

*Review*

## Status of human rights in democratic setup: Experiences from Kashmir

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Democracies empower people to make decisions. Consequent upon the ideal impressions of Democracy, there ought to have been no scope for the human rights violation in a democratic society. But once we introspect the society of Kashmir (in India), the realistic form of democracy is lagging. Over the past two decades, in particular, the suffering of the Kashmiri people has reached an indescribable intensity and magnitude. All human rights enshrined in the United Nation's Charter, the Universal Declaration of Human Rights and the human rights covenants have been flagrantly violated. Although various attempts have been made by the existing rule of law to minimize the human rights violation, these efforts continues to prove null. One such attempt was to re-democratize the Kashmir in 1996 but human rights continue to be violated. The issue lies in the background that the concept of Democracy as practiced by the Administrators and the way the people understand it are poles apart. Democracy needs to be redefined and practiced by minimizing the gap between how people understand it and how it is to be implemented. The present paper attempts to study the various issues related to democracy and the human rights violations by focusing on the conflict situation of Kashmir wherein the practiced democracy continues to be ineffective for controlling the human rights violation.

**Key words:** Democracy, human rights, Kashmir, public safety act, armed forces special powers act, self-determination.

### INTRODUCTION

Democracy is frequently considered to be a government by the people; a form of government in which the supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system. The "majority rule" is often described as a characteristic feature of democracy, but without responsible government or constitutional protections of individual liberties from democratic power it is possible for dissenting individuals to be oppressed by the "tyranny of the majority" (Oromia, 2009). The democratic method of forming government is that, such institutional arrangements for arriving at political decisions should be established in which individual acquires the power to decide by means of a competitive struggle for the

people's vote (Schunpter, 1968, p. 29). An essential process in representative democracies is competitive elections that are fair both substantively and procedurally (Ole and Greer, 2012, p. 327). Furthermore, freedom of political expression, freedom of speech and freedom of the press are essential so that citizens are informed and able to vote in their personal interests. In the Face of the Future, Dunn (1993) proposed two forms of democracy: real democracy and ideal democracy. According to him, democracy itself is both a utopian ideal and a practical arrangement, although the two forms cannot really be embodied simultaneously in any political activity. Robert Dahl (Dahl, 1961) argues that democracy means something different for people situated in different times

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and places. For instance, in ancient Greece, democracy was only enjoyed by free men; in the early period of US political history, democratic rights were given only to white males in colonies; today, although all citizens have democratic rights in law, what they really have in political life, in fact, are voting rights (Han and Dong, 2006, p. 2). Whether democracy should be the utopia that all 'developing' societies aspire to, is a separate question altogether. According to the liberal theory of democracy, in such a society, power rests with the citizen, who is entitled to certain freedoms (each of which has found its way into the universal declaration of human rights), including freedom of speech; freedom of information; freedom of worship and belief; freedom of the press; freedom of assembly; freedom to impart educational knowledge, and so on (O'Byrne, 2005, p. 115) as such ensuring freedom, equality and dignity of the individual (Kafaltiya, 2003, p. 2). Since 17th century the political and legal philosophy associated particularly with the doctrine of natural justice had an emphasis on democratic system of government and on individual liberty and freedom. This doctrine has resulted in the widespread acceptance of the existence of fundamental rights built into the constitutional democracies and received recognition internationally by means of covenants of human rights agreed upon by the democratic states (Kafaltiya, 2003, p. 3).

While the definition of democracy conveys the basic premise that the citizens of a democracy govern their nation, it skips vital parts of the idea of democracy as practiced in countries around the globe. The principal rationales for which the people favour the establishment of democratic government are the protection and promotion of their rights, interests, and welfare. Democracy requires that each individual be free to participate in the political community's self-government (Bahmueller et al., 2007, p. 11). Thus political freedom lies at the heart of the concept of democracy. Democracy identifies the moral predominance of the individual and that all persons have certain fundamental rights. A central purpose of democracy is to protect these rights in the practical world of everyday life. Thus continuous advancement and progress of mankind would have been found possible only under the democratic system of government since it contains human values and legal procedures of governance.

Astonishingly, Democracy has always been a threat to order. Four centuries before the beginning of this millennium, Plato indicted the city-state of Athens for handing over power to the people, for they had neither the inclination nor the training to run their lives. From the 5th century BC, Athenian democracy gave citizens equal rights to participate in decision making and to hold public office; it was based on the ideal of equality among citizens (Held, 1996). One small caveat though - not everyone was a citizen. Only native Athenian men over the age of twenty were eligible for active citizenship. Not the 60% of the Athenian population who were slaves, certainly not women, and not the so-called "immigrants"

whose families had settled in Athens several generations earlier, but Plato looked on even this highly restricted citizenship with dismay.

### Jammu and Kashmir

The state of *Jammu and Kashmir* (in India), is situated between  $32^{\circ} 17'$  and  $36^{\circ} 58'$  North Latitudes and  $73^{\circ} 06'$  and  $80^{\circ} 30'$  East Longitude, territory in the northwestern part of the Indian subcontinent. The state is spread out in a geographical area of 222,236 km<sup>2</sup> (Hussain, 1985, p. 20). It is geographically bounded on the north by Afghanistan and China, on the east by China, on the south by Himachal Pradesh and Punjab Province of India on the west by the North-West-frontier-Province and the Punjab Province of Pakistan. It is a multi-ethnic, multi-religious and multi-lingual state having a population of around 12,548,926 (Census, 2011). The state is culturally divided into three divisions – *Jammu*, *Kashmir* and *Ladakh*. The three divisions altogether depict a different picture when viewed in a socio-cultural perspective.

### HISTORICAL ACCOUNT OF HUMAN RIGHTS IN KASHMIR

If the history of the state is sketched out, the Sikh rule lasted for about twenty-seven years (1819, p. 46) during which as many as eleven governors ruled the state. The Sikh governors were very tough and hard administrators. During their tenure, No family in Srinagar was spared by the plunders. Property was looted, men were killed and women folk molested. Thousands were compelled by the circumstances to leave the capital city towards the safer places. Cow slaughter was made punishable with death sentence. Scores of innocents were imprisoned and killed on suspicion of cow slaughter. Instances were of whole families being burnt alive publicly on the charge of slaying a cow. Heavy taxation broke the back of the common man. The Muslims were deprived of their lands which were distributed among the non-Muslims. Few dared cultivation of cultivable land, because of a fear of being deprived of fruits thereof.

Dogra rule (1846 to 1947 A.D.) carried misery, starvation and discrimination for the subjects and privileges and profits for the rulers and the administrators mostly Pandits and Hindus. Oppression over the majority community by the majority community was the order of the day, from top to bottom cadres of administration. During Ranbir Singh's rule, the condition of the Kashmiri artisans deteriorated to the lowest ebb because of their exploitation from all quarters viz. from merchants, fellow beings and from the leadership. The shawl maker earned only disgrace and starvation. After putting-in hard labour,

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\* Dogra rule is the rule of a dynasty of Hindu Rajputs who ruled Jammu and Kashmir from 1846 to 1947. The rulers include Maharaja Gulab Singh, Ranbir Singh, Pratap Singh and Hari Singh.

he was not able to earn for his family to sustain even basic amenities of livelihood. Over taxation, under payment, epidemic, half blindness resulting from conditions of work, restrictions imposed over his changing of profession, reduced the shawl weaver to a position, where only death was the alternative to release him from the bondage of persecution.

In August 1947, the British left the Indian Subcontinent after partitioning the Indian subcontinent into two independent nation states, India and Pakistan on religious communal lines. There were 562 "princely states" in British Indian Empire. *Maharajas*, *Rajas* and *Nawabs*<sup>†</sup> ruled over these territories under the sovereignty of the British Crown. On the lapse of British colonialism, these rulers were "legally" free to decide whether to join either of the two new states or remain independent. However, this legal choice of independence was essentially a hypothetical one as the religious composition of the subjects and the geographical location of these princely states dictated the merger with the newly emerged successors nation states of India and Pakistan. No princely state could become independent (Bose, 1999).

Maharaja Hari Singh, the Hindu ruler of Jammu and Kashmir, however was anxious for independence. The princely state of Jammu and Kashmir with a territory of about 128,000 km<sup>2</sup> was uniquely placed as a buffer territory between India and Pakistan and had common borders within Afghanistan and China. Neither Pakistan nor India was ready to accept an independent Jammu and Kashmir. They kept on pressing the Maharaja to accede to either of the new states (Samaddar, 2004, p. 323).

Pakistan claimed this territory, as 72% of Maharaja's subjects were Muslim. India wanted the Muslim majority territory of Kashmir as an emblem of her secularism. The Maharaja offered a 'stand still' agreement to India and Pakistan, as he wanted some more time to make up his mind. Pakistan signed agreement but India refused (Bose, 1999).

In May 1946 Sheikh Abdullah, the leader of the National Conference, fuelled by the patriotic enthusiasm that was sweeping the subcontinent, launched a "Quit Kashmir"<sup>‡</sup> campaign against the Maharaja, and was sentenced to nine years in prison. Meanwhile, a national movement in Kashmir developed the program of doing away with the Maharaja, of turning Kashmir into a democratic republic, of giving to the people of Kashmir

the right of self-determination." Facing the tribal invasion in October 1947, the Maharaja acceded in haste to India and from exile nominated Sheikh Abdullah, his fiercest enemy, as the Prime Minister of the State of Jammu and Kashmir (Korbel, 1954, pp. 482-490). Subsequently, the Indian administration initiated to induce Kashmir to its large democratic setup.

India and Pakistan began their first war in less than three months of coming into being as independent states. In January 1948, India appealed to the Security Council of the United Nations to restore peace in Kashmir. On January 20, 1948, the United Nations Commission on India and Pakistan (UNCIP) was constituted (UNSC Resolution S/654). In April 1948, the UN adopted the first Plebiscite Resolution. The resolution called upon Pakistan "to withdraw all its armed personnel including the tribesmen from the territory of Jammu and Kashmir". It asked India "to reduce its armed forces to the minimum level needed to maintain law and order" and to hold a plebiscite as soon as possible on the question of accession of Jammu and Kashmir to India or Pakistan. The plebiscite administrator was to be nominated by the UN Secretary General (UNSC Resolution S/726, April 21, 1948.). A UN crafted cease-fire was implemented on January 1, 1949. The plebiscite resolution was reaffirmed (Bose, 1999).

India and Pakistan created two separate political entities on the disputed territory - "Government of Jammu and Kashmir State" (India) and "Government of Azad Kashmir" (Pakistan) under the stewardship of their yes-men. The emergence of these political entities altered the ground situation as these new "stake holders" started manipulating the people of the divided territory on the command of their masters in Delhi and Karachi. The Kashmiris, who disagreed with New Delhi or Karachi, were soon put behind the bars. By 1958, within ten years of having taken the Kashmir dispute to the United Nations, and having asked for international intervention in the resolution of the dispute, India changed its position on outside mediation in Kashmir. As a result, during 1960 and 1964 India turned down the offers of mediation by President Nasser of Egypt, President Kennedy of the United States of America and the Prime Minister of United Kingdom (Bose, 1999).

The second Indo-Pakistan war on Kashmir took place in 1965. The third Indo-Pakistan war of 1971, which began on the soil of former East Pakistan and present Bangladesh, spilled over onto the territory of Kashmir. For the last fifty-two years, India and Pakistan have been virtually at war with each other. At times this war has been fought with guns, but most of the time it has been a verbal duel. The so-called "Kashmir dispute" lies at the very core of this enmity (Bose, 1999).

## POST-1990 EXPERIENCES

In 1989, sections of Kashmiris began a militant movement

<sup>†</sup> Maharaja is a Sanskrit title for a great king. On the eve of independence in 1947, India (including present day Pakistan and Bangladesh) contained more than 600 princely states, each with its own ruler, often styled Raja or Thakur (if the ruler were Hindu) or Nawab (if he were Muslim), with a host of less current titles as well. Nawaab, is an honorific title ratified and bestowed by the reigning Mughal Emperor to semi-autonomous Muslim rulers of princely states in South Asia. Raja is an Indian term for a monarch, or princely ruler of the Kshatriya varna.

<sup>‡</sup> Quit Kashmir was a movement which meant that the Maharaja should leave the valley. It was in May 1946 led by Sheikh Mohd Abdullah

for national self-determination. In retaliation, Indian government let loose a reign of terror in Kashmir valley. Pakistan aided and abated this armed struggle and tried to use it to filthier its own agenda in Kashmir. While India calls the movement in Kashmir, "Pakistan's proxy war" Pakistan says that it is merely providing moral support to the Kashmiris in their struggle for a just cause (Bose, 1999).

Jammu and Kashmir was placed under President's rule in July 1990. The Armed Force Special Powers Act, which provides the security forces with immunity from prosecution, was imposed a month later. Since then Indian Security forces have been engaged in a major counter-insurgency operation against armed secessionist and fundamentalist groups and reports of torture and death in custody have increased dramatically (Amnesty International Report, 1993, p. 20). The war in the Kashmir Valley is almost 21-years old now, and has claimed about 1,00,000 lives. Millions have been tormented and tortured, several thousand have 'disappeared', women have been raped, tens of thousands widowed. Widespread human rights violations in the state since January 1990 have been attributed to Indian army, and the paramilitary Border Security Force and Central Reserve Police Force (Amnesty International Report 1993, p. 20). Half a million Indian troops patrol the Kashmir Valley, making it the most militarized zone in the world. Amazing part of the story is that Gurez, one of the Tehsils of Bandipore District of Kashmir valley, constitutes population of 30,000 besides 60,000 troops who are guarding the borderline touching the other side-Pakistan (Mir, 2008).

Elections by which any government that justify the prevalence of democracy over a military occupation in Kashmir have had a long and fascinating past. The blatantly rigged state election of 1987 was the immediate provocation for the armed uprising that began in 1990. Since then elections have become a finely honed instrument of the military occupation, a sinister playground for India's deep state. Intelligence agencies have created political parties and decoy politicians, they have constructed and destroyed political careers at will. It is they more than anyone else who decide what the outcome of each election will be. After every election, the Indian establishment declares that India has won a popular mandate from the people of Kashmir.

There seems to be no end to the reckless killings of innocent people and deliberate human rights violations by Indian forces in occupied Kashmir. The size and enormity of this grave problem has evoked attention of Human Rights organizations the world over who in their reports have dealt with the issue and asked India for redress. The State Department (of USA) assessment issued in the early 1990 were forth right in discussing the dismal human rights situation in Kashmir. They cited many credible allegations that Indian Human Rights group had faced abuses from the side of security forces. These

**Table 1.** Violence update in Kashmir (From January 01, 1989 to August 31, 2010).

Parameter	Value
Total killings	93,379
Custodial killings	6,974
Civilians arrested	118,060
Structures Arsoned/Destroyed	105,866
Women widowed	22,734
Children orphaned	107,366
Women gang-raped / Molested	9,946

included torture of detainees, mass shooting of demonstrators, large scale arrests, gang rapes, detention without trial and extra-judicial killing of prisoners. The reports noted with disapproval the Indian government's refusal to permit visits to Kashmir by international human rights groups such as Amnesty International and the The International Committee of the Red Cross. While they focused on human rights violations by government security forces, the annual reports also called attention to abusive behavior by militants such as the killing, kidnapping, and harassing of government officials and political opponents (Schaffer, 2009, p. 133). But surprisingly enough New Delhi has taken no notice of their pleadings. According to *Kashmir Media Service*, a local news agency, following is the violence update witnessed by the common people of Kashmir from January 1, 1989 to August 31, 2010.

As shown in Table 1, in Jammu and Kashmir, rape is practiced as part of a systematic attempt to humiliate and intimidate the local population during counter-insurgency operations (Amnesty International Report, 1993, p. 21). Every heart cried and every eye shed tears in the intervening night of the 23-24 February, 1991 (Amnesty International Report, 1993, p. 22), when the young and energetic, but inhumane, Indian troops of the 04 Raj Raffles of 68 Brigade C/o 56 APO launched a search operation in the village of *Kunan Poshpora*, in District *Kupwara*, and raped as many as thirty women, including teenage girls and a near 100 year old frail grandmother. The rape took place in front of their young children. There were brutal impact on their bodies and since then, they have suffered physical and mental trauma for years. They have been socially discriminated and ostracized, landing them into a traumatic state of mind that has been permanent. This is the grossest of human rights violations. As the years have passed by, the human rights violation cases in Kashmir valley have increased drawing the attention and criticisms of people, however, unfortunately, it seems the government has never been serious enough in punishing the guilty and putting a check on atrocities (Independent People's Tribunal, 2010).

It was Tuesday evening of June 11, 1991 - when a

nine-member Central Reserve Police Force (CRPF) posse came charging from their camp at Syed Mansoor Bridge towards the Government Medical College, Srinagar around 6:15 pm and opened indiscriminate firing with their automatic weapons all the way upto the densely populated downtown area of Srinagar, Chota Bazaar. The indiscriminate firing by the security personnel took a massive toll of 32 lives of innocent civilians. Around 22 persons were also critically injured in the incident. The bullets hit shopkeepers, passerby, a 75-year old woman and a child. However, the official reports confirmed killings of 18 civilians and six injured persons (Koul, 2009).

The UN General Assembly in 2006 has unanimously adopted the International Convention for the Protection of all Persons from Enforced Disappearances. Earlier, there was the UN Declaration to the above effect (December 1992). Article 2 of the Declaration (of General Assembly of United Nations 1992 on Declaration on the Protection of All Persons from Enforced Disappearance) says that, "No State shall practice, permit or tolerate enforced disappearances". Article 7 says, "no circumstances, whether a threat of war, internal political instability, or any other public emergency may be invoked to justify" these acts of violation. Hence, it is not open to the State to resort to enforced disappearances which would include all custodial deaths on the ground of any threat to internal security or external safety and stability. It is here the State's liability becomes absolute, and we should have no hesitation in making these observations. Since the liberation movement started in 1989 as many as ten thousand Kashmiri youth have been forcibly disappeared while under custody of the Indian army. Their whereabouts are unknown. Others detained by the army were denied access to legal counsel. Not only that, the family members of the detainees are being disallowed to meet them who come from far off places to see them in different jails across occupied Kashmir and India (Independent People's Tribunal, 2010).

In India, civil society is getting stronger because of growing democratic space. The issues of militarization, globalization, nuclearization, fundamentalism, terrorism, communalism and other issues, which effect people directly, are being agitated by the civil society.

According to a local civil society, *Independent People's Tribunal*, a testimony of Ms. Parveena Ahangar, Chairperson of the *Association of Parents of Disappeared Persons*, clearly establishes that 8,000 to 10,000 persons have disappeared from 1989. Moreover, internationally, disappearances and "custodial deaths" fall within the definition of "torture". Prohibition of torture and ill treatment is underlined by its *non-derogable* status in human rights laws. No State can justify such an act (Independent People's Tribunal, 2010).

One of the most draconian laws applicable in Jammu and Kashmir, Public Safety Act (PSA) that is being liberally used as a repressive measure to scuttle any

dissent, often also for victimizing innocent youth ironically finds its roots in the Defense of India Act (DIA) during the British rule. In fact, the PSA happens to be a more punitive form of the DIA that was described by various National leaders including Mahatma Gandhi as draconian and a black law enacted by British to suppress Indian freedom struggle.

After independence, Defense of India Act changed nomenclature in the year 1967 and is presently known as Public Safety Act, more precisely in Jammu and Kashmir as Jammu and Kashmir Public Safety Act-1978 with provisions and impunity almost similar to the act of British era (Hashmi, 2007).

Legal luminaries and international human rights organizations have been persistently demanding review of this act. They say that the act falls short of the recognized norms of justice, such as equality before law, the right of the accused of appearance before a Magistrate within twenty four hours of arrest, fair trial in public, access to counsel, cross examination of the witnesses, appeal against conviction, protection from being tried under retrospective application of law and many other such provisions (Hashmi, 2007).

Under PSA, detainees are not informed of the reasons of their arrest and they are kept in custody for a much longer period of time than stipulated in the Act. "They are not allowed to meet their relatives and counsels which is highly unfortunate when seen in the light of the fact that our country got independence from these acts in 1947," remarked the expert. He emphasized that with the ouster of British Raj, these draconian laws should have also gone (Hashmi, 2007).

Reports of Amnesty International (AI) and other human rights organizations suggest that people detained under the PSA also run a high risk of being tortured, as many are denied access to family or lawyers for long periods. These reports also indicate that torture is widely used in police stations and interrogation centres in Jammu and Kashmir to extract confessions or information, to humiliate or punish detainees, leading to dozens of reported deaths in custody (Amnesty International, 2011).

Hundreds of people are thought to be held in preventive detention or on a range of criminal charges despite court orders for their release. Often, when the state anticipates that detainees will be released on bail, it uses the PSA to ensure their continued detention.

In the summer of 2008, a dispute over land being allotted to the Amarnath Shrine Board coalesced into a massive, non-violent uprising. Day after day, hundreds of thousands of people defied soldiers and policemen - who fired straight into the crowds, killing more than 60 people - and thronged the streets. A similar incident was witnessed on account of a Shopian rape and murder case wherein two women Neelofar Jan (22) and Asiya (17) were alleged abducted, gang raped and murdered in mysterious circumstances on the intervening night of May 29 and 30, 2009 at Bongam, Shopian

district by the CRPF. The incident also resulted in losing life of dozens of innocent people who came on to streets for seeking justice which was denied. In both the incidents of 2008 and 2009, the demand for justice, self-determination and removal of the Indian forces and voice against human rights violation intensified but both the times it was denied. Interestingly, in 2010, the demand again intensified in form of 'Quit Kashmir Movement' when on June 11 one student Tufail Ahmad Mattoo (17) was killed by the security personnel which upto August 31 has taken now lives of more than 65 innocent persons ranging from the age of 8 to 65 years.

In the state of Jammu and Kashmir, the Indian Army is conferred with special powers act, that is, The Armed Forces (Jammu and Kashmir) Special Powers Act, 1990 to enable certain special powers to be conferred upon members of the armed forces in the disturbed areas in the State of Jammu and Kashmir.

As per this act, any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area (The Gazette of India, 1990):

“(a) if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of firearms, ammunition or explosive substances;

(b) if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made, or any structure used as training camp for armed volunteers or utilized as a hide-out by armed gangs or absconders wanted for any offence;

(c) arrest, without warrant, any persons who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest;

(d) enter and search, without warrant, any premises to make any such arrest as aforesaid or to recover any person believed to be wrongful restrained or confined or any property reasonably suspected to be stolen property or any arms, ammunition or explosive substances believed to be unlawful kept in such premises, and may for that purpose use such force as may be necessary, and seize any such property, arms, ammunition or explosive substances;

(e) stop, search and seize any vehicle or vessel reasonably suspected to be carrying any person who is a proclaimed offender, or any persons who has committed a non-cognizable offence, or against whom a reasonable

suspicion exists that he has committed or is about to commit a non-cognizable offence, or any person who is carrying any arms, ammunition or explosive substance believed to be unlawfully held by him, and may, for that purpose, use such force as may be necessary to effect such stoppage, search or seizure, as the case may be.”

This special Act has resulted in limitless misuse resulting in number of fake encounters by security forces and killings of innocent people by labeling them as militants.

With frequent incidents of fake encounters in Kashmir, it is a moment of introspection for the political and civil society of India. For all those who are proud of Indian democracy, it is a moment to reflect as to how this democracy fares for the people in Kashmir.

## CONCLUSION

It is important to note that democracy does not remain limited to the electoral choices and the extent and intensity of competition in the formation of government – it also involves the political and civil rights of people. Even when democracy has been restored in Kashmir in its procedural form and is kicking in the form of intensely competitive politics, its substantive effect is missing. The right to life is minimum that is provided by any democracy, the range of rights however goes much beyond this and involves the basic civil liberties as well. However, the way the hapless innocent persons were cruelly murdered in *Nadihal* in north Kashmir and declared as militants– it is the denial of the minimum (Vij 2010). It is not only the murder of three people; it is also the murder of Indian democracy. *Arundhati Roy* argues,

*“While we're still arguing about whether there's life after death, can we add another question to the cart? Is there life after democracy? What sort of life will it be? By "democracy" I don't mean democracy as an ideal or an aspiration. I mean the working model: Western liberal democracy, and its variants, such as they are.”*

It is a moment of introspection for all those who believe in the strength of the Indian nation and would vouch for equal citizenship rights for all Indian nationals. The citizenship right of Kashmiris has been mercilessly violated. It is a moment of reflection for all those who declare Kashmir to be integral part of India. How can one take a position that Kashmir is integrated with India, if the rights enjoyed by all Indian are not extended to the people of Kashmir?

Democracies empower people to make decisions. They offer opportunities for people to even secede from state unions, as was afforded the Quebecois in Canada (Zargar 2011). Such are the democratic principles. Real democracies don't issue endless draconian laws like the Special Arms Act, the Public Safety Act and the Defense of India Rule. In a working democracy, we

do not find people arrested and disappeared for good while family members still live in hope of seeing them again.

A true picture of democracy, in a society like Kashmir, manifests the priority of the human relations and humanistic values over the imposition of the idea of sovereignty and greater nationalism. Within this broader framework, an idea of plebiscite in which a population exercises the right of national self-determination would be a step ahead in letting the people of Kashmir to decide about their fate vis-à-vis their nationalistic interests. It is noteworthy to mention here that the issues of human rights violation get intensified as and when the people of Kashmir raise their voice in favour of self-determination. So, in order to see a peaceful, democratic and prosperous Kashmir, the people need to be allowed to exercise their right to choose their identity. Initiating mere developmental programmes in Kashmir would only manage to bring peace for a particular time and rather resolving the crisis altogether.

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