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Separatism in Kashmir

Why in news?

Yasin Malik, the Kashmiri separatist leader and chief of banned Jammu and Kashmir Liberation Front (JKLF) was sentenced to life imprisonment in terror funding case.

What is the J&K terror funding case about?

- The case pertains to the terror conspiracy by LeT founder Hafiz Saeed and the separatist leaders who acted in collaboration with the banned orgainsations to raise, receive and collect funds domestically and from abroad using illegal channels.
- The funds were collected to carry out separatist and terror activities in the Kashmir valley through stone pelting and attacks on security forces, damaging public property, etc.
- The NIA in its investigation said that Yasin Malik was the head of JKLF and was involved in terror activities in J&K.
- Malik along with other Hurriyat leaders formed a group called 'Joint Resistance Leadership' under which they issued directions to the people to involve in acts that could disrupt peace in the valley.
- Yasin Malik is also accused of raising funds from traders at LOC and distributing them among terrorists and stone-pelters.
- The NIA had filed a chargesheet against over a dozen people in January 2018 in connection with the terror funding case.
- Malik is also facing other cases that pertains to the gunning down of IAF personnel in 1990 and the kidnapping of daughter of the then Home Minister Mufti Mohammed Sayeed in 1989.

What is the court's verdict?

- The special court is designated for cases brought by the National Investigation Agency (NIA), which mainly handles offenses deemed to affect the sovereignty, security and integrity of India.
- Malik was charged with various offences under Indian Penal Code and the Unlawful Activities Prevention Act (UAPA).
- He had pleaded guilty to the charges and told the special court that he had been practising non-violent politics in Kashmir after giving up arms in the 1990s.
- However, the court awarded two life sentences to Yasin Malik and imposed a fine of at least Rs 11 lakh.
- The initial reaction in the Valley to Malik's conviction was an uptick in violence and protests even as security clampdowns were put in place to prevent any further upsurge.

What is the UAPA about?

- The Unlawful Activities Prevention Act (UAPA) was enacted in 1967 and was strengthened by the Union government in 2008 and 2012.
- The UAPA is meant to deal with matters of profound impact on the defence of India and address threats to the very existence of our Nation.
- The Act empowers the government to declare an organisation or an individual as "terrorist" and ban it.
- Even being a member of such a proscribed organisation becomes a criminal offence.
- It deprives the accused of the **right to bail** and this made them to live long under detention.
- Unlike the Criminal Procedure Code, the UAPA under Section 43D(2), permits keeping a person in prison for up to **180 days,** without even filing a charge sheet.

What is the status of separatism in Kashmir?

- Malik's conviction, the ongoing house arrest of Mirwaiz Umar Farooq and the death of hardliner Syed Ali Shah Geelani suggest that the political face of separatism has been neutralised in the valley.
- This does not mean that the voices of separatism in the Valley have been silenced.
- The absence of the political leadership is expected to give way to more militancy.
- **Threats**- The situation in the Valley threatens to return to what prevailed during the violent 1990s. It includes
    - The Indian government's decisions to do away with the special status for Jammu and Kashmir
    - Its bifurcation into two Union Territories and loss of statehood,
    - The ham-handed approach to achieve a politically suitable delimitation of electoral constituencies

What is the need of the hour?

- It is up to the Union Government to revive confidence-building measures in the Union Territory.
- A return to statehood and a re-activation of the democratic political process is a much-needed imperative.

References

1. https://www.thehindu.com/opinion/editorial/conviction-and-repression-the-hindu-editorial-on-yasin-malik-and-separatism/article65467568.ece
2. https://www.indiatoday.in/india/story/yasin-malik-uapa-life-imprisonment-kashmiri-separatist-in-terror-funding-case-1953981-2022-05-25
3. https://www.hindustantimes.com/india-news/live-updates-who-is-yasin-malik-the-separatist-leader-convicted-in-terror-funding-case-101653478610921.html



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