military (Jaffrelot, 2002, p. 186). In 2008, protests against the transfer of land to the Amarnath shrine board resulted in civilian fatalities and subsequent counter-protests in Jammu, leading to communal polarization and renewed calls for self-determination (Mohanty, 2018, p.60). Concerns among Kashmiri Muslims about demographic

changes and the creation of Hindu settlements fueled the protests, resulting in the revocation of the land transfer order and subsequent counter-protests in Jammu (Richmond & Visoka, 2022, p. 676).

Stone-pelting by Kashmiri youth emerged as a form of protest against perceived oppression, eliciting responses from security forces involving tear gas, rubber bullets, and pellet weapons. These confrontations resulted in numerous injuries, including eye injuries, and arrests, with allegations of torture and violations of human rights. Political activist Mannan Bukhari attributed the use of stones to their accessibility and perceived defenselessness (Khan, 2015, p. 88). The 2010 protests, triggered by incidents such as the Machil fake encounter and the death of Tufail Mattoo, involved large-scale demonstrations and civil disobedience, with slogans such as “*Quit Kashmir*” and “*Go India, Go Back*” (Chatterji, 2011, p. 59). The 2013 protests following the execution of Afzal Guru were met with increased security measures and curfews (Mohanty, 2018, p. 60). These incidents resulted in numerous injuries, arrests, and detentions under the Public Safety Act. The lack of meaningful dialogue and perceived overreaction by the government during the 2008-2010 unrest fueled resentment (Mandel, 2015, p. 131).

During this period, Jammu and Kashmir became a highly militarized zone, with stone-throwing protests becoming a prominent form of resistance. This method of protest was seen as a way for young Kashmiris to express dissent without being directly associated with Pakistan-backed terrorist organizations (Bukhari, 2015, p. 44). Further, the period from 2014 to 2018 was marked by the Burhan Wani⁴ incident in 2016, which triggered large-scale protests, arrests, and human rights violations. The Jammu and Kashmir Coalition of Civil Society (JKCCS) reported huge student fatalities in this period. (Schofield, 2021, p. 264; Menon, 2017, p. 24). Even after this incident, the attacks did not stop in the region. The attacks that followed were deadly, the target being the Indian Army. Terrorist attacks, including those in Uri (2016), Sunjuwan (2018), and Pulwama (2019), targeted Indian security forces. Soldiers are not simply instruments of war, they are individuals with families, dreams, and fears. They possess the same inherent human dignity as anyone else. Soldiers sacrifice their lives on the line to protect their country. This act of selfless service is a fundamental expression of human values. It is crucial to emphasize that the human values of a soldier remain constant. Their sacrifices and dedication to protecting their country is immeasurable.

Section-III

Search for a Good Life and the Question of Human Values

In 2003, U.S. Deputy Secretary of State Richard Armitage characterized Kashmir, alongside Israel and Palestine, as one of the “most dangerous places in the world.” The protracted conflict has profoundly impacted the mental health of the people in Jammu and Kashmir. Mental health, an integral component of overall well-being, is closely intertwined with physical and social health. Experiences of conflict, displacement, loss, and perceived humiliation or entrapment are associated with increased rates of depression. In Kashmir, security-related anxieties are prevalent. The daily exposure to conflict, including fatalities, injuries, property damage, and social disruption, poses significant psychological challenges (Amin & Khan, 2009, pp. 213-223). Armed conflict disrupts social determinants of mental health, such as family relations, community networks, and access to essential services. Displacement, property destruction, and the loss of family members contribute to psychological distress, including grief and complicated bereavement (Walid, 2012). In the early 2000s, the concept of “trauma” and “Post-Traumatic Stress Disorder”⁵ (PTSD) gained recognition in Kashmir through medical humanitarian interventions. Organizations like Médecins Sans Frontières (MSF) conducted seminars to raise awareness of stress-related psychosocial issues and expanded mental health programs, including counseling services and radio broadcasts addressing stress management, depression, and substance abuse (Verma, 2018, p. 134). The 2016 Kashmir Mental Health Survey, conducted by MSF, revealed that adults in Kashmir had witnessed an average of 7.7 traumatic events, including terrorist attacks, assaults, kidnappings, and torture. Emergency service workers were also exposed to traumatic stressors (Médecins Sans Frontières, 2016, pp. 1-30).

Women

Kashmiri women face challenges stemming from both state laws and armed conflict. Legal provisions related to property rights and citizenship have created vulnerabilities. Sexual violence has been employed as a weapon of war, and women experience daily forms of subtle and overt violence. Movement restrictions and security concerns have further constrained their lives (Batool, 2016; Jagmohan, 2017, p. 234). Women have been targeted during security operations, and while militant organizations have also

targeted civilians, the scale of violence attributed to security forces is reportedly greater (Asia Watch, 1993).

Common People and Suicide

In addition to common factors contributing to suicide, such as personal and economic hardship, the uncertain political climate in Kashmir has been identified as a significant factor. The prolonged exposure to violence and insecurity has eroded coping mechanisms, contributing to increased vulnerability to suicide (Khalid, 2012).

Children

Armed conflict has had a severe impact on children, with many experiencing psychosocial problems, including trauma, nightmares, and depression. Children have been orphaned, displaced, and subjected to violence. The education system has been disrupted by security concerns and social unrest (Dar, 2020; Letchamanan & Dhar, 2017, p. 135; Médecins Sans Frontières, 2006; Wani & Hassain, 2020). Reports of child detentions and allegations of torture have raised concerns about human rights violations. The impact of conflict has also negatively affected primary education enrollment, particularly among Muslim boys (Geelani, 2012, p. 28).

Nomadic Tribes

The Gujjar and Bakarwal nomadic tribes have been significantly affected by the conflict. Security restrictions and militant activities have disrupted their traditional migration patterns and livelihoods. Landmines and shelling have rendered agricultural land unusable. Encounters with militants and security forces have placed these communities in a precarious position, with reports of killings, extortion, and sexual violence (Rahi, Vol. 4, p. 37; Suri & Hooda, 2014, pp. 3-8; Times of India, 2002).

Non-Citizens

The special provisions for permanent residents under Article 35-A of the Indian Constitution have created disparities for non-permanent residents, including Gorkhas, West Pakistan Refugees, and Valmiki communities. These communities have faced restrictions on property ownership, employment, and educational opportunities (Saklani & Ashmita, 2023).

The challenges to universal human values in Kashmir during the pre-2019 period were deeply complex and multifaceted, stemming from the prolonged conflict and its associated consequences. The pervasive violence, including militant attacks, counter-insurgency operations, and civilian casualties, fundamentally challenged the universal value of the right to life. The constant threat of violence created an environment of fear and insecurity, impacting the ability of individuals to live with dignity. Allegations of human rights abuses, including extrajudicial killings, torture, arbitrary detention, and enforced disappearances, were prevalent. Along with this, the displacement of Kashmiri Pandits disrupted the social fabric and caused immense suffering. It impacted the right to a home and the ability to maintain cultural and social connections. The daily curfews, mobile networking and internet shutdowns, and security measures impacted daily life and limited access to information. It restricted freedom of movement, assembly, and expression, limiting individuals' ability to participate in social and political life. The prolonged exposure to violence and conflict resulted in widespread psychological trauma, affecting mental health and well-being. In essence, the pre-2019 period in Kashmir was marked by a conflict that deeply challenges the realization of fundamental human values, creating a complex and difficult environment for the people living there.

Section-IV

Jammu and Kashmir after Abrogation of Article 370

The decision of the central government on 5th August 2019 not only announced the abrogation of Article 370 and 35-A of the Indian Constitution but also the bifurcation of the state of J&K into two Union Territories (1) Jammu and Kashmir (2) Ladakh. These two Union Territories are governed by the Central government. The changes after the Abrogation of the special status of Jammu and Kashmir under Article 370 of the Indian constitution are discussed following:

Law and Order

After 5th August 2019, the Center abrogated Jammu and Kashmir's special status under Article 370 of the Indian Constitution. Its great achievements, in contrast to earlier times, are the restoration of peace and the development of peace-building in Jammu and Kashmir

(Majid, 2023). Division Commissioner Vijay Kumar Bidhuri of the state said Kashmir has succeeded not only in maintaining law and order but also in several other areas. The magazine *Greater Kashmir and Kashmir Life*(2024) also reported that after the abrogation of Article 370,a remarkable change took place in the Union Territory,and law and order have been successfully maintained.

Growth in the Tourism Sector

The tourism sector in Jammu and Kashmir has experienced growth. The official data is as follows:

Table 2. Number of tourists came in Jammu and Kashmir

<i>Year</i>	<i>Total tourists visited J&K</i>
2019	16221250
2020	3476153
2021	1,1316,484
2022	1,88,84,317
2023	2,11,80,011
2024	2,950,000

Source: Department of Tourism, Jammu and Kashmir. <https://jandktourism.jk.gov.in/TouristFigure.html>

The trends in the above table show that tourist arrivals have increased, with approximately 2.95 million visitors recorded in 2024, compared to 2.71 million in 2023 and 2.67 million in 2022. This increase is presented as evidence of improved security and stability and a sense of normalcy. This increase has benefited not only the people of Kashmir but also the people of Jammu. Tourism gives hope to local people by providing a source of income, employment, and opportunities for a better quality of life.

Change in State Subject and providing citizenship

After the abrogation of Articles 370 and 35-A of the Indian constitution,non-citizens of J&K like the Valmiki community, West Pakistan Refugees, and the Gorkha community have become citizens of the state. Now, the children of the Valmiki community are not forced to work as Safai Karamchari (sanitation workers). Now, they are free tochoose anyprofession without being restricted by State

laws. Now they can use the benefits of central and state schemes and programs(Saklani and Ashmita, 2023).

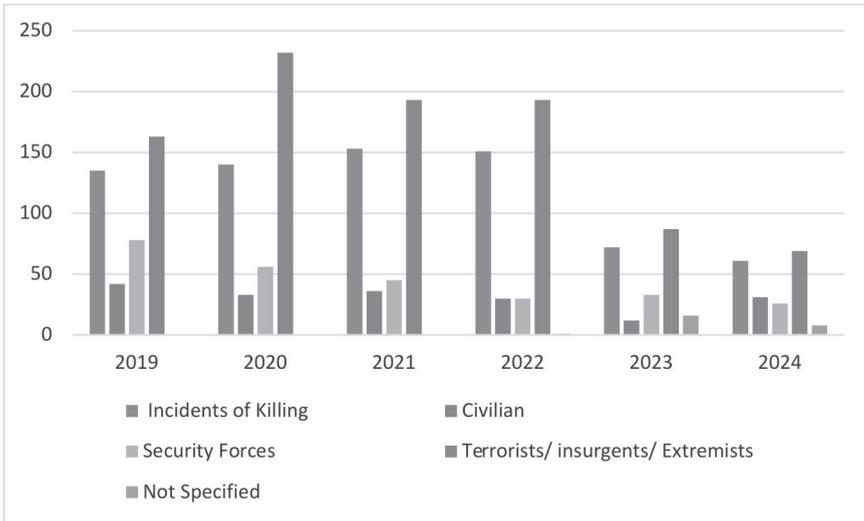
Changes in the Status of Women

After the abrogation of Article 370 and the special status of Jammu and Kashmir, women are better protected under the Indian Constitution. Previously, women had no rights on land;now, a woman of Kashmir will get property rights even if she marries a temporary resident. The Domestic Violence Act, and the prohibition of the Child Marriage Act werenot applicable. The Dowry Prohibition Act of 1961 extends to the whole of India except the states of Jammu and Kashmir (Das, 2011, p.101). After the decision to abolish Article 370, all these restrictions and discrimination against women have ended.

Decreased stone pelting, strikes, curfew, and daily Target killing: Enhancing level of Human values

According to Home Ministry data, the number of Stone-pelting incidents, strikes, and curfews has completely stopped in Jammu and Kashmir. The locals’ involvement in terrorist activities is reduced in the valley. The statistical report of terrorist attacks in the state is discussed in the following:

Table 3. Terrorist attacks in Jammu and Kashmir during 2019-2024



Source: <https://www.satp.org/datasheet-terrorist-attack/fatalities/india-jammukashmir>

The above table shows that although terrorist attacks have taken place from time to time, after so many decades, the life of the people in the Kashmir valley has become normal. Most of the incidents of terrorism and violence are taking place in the Jammu division of the state.

Muslim tribal groups like the Gujjars and the Paharis also play an important role in fighting the rebels in the Jammu area. Along with this, the region has Village Defence Guards (earlier known as Village Defence Committees) in the region who had been entrusted with the task of dealing with armed insurgents earlier and continue so even today. After the abrogation of Article 370, the Lieutenant Governor's administration is in control, and the insurgents have lost influence comparatively in the region (*AL JAZEERA*, 2024). However, in spite of the major changes that have taken place after the abrogation of Article 370, some ongoing violence, social unrest, and challenges are still affecting the human rights of citizens. However, these do not have as much impact as much as they did earlier. Today, people's lives have become normal.

Impact on Education

At its worst, conditions in Kashmir had a devastating impact on educational institutions, and children and their education have been most neglected over the past few decades. According to the Home Ministry, the killings, bombings, and incidents of stone pelting did not allow schools to function smoothly. After the abrogation of Article 370, schools and other educational institutions became regular and brought normalcy to the daily lives of Kashmiri citizens and children. A new era in the growth of the educational sector has begun with the abrogation of Article 370 in Jammu and Kashmir (Zargar, 2024).

Free and Fair and Peaceful Elections

The Election Commission held free and fair elections in 2019 (Block Development Councils) and 2020 (District Development Council) as well as the State election in 2024 after the abrogation of Article 370. The fact that these elections were held peacefully and without any untoward incidents serves as a symbol of maintaining law and order and restoration of Human Values and democratic ethos. News outlets and newspapers reported that many people came out for the first time to cast a vote (*The Hindu*, 2024). They were unable

to participate in electoral activities earlier due to various terrorist incidents.

Conclusion

Addressing human rights concerns, ensuring equitable access to resources, and safeguarding cultural identities are essential for building a more harmonious society in Jammu and Kashmir. This research paper explores that in the UTs of Jammu and Kashmir, the seeds of militancy and terrorism that had developed in the past decades became dangerous for the health of the people of the region as well as the nation at large. In the case of Jammu and Kashmir, external factors like Pakistan, ISI, separatists, and other terrorist organizations always play key roles and affect the security of the state and result in cross-human rights violations in different forms. After the abrogation of Article 370, it is observed that UTs are not free from militancy and terrorism, but there is a decline in such incidents like target killings, curfew, and everyday violence. After many decades of turbulence in the state, after the abrogation of Article 370, the people are experiencing a more peaceful environment, and it has normalized the lives of individuals, especially women and children who were more affected by terrorism and militancy. The central government laws and schemes, including those related to women and child welfare, are now more applicable in the UT, which enhances their living parameters. A significant change in the socio-economic and political conditions of non-permanent residents like the Valmiki, West Pakistan Refugees, and the Gorkha community occurred after the abrogation of Article 370 and 35-A of the Indian Constitution as they are now considered state subjects. Now, they have access to property ownership, government jobs, various central and UT scholarships, and have studied up to higher education. However, the government's emphasis on human values has been crucial to building an inclusive and peaceful future in Jammu and Kashmir.

Notes

1. In order to engage princely state rulers, Patel and Menon created treaties to boost their diplomatic endeavors. There were two important documents: the Standstill Agreement and the Instrument of Accession. The first was the Standstill Agreements, which reaffirmed the continuation of the earlier accords and administrative procedures. The second was the instrument of accession, a legal document first introduced by the Government of India Act 1935 and

used in 1947 to enable each of the rulers of the princely states under British paramount to join one of the new dominions of India and Pakistan created by the Partition of British India. So, the Instrument of Accession is by which the princely state's ruler consented to the accession of his kingdom to independent India and granted sovereignty over a range of specific subjects.

2. The Islamic prophet Muhammad is alleged to have misinterpreted certain words as a revelation from Allah, which are known as 'satanic' verses. *Satanic Verses* is a novel by the British Indian writer Salman Rushdie. According to testimonies from the historians Al-Waqidi and Al-Tabari, this is the tale that deals with the 'Satanic verses'.
3. In places designated as 'disturbed areas' the Indian Armed Forces, the state, and paramilitary forces are given special power by the Armed Forces Special Power Act (AFSPA), a parliament act. The armed forces and Central Armed Police Forces operating in areas of unrest are granted unlimited power to execute those who break the law, make arrests, and protect themselves from legal action and punishment.
4. Burhan Muzaffar Wani, the commander of the Islamist militant group Hizbul Mujahideen, an insurgent force involved in the Kashmir conflict. His significant social media presence has been the main factor in his rise in popularity among the local Kashmiri people. Further, he was in charge of transforming the Jammu and Kashmiri insurgency into a movement focused on the youth.
5. PTSD is a disorder that develops in some people who have experienced a shocking, scary, or dangerous event. It is natural to feel afraid during and after a traumatic situation. Fear is a part of the body's fight-or-flight response, which helps us avoid or respond to potential danger.

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