CHAPTER TWO

STATE TERRORISM COUNTER TERRORISM AND HUMAN RIGHTS VIOLATION IN KASHMIR

CONCEPT OF TERRORISM

Terrorism is essentially a social phenomenon. For a social scientist it is a form of social deviance. It provides us an entry point for comprehending the changing relations between and among the citizens on one side and between the state and citizens on the other. It is a phenomenon easier to describe than to define. One man's terrorist may be other man's freedom fighter. It is a pejorative term, and is often described by those who favour it as 'paramilitary action', as 'resistance to occupation' or as part of a 'war of national liberation'. The crucial element, according to Wilkinson, "is the deliberate attempt to create fear, intensive fear, in order to coerce the wider target into giving in what the terrorist wants".

The US Department of Defence defines terrorism as the unlawful use of force or violence by a revolutionary organisation against individuals or property with the intention of coercing or intimidating governments or societies, for political and ideological purposes.

In India the Terrorist Activities and Disruption Act (TADA) 1985 defines the terrorist as a person who indulges in wanton killing of persons or in violence, in the disruption of services or in communication, and endangering the sovereignty and integrity of India. Terrorism can be defined as resort to an action entailing ~the threat or use of violence for political purposes. Such an action is intended to influence the attitude and behaviour of a target group other than the terrorist's immediate victim.
One of the earliest attempts to define terrorism was made by Hardman who defined it as "the method or the theory being the method whereby an organized group or party seeks to achieve its avowed aim chiefly through systematic use of violence. There is clearly a measure of truth in this definition.

Terrorism is indeed a systematic, if not discriminating, use of violence. Nor can one deny that its aims are avowed or clearly declared. However it is difficult perceive if terrorism can be said to involve a theory. A theory is a system of concepts, rules and procedures; it is a mean to explain a mass of facts or to produce a result. The basis of terrorism is but a single dogma, that is desired (not necessarily commonly desirable) end is to be realized by using violence and intimidating people.

Another attempt was made by Thornton who emphasized the symbolic character of terrorist acts. He says: "... in an internal was situation, terror is a symbolic act designed to influence political behaviour by extra normal means entailing the use or threat of violence. This definition duly provides for the element of fear which terrorism produces in the minds of the masses, and also for uncommonness of means to attain set goals; but it somehow conveys the wrong suggestion that all facts of terror in an internal was are designed to give a mere warning to those who oppose the terrorists. The fact is that the terrorist freely commits acts of violence and does not merely threaten us with violence. His acts re not merely symbolic of his intention to kill; they are actual killings. That is why, terrorism is not mere intimidation, though it certainly includes the latter.

Eugene V. Walter has defined terrorism as a process of terror involving elements: 'the act or threat of violence, the emotional reaction, and
the social effects." This definition obviously covers some essential elements of terrorism. It also does not miss the truth that terrorism does not merely intimidate but inflicts violence. But it gives no place to the dogma that any means may be adopted for the attainment of an end. As we know terrorists justify the most heinous means to attain their political goals.

Paul Wilkinson, in his two major works and several articles, defines terrorism as 'Coercive intimidation', which is, in practice, "a systematic use of murder and destruction and the threat of murder and destruction in order to terrorize individuals, groups, communities or governments into conceding to the terrorists political demands."

This definition may be taken as the basis of our discussions, though it might be added that the dogma: 'Any means for the attainment of ends' is only hinted, not clearly mentioned in this definition. In terrorism, the ends may be humanitarian, but the means are totally inhuman; the end may be the liberation of a section of masses, but the means may involve liquidation of the other sections. In short no humanitarian or moral norms are observed or heeded in the execution of a terrorist plan. It is a doctrine which does not believe in securing ends through persuasion and consent.

Terrorism is illegal violence or threatened violence directed against human or nonhuman objects, provided that it:

1. was undertaken or ordered with a view to altering or maintaining at least one putative norm in at least one particular territorial unit or population;
(2) had secretive, furtive, and/or clandestine features that were expected by the participants to conceal their personal identity and/or their future location;

(3) was not undertaken or ordered to further the permanent defense of some area;

(4) was not conventional warfare and because of their concealed personal identity, concealment of their future location, their threats, and/or their spatial mobility, the participants perceived themselves as less vulnerable to conventional military action; and

(5) was perceived by the participants as contributing to the normative goal previously described (supra) by inculcating fear of violence in persons (perhaps an indefinite category of them) other than the immediate target of the actual or threatened violence and/or by publicizing some cause.

The fifth edition of Webster's Collegiate Dictionary defines Terrorism as a Mode of governing or of opposing government by intimidation".

Terrorism is like the face of the masked terrorist blotted out, unidentifiable and awesome.

Harold Lasswell feels that terrorists are participants in the political process who strive for political results by grousing acute anxieties. Illegitimate violence is resorted to against political and civilian targets to influence the political process so that legitimacy of the "in group" is caused to decline and that of the 'out group' (terrorist organisations) is sought to be enchanted in the same proportion, in a democracy, where mass participation to gain legitimacy as well as difficult for the government to scuemss to
authoritarian practices. Thus consequences of terrorism for the terrorists in the political field are miserable.

In a second view terrorism is synonymous with all forms of illegal rebel violence.

A legal definition which the Germans and the Reagan Administration favoured was criminal violence, violating legal codes and punishable by the state.

Such definitions do not explain the social and political nature of the act. Violence is the result of complete social economic, political factors that are beyond legal and foreign policy restrictions. Political violence occurs during the struggle for legitimacy. Klalter Lacquer finds it so vexing that he refuses to give any definition of terrorism, as he comments:

"a comprehensive definition of terrorism. . . does not exist nor will it be found in the foreseeable future. To argue that terrorism cannot be studied without such a definition is manifestly absurd."

Since all the definitions are viable they raise rather they solve the problem. Most definitions are tentative. But all have two aspects in common:

i) Some one is terrorized.
ii) The Acts meaning is derived from its targets and victims.

Most authors agree that terrorism is the use or the threat of the use of violence a method of combat, a strategy to achieve targets. It aims to induce a state of fear in the victim, that is ruthless and does not conform with humanitarian rules and that publicity is the core of its strategy. Rubenstein's definition is noteworthy if only because it makes no reference to crime or
illegality "He says term Terrorism ... to denote acts of small groups violence for which arguable claims of mass representation can be made".

**Typologies**

Another way of understanding terrorism is to look at it as typologies that will transcend the limitations of cryptic descriptions and definitions.

It has been accepted that instead of definitions, Terrorism would be better understood in terms of typologies, terrorism is a tactical process. Tactically it is defined to influence the behaviour of target audience through the use of violence.

**Forms of Terrorism**

There are various forms of terrorism such as political terrorism, religious terrorism and industrial terrorism with economic over-tones. It is generally very difficult to identify diverse forms of terrorism in distinctly clear terms. Nevertheless, an attempt is being made here to understand political terrorism in the main.

At least six major types of political terrorism are there: (i) international terrorism, (ii) national terrorism, (iii) superpower terrorism, (iv) state terrorism, (v) nuclear terrorism, and (vi) Very Very Important Person's Terrorism (VVIPs Terrorism).

International terrorists hide, now-a-days in the luxuries of a 5-star hotel instead of a jungle or a valley. An operation could be planned in France by South American experts on behalf of Kashmir militants to be executed in India. A remote control button can bring about a devastating impact anywhere.
The nationalist international terrorism groups are also there. They function in the similar vein as any other terrorist organisation. These terrorists are often in the form of revolutionary groups like Naxalites in India, Baader-Meinhof Gang (BMG) of Germany, the Italian Red Bridge, the Direct Action in France and the Japanese Red Army (JRA). The entire capitalist industrial world all over the globe is enemy of these revolutionary terrorist groups.

Then there are nationalist separatist international terrorist organisations also, such as the Kashmir Liberation Front, Khalistan Commando Force and the Croations, etc.

It is easy to see here the hidden relationship that various international and national terrorist organisations or groups may be having. This relationship is often functional in nature.

President Regan's administration once in this regard -- developed an "International Network" theory in order to counter international terrorism especially terrorism sponsored by the erstwhile Soviet State. United States (US) therefore adopted the theory of deterrence of terrorism. United States therefore adopted the theory of deterrence of terrorism 7A.

International terrorism is, indeed, essentially an urban violent reaction to political, economic and military power. Terrorism uses fear, surprise, violence or threat of violence to achieve some personal, social or political goal. Terrorist activities, involve coercion, illegal and immoral use of force, transnational violence and internationalisation of the conflict, claim or demand. It also includes sensationally destructive acts. Hijacking, skyjacking, assassination blowing up of vessels and things are all well known terrorist acts. Such political terrorism is a calculated act of people having their own values of rationality.
There can still be different types of terrorists, psychologically speaking. There can be crazy terrorists who are driven by reasons of their own esoteric understanding of the world around them.

Quite a few terrorists enter into terrorist activities due to their economic needs and compulsions. They become terrorist in order to attain certain personal economic benefits.

Perhaps, the most glaring example of terrorism, is the "governmental terrorism" or the "state terrorism". "The political authorities ... (are) the greatest perpetrators of terrorism". The Israeli air raid destroying Iraq's "Osirak" nuclear reactor, the "Super terrorist" General Zia, terrorism by present-day and former communist countries, the deeds of SS And Gestapo, CIA, KGB, MI-6, West German BND, Pakistani ISI and Israeli Mossad are all related to instances of state-terrorism. Similarly, one of the worst instances of state terrorism is to be found in the atom bombing of Hiroshima and Nagasaki. As of now, the United States is super-monitoring the affairs of international politics through various kinds weapons and exploitative aid-politics as a terrorizing superpower. Of course, almost all nuclear powers today are party to state terrorism through their nuclear weapons programme and even otherwise.

This nuclear factor has brought forward the context of nuclear terrorism. Nuclear terrorism is possibly going to be the gravest of all terrorist threats or challenges in the years to come. Before going into the likely impact of nuclear terrorism on global scale, it would be of interest to mention, first, a few pertinent examples of nuclear terrorism.

"In October 1978, the Federal Bureau of Investigation in the United States arrested three young Americans. They were put on trial and
sentenced. The charge was conspiracy to steal the USS Trepang -- an American nuclear missile submarine".

"Radioactive plutonium were found in New York's water supply" in April 1985 put there by terrorists.

"A recent Washington Post report... has stated that the indications are... nuclear aspect of terrorism is real possibility".

"In 1979 in North Carolina plant of General Electric, an employee stole 65 kgs of enriched uranium in power form and threatened to disperse it over two... cities in the United States".

"... a French Journalist, Patrick Berthreu ... concluded a deal for 18.7 kgs of enriched uranium and a kilogram of plutonium for a price of $ 73 million".

When such and several other cases of nuclear terrorism have already taken place, it would be well to partially agree with Richard A. Falk, "In our time, conventional moral outrage is concentrated upon terrorist the victimisation of the innocent for the sake of ulterior political motives".

The nuclear terrorism is perhaps a culmination of Very Very Important Person's (VVIPs) vision today. In our daily life, another form of VVIPs terrorism is seen, especially, in totalitarian states and also in young and emerging democracies of Asia, Africa and Latin America nations. Whenever a VVIP races past us in a limousine, we are all thrashed, pooh-poohed or abused badly by the so-called security forces along with the blocking of all roads and traffic for general public. All usual public activities are put to a halt. Aged and young, teachers and street hawkers all are insulted by police alike.

Bowyer Bell\(^8\) described six basic types of terrorism and their corresponding purpose.

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<tr>
<th>Type</th>
<th>Purpose</th>
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<td>Psychotic</td>
<td>Psychological gratification</td>
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<td>Criminal</td>
<td>Profit</td>
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<td>Vigilante</td>
<td>Retaliation</td>
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<td>Endemic</td>
<td>Internal struggle</td>
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<td>Authorized</td>
<td>State repression</td>
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<td>Revolutionary</td>
<td>Behaviour Change through fear</td>
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Tactics adopted by terrorists are:

(1) Criminal
(2) Ideological
(3) Nationalistic
(4) State sponsored
(5) Guerrilla

The tactics of terrorism must be distinguished from the tactical from of terrorism. Brain Jenkins\(^9\) mentions six tactics of the terrorists:

(1) Bombing
(2) Kidnapping
(3) Arson
(4) Hijacking
(5) Ambush
(6) Hostage

**Aims of Terrorists**
The main aim of terrorists is to erode psychological support to the Government machinery by spreading fear among the government officials and their supporters.

(i) **Nationalist Terrorism**
These groups seem political self-determination. Their struggle may be waged in the State, they want to liberate or they may seek to liberate the concerned territory from outside, the latter may at times forced by action of security forces to wage the struggle entirely from exile.

(ii) **Ideological Terrorism**

The aim of these groups is to change the complete political and social scenario.

(iii) **Religious Fanatics**

The aim of these groups is to overthrow a prevailing religious order, which they regard as corrupt and evil. An example of this is Jihad group of fundamentalist, Shi'ites, who were inspired by Iranian revolution and are now challenging many of the moderate Arab regimes.

(iv) **Single Issue Fanatics**

These groups aim at changing a specific practice or policy within a society. Examples are Anti-abortion and Anti-nuclear extremists.

(v) **State Sponsored International Terrorism**

These groups are used as a tool of state policy. The sponsoring state may either use their own recruited or controlled squads or may work through proxies. They always work covertly so that the state could deny their
involvement. Example of this type of terrorism is Gaddafi's hit squad sent abroad to eliminate dissidents.

(d) **International Terrorism**

These are the terrorist acts committed across the border of own state to try and draw world attention to own cause or to prove to the adversary your ability to strike at targets well away from own area. Acts of this can be found in acts by PLO, IRA.

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**Favourable Conditions Favouring Terrorism**

Terrorism can only thrive when certain favourable conditions are prevalent. Such conditions should either exist actually or be perceived to exist.

1. **Political Frustration**

   Mal-administration with corrupt administrators over by inefficient and corrupt politicians produce contempt and hatred against the system and the government.

2. **Economic Disparities**

   Economic disparities, even in developed countries lend themselves to discontentment and develop a feeling of economic exploitation by the rich or poor. Example is that of Naxalite Movement supposedly to end corruption, unemployment and economic disparity.

3. **Foreign Support**
Easy access and suitable routes to an unfriendly country facilitate foreign support case in point you all know. No need of mentioning. Because what it means for a woman to be shameless is much more understood than explained.

4. **Liberation of Fellow Terrorists**

Certain terrorist groups all over the world resorted to terrorism simply to secure release of fellow terrorists.

5. **Lure for Publicity**

Acts of Terrorism make hot news and are published by the media. This gives the concerned terrorist group much needed post.

**Method of Terrorisms**

Various methods are used by Terrorists for terrorising the people to prove that the Government is incapable of defending the public and salvation of people, therefore, lies in supporting the cause of the terrorists. Fear psychosis is built by creating horror and insecurity. Some of the methods used by the terrorists are as under:

1. **Hijacking of Planes**

   This gives them international publicity.

2. **Bombing**

   This is another common tactic used by the terrorists. In the long-run, however, it is counter-productive as this hurts the common man.

3. **Kidnapping**

   This is a very popular method. This also includes taking hostages for political gains and ransom.
4. **Assassinations and Killings**

Assassinations of leading public and government officials is to intimidate the government and dramatize their demands.

5. **Extortion**

This implies armed robbery of money and arms. Looting of banks and armouries thus creating a sense of insecurity among the people.

How far terrorism is different from other forms of violence? It is different from ordinary or mob-violence. As distinguished from the latter, terrorism has a definite programme and objective in the name of which the terrorists resort to violence; it takes its orders from a central command either within or outside the country; it recognizes no ethical conditions or limits to the use of violence believing that any means are permissible, and that everyone, including civilians, women, children and neutrals, is expendable. In the course of terrorist activity, its psychological effects are for-reaching; and in so far as it is not a single sporadic act, but the protracted pursuit of a remote and difficult end, it involves a huge expenditure, and so has to resort to expropriations, that is bank robbery, kidnapping, the hijacking of aeroplanes, along with the forging of currency etc., and, finally, quite unlike ordinary cases of mob-violence, terrorism aims at capturing political power.

In the kind of violence that terrorism involves, "the proximate aim is to instill terror; the ultimate end is control". Thus in civil terror we deal with two processes, one dependent on the other: "the process of violence in the service of terror, and the process of terror in the service of power"\(^{10}\). Here be it noted the first emphasis that is 'violence in the service of terror is
important because, as Walter points out, 'violence may occur without terror, (though) not terror without violence'.

We must also distinguish between terrorism, political terror, and political terrorism. Political terror may occur in terrors of isolated act and also in the form of indiscriminate and arbitrary mass violence. But such a terror is not systematic. Only organized terror can be called terrorism. Political terrorism is different from other forms of terrorism in so far as the former works for the furtherance of some political cause while the latter may work merely to enrich himself or to eliminate his rival. Political terrorism invariably entails some organizational structure. However rudimentary, and some kind of theory or ideology of terror.

Terrorism must be distinguished from mass insurrection too. The latter is not necessarily premeditated and generally occurs without preliminary preparations; it is always a strategy of a revolutionary party which believes in the creative potential of the common mass; and it may be task of a disciplined band of trained fighters.

Again, terrorism is different from war. In the latter the organized resistance meets with almost similar resistance; in the former, the terrorists take the victims unawares; therefore, the resistance is almost nil. Clausewitz refers to this distinction very clearly" "War is not the action of living force on a lifeless mass, but... always the shock of two living forces colliding...." 

E.V. Walter draws another distinction. According to him, whereas terrorism as used in war, aims only at exterminating the enemy, or at least at paralysing his ability to resist, civil terror aims at the control of power and not at the destruction of the population.
Terrorism is also different from Guerrilla warfare: (A) It is urban while the other is basically rural. A guerrilla leader has to build up large military units like battalions, regiments, etc. for its successful operation which can hardly be done in towns, without detection (8) Terrorists put no limits on means employed and may attack even the civilian population; guerrillas often fight according to the connections of war, and tend to respect the rights of non-combatants.

In a terrorist movement generally very few persons are involved; guerrilla warfare, on the other hand, employs a large number of people working in the form of units or divisions.

Terrorism should not be confused with revolutionary movements. It is, in fact, easy to distinguish the two. The terrorists in general aim at enhancing the interests of a particular section or group of society; revolutionary movements aim at liberating the entire exploited mass and bringing fundamental changes in society. The terrorists believe in the potential of only a 'chosen few'; while the revolutionary movements always believe in and draw strength from support of the masses. Marx and Lenin have repeatedly proclaimed their faith in the revolutionary potential of the common masses and also believe that any serious improvements in the life of a workers is only possible through such a struggle. The terrorist resort to indiscriminate violence, but the revolutionaries in general, reject it altogether. They, however, feel that the terrorist act is the symbol of weakness rather than strength. "Its occurrence is most likely in those historical settings and social structures where revolutionary potential is less prevalent".15

Revolutionaries also feel that terrorist tactics can attain only a limited
success, say, release of a group of prisoners, seizure of arms and ammunitions, etc. Mention must be made of significant point here. The revolutionaries may sometimes employ the terrorist tactic, but only in emergency and not as a general rule. Hardman is right when he says that "Neither Blanquism nor Bolshevism revolutionary strategy is rooted in the acceptance of mass movements as the basic force which will effect the shift of social power from the capitalist class to that of the workers".

"International terrorism can be defined as "incidents that have clear international consequence: incidents in which terrorists go abroad to strike their targets, stay at home but select victims because of their connections to the foreign state (e.f. diplomats or executives of foreign corporations), or attack international line of commerce (airliners). It excludes the considerable amount of terrorist violence carried out by terrorists operating within their own country, against their own nationals, and in many countries by governments against their own citizens".

However, a distinction must be made between individually sponsored terrorism and the state sponsored International Terrorism. Wherever the governments use terrorist tactics against a foreign nation it is state sponsored terrorism. This terrorism is much more heinous as it puts huge resources of money, sophisticated weapons and destructive technical expertise in the terrorists' hands. It also enables him to work in a freer way. It is a cheap means of attaining goals without resorting to a full scale conventional war. The Khomeini regime in Iran is the best example of State sponsored terrorism in recent history. We all know how it terrorized American administration by seizing the entire American diplomatic mission in Tehran in 1979. A basic difference between International Terrorism and Ordinary
Terrorism is that while the ordinary terrorists openly admit responsibility for their acts, terrorist states never do so. Ordinary terrorists use violence indiscriminately: International terrorists, on the other hand, prefer to hit at chosen targets. Such a terrorism is always conducted clandestinely. International terrorists are also distinguished by the fact that they take the help of specialist intelligence and security agencies.

It is also necessary to distinguish terrorism from governmental terror. Terrorism in its proper sense implies 'open defiance of law', while terror practised by a government seems to enforce law. Terrorism aims at undermining and demoralizing the governmental authorities, while the governmental terror tries hard to show its legality. Moreover, if it finds no such evidence, it justifies its acts by declaring a state of emergency. The ordinary terrorist has only one justification, that is, the existing government devours their entire and, or exclusive rights and poses threat to survival.

body was brought back to the mortuary and cremated without allowing his family to see the body. The Supreme Court has ordered the Central Bureau of Investigations to inquire into the case.

The contemporary state's capacity for committing such crimes is most often far superior to that of other social units. The powers of the modern state are deliberately used to surpass or eliminate systematically member of distinct ethnic, religious, national or political groups. The governing authorities choose to respond to challenges by killing as many members of the group as is necessary to shatter their capacity to persist and act as a collectively, and use the media to justify the destruction of victim groups by blaming and dehumanizing them. This absolves governments of responsibility for the massive terrorist crimes committed by them.
History and Techniques of Modern Terrorism in the World

Terrorism has been defined as the sub state application of violence or threatened violence intended to sow panic in the society, to weaken or even overthrow the incumbents, and to bring about political change.

As the nineteenth century ended, it seemed no one was safe from terrorist attack. In 1894 an Italian anarchist assassinated French President Sadi Carnot. In 1897 anarchists fatally stabbed Empress Elizabeth of Austria and killed Antonio Canovas, the Spanish prime minister. In 1900 Umberto I, the Italian king, fell in yet another anarchist attack; in 1901 an American anarchist killed William McKinley, president of the United States. Terrorism became the leading preoccupation of politicians, police chiefs, journalists, and writers from Dostoevsky to Henry James. If in the year 1900 the leaders of the main industrial powers had assembled, most of them would have insisted on giving terrorism top priority on their agenda.

In its long history terrorism has appeared in many guises, today society faces not one terrorism but many terrorisms. Since 1900, terrorists' motivation, strategy, and weapons have changed to some extent. The anarchists and the left-wing terrorist groups that succeeded them, down through the Red Armies that operated in Germany, Italy, and Japan in the 1970s, have vanished; if anything, the initiative has passed to the extreme right. Most international and domestic terrorism these days, however, is neither left nor right, but ethnic separatist in inspiration. Ethnic terrorists have more staying power than ideologically motivated ones, since they draw on a larger reservoir of public support.

The greatest change in recent decades is that terrorism is by no means militants' only strategy. The many-branched Muslim Brotherhood, the Palestinian Hames, the Irish Republican Army (IRA), the Kurdish extremists in Turkey and Iraq, the Tamil Tigers of Sri Lanka, the Basque Homeland and Liberty (ETA) movement in Spain, and many other groups that have sprung up in this century have had political as well as terrorist
wings from the beginning. The political arm provides social services and education, runs business, and contests elections, while the "military wing" engages in ambushes and assassinations. Such division of labor has advantages: the political leadership can publicly disassociate itself when the terrorist commit a particularly outrageous act or something does wrong. The claimed lack of control can be quite real because the armed wing tends to become independent; the men and women with the guns and bombs often lose sight of the movement's wider aims and may end up doing more harm than good.

Terrorist operations have also changes somewhat. Airline hijacking have become rare, since hijacked planes cannot stay in the air forever and few countries today are willing to let them land, thereby incurring the stigma of openly supporting terrorism. Terrorists, too, saw diminishing returns on hijacking. The trend now seems to be away from attacking specific targets like the other side's officials and toward more indiscriminate killing. Furthermore, the dividing line between urban terrorism and other tactics has become less distinct, while the line between politically motivated terrorism and the operation of national and international crime syndicates is often impossible for outsiders to discern in the former Soviet Union, Latin America, and other parts of the world. But here is one fundamental difference between international crime and terrorism: mafias have no interest in overthrowing the government and decisively weakening society; in fact, they have a vested interest in a prosperous economy.

A terrorist is not a guerrilla, strictly speaking. There are no longer any guerrillas, engaging in Maoist-style liberation of territories that become the base of a counter-society and a regular army fighting the central government --except perhaps in remote places like Afghanistan, the Philippines, and Sri Lanka. The term "guerrilla" has had a long life partly because terrorists prefer the label, for its more positive connotations. It also persists because governments and media in other countries do not wish to?
offend terrorists by calling them terrorists. The French and British press would not dream of referring to their countries' native terrorists by any other name but call terrorists in other nations militants, activists, national liberation fighters, or even "gun persons".

The belief has gained ground that terrorist missions by volunteers bent on committing suicide constitute a radical new departure, dangerous because they are impossible to prevent. But that is a myth, like the many other in which terrorism has always been shrouded. The bomber willing to indeed eager to blow himself up has appeared in all eras and cultural traditions, espousing politics ranging from the leftism of the Baader-Meinhof Gang in 1970s Germany extremism. When the Japanese military wanted kamikaze pilots at the end of World War II, thousands of volunteers rushed to offer themselves. The young Arab bombers on Jerusalem buses looking to be rewarded by the virgins in Paradise are a link in an old chain.

State-sponsored terrorism has not disappeared. Terrorists can no longer count on the Soviet Union and its Eastern European allies, but some Middle Eastern and North African countries still provide support. Tehran and Tripoli, however, are less eager to argue that they have a divine right to engage in terrorist operations outside their borders; the 1986 U.S. air strike against Libya and the various boycotts against Libya and Iran had an effect. No government today boasts about warfare it instigates and backs.

History shows that terrorism more often than not has little political impact, and that when it has an effect it is often the opposite of the one desired. Terrorism in the 1980s and 1990s is no exception. The 1991 assassination of Rajiv Gandhi as he campaigned to retake the prime ministership neither hastened nor inhibited the decline of India's Congress Party. Hamas and Hezbollah's stepped-up terrorism in Israel undoubtedly influenced the outcome of Israeli elections in May, but while it achieved its immediate objective of setting back the peace process on which Palestine Authority President Yasir Arafat has gambled his future, is a hard-line
Likud government really in these groups' interests? On the other side, Yigal Amir, the right-wing orthodox Jewish student who assassinated Prime Minister Yitzhak Rabin last fall because he disapproved of the peace agreement with the Palestinians, might well have helped elect Rubin's dovish second-in-command, Shiman Peres, to a full term had the Muslim terrorists not made Israeli security an issue again.

Terrorists caused disruption and destabilization in other parts of the world, such as Sri Lanka, where economic decline has accompanied the war between the government and the Tamil Tigers. But in Israel and in Spain, where Basque extremists have been staging attacks for decades, terrorism has had no effect on the economy. Even in Algeria, where terrorism has exacted the highest toll in human lives, Muslim extremists have made little headway since 1992-93, when many predicted the demise of the unpopular military regime.

Some argue that terrorism must be effective because certain terrorist leaders have become president or prime minister of their country. In other cases, however, the terrorists had first forsworn violence and adjusted to the political process. Finally, the common wisdom holds that terrorism can spark a war or, at least, prevent peace. That is true, but only where there is much inflammable material: as in Sarajevo in 1914, so in the Middle East and elsewhere today.

The past few decades have witnessed the birth of dozens of aggressive movements espousing varieties of nationalism, religious fundamentalism, fascism, and apocalyptic millenarianism, from Hindu nationalists in India to neofascists in Europe and the developing world to the Branch Davidian cult of Waco, Texas. The earlier fascists believed in military aggression and engaged in a huge military buildup, but such a strategy has become too expensive even for superpowers. Now, mail-order catalogs tempt militants with readily available, far cheaper, unconventional
as well as conventional weapons -- the poor man's nuclear bomb, Iranian President Ali Akbar Hashemi Rafsanjani called them.

In addition to nuclear arms, the weapons of mass destruction include biological agents and man-made chemical compounds that attack the nervous system, skin, and blood. Governments have engaged in the production of chemical weapons for almost a century and in the production of nuclear and biological weapons for many decades, during which time proliferation has been continuous and access ever easier. The means of delivery -- ballistic missiles, cruise missiles, and aerosols -- have also become far more effective. While the past missiles were deployed only in wars between states, recently they have played a role in civil wars in Afghanistan and Yemen. Use by terrorist groups would be but one step further.

Until the 1970s most observers believed that stolen nuclear material constituted the greatest threat in the escalation of terrorist weapons, but many now think the danger could lie elsewhere. An April 1996 Defense Department report says that "most terrorist groups do not have the financial and technical resources to acquire nuclear weapons but could gather materials to make radiological dispersion devices and some biological and chemical agents". Some groups have state sponsors that possess or can obtain weapons of the latter three types. Terrorist groups themselves have investigated the use of poisons since the nineteenth century. The Aum Shinrikyo cult staged a poison gas attack in March 1995 in the Tokyo subway; exposure to the nerve gas sarin killed ten people and injured 5,000.

Aum Shinrikyo reportedly released anthrax bacteria -- among the most toxic agents known -- on two occasions from a building in Tokyo without harming anyone.
Given the technical difficulties, terrorists are probably less likely to use nuclear devices than chemical weapons, and least likely to attempt to use biological weapons.

Furthermore, traditional terrorism rests on the heroic gesture, on the willingness to sacrifice one's own life as proof of one's idealism.

Broadly speaking, terrorists will not engage in overkill if their traditional weapons -- the submachine gun and the conventional bomb -- are sufficient to continue the struggle and achieve their aims. But the decision to use terrorist violence is not always a rational one; if it were, there would be much less terrorism, since terrorist activity seldom achieves its aims. What if, after years of struggle and the loss of many of their militants, terrorist groups see no progress? Despair could lead to giving up the armed struggle, or to suicide.

Terrorist groups traditionally contain strong quasi-religious, fanatical elements, for only total certainty of belief (or total moral relativism) provides justification for taking lives. Fanatical Muslims consider the killing of the enemies of God a religious commandment, and believe that the secularists at home as well as State of Israel will be annihilated because it is Allah's will. Aum Shinrikyo doctrine held that murder could help both victim and murderer to salvation. On 25 February 1994, the day of the second Muslim Sabbath during Islam's holy month of Ramadan, a Zioinist emptied three 30 shot Magazine with his automatic Glilon assault Rifle into the congregation of 800 Palestinian Muslim worshipper, killing 29 and wounding 150 before being beaten to death.

A longstanding follower of the radical Jewish Fundamentalist group "The Kach Movement". He was motivated by inseparable political and religious desiderata.

Thus at one end of the scale, the lone terrorist has appeared, and at the other, state-sponsored terrorism is quietly flourishing in these days when
wars of aggression have become too expensive and too risky. As the century
draws to a close, terrorism is becoming the substitute for the great wars of
the 1800s and early 1900s.

**Terrorism in J&K**

Kashmir is a land that delights in insurrections. Previously the
upheavals were against the despots for good government freedom and
liberty. The present phase is marked by 'the cult of Kalashinkov', the valley
of Kashmir is being haunted by the spectre of secessionism terrorism and
fundamentalism has acquired dangerous dimensions. It is an indepth study
of the Kashmir imbroglio.

It is sad story how a nascent flowering nationalist movement of
Kashmiris has touched the peaks of violence, terrorism and communal
disharmony. It also suggests, how a rekindle future sparks from yesterdays
embers. Prior to that it is must to have gleanings of the past. The causes of
mass estrangement of Kashmiri masses and recourse to insurgency --
though by itself an indicator of political weakness. Insurgency along is
incapable of achieving very much.25

"The root cause of the present turmoil in Kashmir, to quote Mr.
Girish Chander Saxena, Governor of Kashmir, we was due to the peoples
feelings that the state's autonomy had been diluted' ... ...'These perceptions
cannot be wished away and have, instead, to be considered". He did not
endorse the views of his predecessor, Mr. Jag Mohan, that the states special
status was the root cause of all ills He said that the abrogation of the
state special status, as advocated by certain people, was not the national
policy. He justified his offer of talks on the quantum of autonomy by saying
that the special status enjoyed by the state was enshrined in the constitution.
He added that he had sworn allegiance to the constitution of Jammu and
Kashmir". Understanding the Kashmiri insurgency is erosion of article 370,
installation of puppet regimes, denial of civil liberties, curbs on democratic urges and rigging of elections.

Above the role Pakistan in Kashmir terrorism. For Pakistan Kashmir has been in the eye of the storm since partition. Pakistan's demand of the picturesque valley was on the ground that not only was it territorially contiguous but also Muslim Majority area. In fact was seen within the purview of Jinnah's two national theory. The derivation of word Pakistan too had reference to Kashmir according to M.A. Jinnah.

P = Punjab
A = Afghan
K = Kashmir
I = Dots not exist in Urdu
S = Sindh
Tan = for the last syllable for Baluchistan


The causes of terrorism in Kashmir, religious, ethnical and political aspirations dictated by nationalist. In their ideologies national, regions, ideological fundamentalism, political ethnical and social motives are interwoven.

There are two types of terrorism -- leftist and rightist. The rightist terrorism is result of religion/ideological fundamentalism. In Kashmir it is result of religious/ethnic fundamentalism combined with separatism. There is substantial difference between rightists and leftist terrorism. But both are bad enough. Right terrorism in its scale and the number of victims surpass those of the leftist terror.

The basic task of the terrorism is not to eliminate individuals, even high ranking ones, it is to intimidate society. "Kill one, frighten then thousand" is an old Chinese saying terrorists are fond of saying\(^26\).
At the same time many scholars say cultural identity did not cause the conflict, that the socio-economic conditions in J&K were at most a secondary factor, and that is was political factors that led to violent separatism. More specifically, the last category refers more to the breakdown of institutions and power struggle among elites than to the ideological content suggested by eminent scholars Sharma and Mishra. Consequently, it will be argued that neither the historical nor the cultural background, nor outside intervention can explain the discontent which evolved in the 1980s and which finally led to violent separatism.

That institutional factors and the actions of the power elite have contributed to, and can explain, the conflict in Jammu & Kashmir was suggested in academic contributions by Paul Brass in 1994 and to some extent by Ashutosh Varshney and Sumit Ganguly as early as 1992. These authors also suggest that the mid-1980s is the key period. More recently Sumit Ganguly has used Jammu and Kashmir to give further support to Atul Kohli's argument that the combination of political mobilization and deinstitutionalization produces political violence.

Obviously there are several possible analytical approaches to the conflict in Jammu and Kashmir, as also to the subject of violent political conflict and separatism in more general terms. And though the primary concern of this study is to explain a particular case of violent separatism. It is widely argued that conflicts such as the one in Kannu and Kashmir ethnic in nature, and rooted in cultural differences. But ethnic conflict has also come to be used as a general label of movements with diverse political goals. What used to be called civil war, insurgency, communalism or separatism has lately been renamed ethnic conflict.

"Primordialism" has often been used to denote the view of ethnic identity as "attachments derived from place of birth, kinship, relationships, religion; language and social practices" -- something that is primarily based on
 descene7. These "core features" are said to be acquired at birth, they persist through time and are sometimes claimed to provide the basis for understanding the rise and development of nations. Ethnic identity is described as a static feature and this view, in modern political science and sociology, is said to be traceable in Max Weber.

It is also said that economic interest may act either as an accelerator or a brake on separatism. Yet among the most frequent and precocious in backward regions - economic loss or gains plays the smallest role, ethnic anxiety the largest.

We may say that ethnic party systems promote conflict. Horowitz describes "Ethnic Two Party System" where the competitive behaviour of an ethnic;; party is limited to its own ethnic group. For example BJP and MUF, Non-ethnic parties often tend to be controlled by "centripetal forces". Which means that competing parties on the traditional right and left chase voters located somewhere in the middle. In ethnic party system where the voters are not floating in the middle between the left and right, instead ethnically based parties are concerned with protecting their flanks, since party competition in ethnic party systems always occurs within ethnic spheres and not across them.

Ethnic parties can therefore be said to be constantly influenced by "centrifugal forces". The parties have to watch their flanks and therefore forced to become more extreme. And extreme parties are naturally assumed to be more prone to take radical and non-parliamentary action. The risk of extremism is further increased, the fact that the incentive to use violent means may increase after an election in an ethnic party system if the outcome has been favourable to one ethnic group and left another locked in a disadvantageous position. The J&K case will be used during our study of terrorism.

**Political Instability: Seeds of Terrorism**

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The J&K has a poor record of democracy and no other state in India had to wait so long for democracy as J&K. The poor record of democracy is characterized by the constant rigging of elections and by various forms of New Delhi intervention which prevented the development fair and autonomous political competition between political parties.

While elections were held in most parts of the country from 1952 onwards, the first Vidhan Sabha election (election to the legislative assembly in the state) was held only in 1962 and the first Lok Sabha (national assembly) election did not take place until 1967. Most elections held in Jammu and Kashmir before the mid-1970s are generally considered to have been fraudulent in various ways. In 1951, in the Constituent Assembly election, the National Conference candidates won all the seventy-five seats. The journalist and Congress (I) politician M.J. Akbar points out that the results were most likely accepted only because of the undoubtedly widespread support for Sheikh Abdullah. But it should not be forgotten that the Praja Parishad Party, an opposition party dominated by landowning Hindus in Jammu, had no choice but to accept the illegal rejection of their candidates.

Corrupt electoral practices were employed mainly by the central government under Congress party rule. But ballot-rigging was not the only factor that hindered democratic development. The wars of 1947, 1965 and 1971 made Jammu and Kashmir the most sensitive border state in India and this contributed greatly to a growing tendency from independence onwards to regard political opposition to the Congress party in the state with suspicion. Nonetheless, democracy got off to a start in 1977 which, considering the troubled background, showed some promise of survival and consolidated.

Indira Gandhi and Sheikh Abdullah are often given the credit for bringing the first free and fair Legislative Assembly election to Jammu and Kashmir in 1977. Indeed, M.J. Akbar argues that they set the state on course
for democracy as early as 1975. A different picture is, however, painted by
the former National Conference member Balraj Puri, by Bhim Singh of the
local Panthers Party in Jammu and Kashmir, and by others who emphasize
the role of Morarji Desai, who was Prime Minister when elections were
held in the summer of 1977. Trying to find a base for support in the north
after its electoral defeat in the Lok Sabha -- election in March 1977, the
congress (I) was planning a bigger effort to capture votes in Jammu and
Kashmir. Desai, however, took important steps to strengthen security in
Jammu and Kashmir so that the summer elections would be fair. According
to Bhim Singh, "Morarji Desai openly declared that anyone who would
attempt to pursue some form of rigging would be severely punished and this
was quite effective." The Congress party became the third largest in the
Assembly, with 11 seats. The Janata Party won 13 seats, and the National
Conference secured a majority with 47 out of the total of 75 seats in the
Assembly. The Jammat-e-Islami, which may be described as a non-secular
Islamist, or ethnic, party, won only one seat, four less than in 1972. The
Maulana Abbas Ansari, a Shia leader and an influential political figure in
Jammu and Kashmir, and his supporters (who have cooperated politically
with the Jammat-e-Islami) are among the few who still claim that the
elections of 1977 were not fair.

Balraj Puri, who has extensive experience of Kashmir politics and
has provided with free and fair elections a natural process of integration of
Jammu and Kashmir with India had been initiated. Although democracy can
be seen as an obstacle to integration, Puri’s analysis clearly supports the
claim, made for example by Robert Dahl, that it can be regarded as vital
component in the nation building process. One of the consequences of the
democratization process during the mid-1970s was that "there was ten years
in Jammu and Kashmir with no fundamentalism, no secessionism and no
communalism". Of course Puri does not mean that Jammu and Kashmir was
without problems during this period. The point is that at least the situation
was manageable and that democracy, for a time, worked. The level of
violence and turbulence in the early 1980s was insignificant compared with that of today and it would seem that the political conditions did breed integration. Further evidence of this comes from what may be considered an unexpected source -- namely from Amanullah Khan, the leader of the separatist Jammu and Kashmir Liberation Front (JKLF).

The political positions on the future status of Jammu and Kashmir are that the Jammat-e-Islami advocates accession to Pakistan, while the Baratiya Janata Party argues that Jammu and Kashmir should lose its special status in the constitution and be totally integrated with the Indian Union and the Ram Rajya. The Jammu and Kashmir Liberation Front (JKLF) has taken "the third position" in this conflict, advocating that Jammu and Kashmir should become an independent state. The JKLF was created in the mid-1960s by Amanullah Khan and Maqbool Butt. It first operated as a Plebiscite Front, but it changed its name later to the Kashmir National Liberation Front and finally to the Jammu Kashmir Liberation Front. The JKLF did not become a significant political factor in the Valley until the mid and late-1980s, but it had been active behind the scenes for long time. As early as 1969 newspapers mentioned the names of Maqbool Butt and Amanullah Khan in connection with the "Ganga" incident. Butt attracted further media attention when he was arrested in 1976 for crimes committed in India in the 1960s. Shortly after the arrest of Butt, Khan moved to England where he established the Jammu and Kashmir Liberation Front office in Luton. In 1984, five members of the organization were questioned about the Birmingham kidnapping and assassination of the Indian diplomat Ravindra Mahtre. According to the Tribune, the JKLF carried out the kidnapping to "secure the release" of Maqbool Butt, who, was awaiting execution in India. Two years later, after the execution of Maqbool Butt, Amanullah Khan was deported to Pakistan after being acquitted of charges of storing chemicals for explosives at the JKLF office (which was also Khan's home at the time). Nevertheless, it was not until
1988 that the JKLF began to organize an effective separatist campaign in the Valley, and the interesting question is: Why not earlier?

Khan's position on the status of Jammu and Kashmir did not change so much over years. He had always demanded autonomy since he began his organized activities in Karachi in the early 1960s. Could Khan have launched the offensive in the Valley any earlier than he did? Khan's own comments on this question shed some light on the process of integration and the political climate in Jammu and Kashmir at that period. The JKLF leadership was well aware of the need for local support before the organization could hope to become better established in the Valley - "there had to be some fertile soil". Therefore, Khan explains, "some boys were sent from England to IOK to survey if the sentiments could be used for armed struggle." This was in 1983 and clearly conditions were not found favourable for launching a militant campaign. They returned and gave me the answer that there was no change of starting a movement at this time. Everybody in the area was busy. Some were dreaming of the accession to Pakistan, but most people were busy getting on with their daily lives.

Amanullah Khan's observations clearly indicate that when democracy was functioning in Jammu and Kashmir, the demand to change the political status of the state was no longer loudly heard, nor widely supported. They also lend credibility to Puri's view that a democracy that functioned fairly well led to greater integration. Most sources and person interviewed this study agree that Jammu and Kashmir was a quite peaceful state during the period 1977-1983. For example, the veteran Jammu and Kashmir politician Bhim Singh of the Panthers Party explains that in the early 1980s "all the politicians' minds were set on fighting politically within the framework of democracy."

At this time it would not have been possible to predict political behaviour purely on the basis of religious belief. In the late 1970s, for example, it seems that political "understandings" and a certain amount of
collaboration developed between the National Conference and a faction of the Rashtriya Swayamsevak Sangh (RSS). In 1981-82, the National Conference supported the Bharatiya Janata Party (BJP) in the Jammu Municipality. In other words, political parties traditionally thought to draw most of their support from the Hindu population cooperated with a party mainly seen as relying on a Muslim vote bank. This is at sharp variance with the behaviour of ethnic party systems described by Horowitz. Instead of being rendered impossible by centrifugal forces, cooperation across ethnic lines evidently occurred. Moreover, from the sources used in this study, it seems that the political arguments in the mainstream debate of the early 1980s were not primarily based on religion. This allows us to interpret the political climate as quite secular. Secular politics, it seems, managed to coexist with integration and a functioning democracy. The interpretation that democracy contributed to integration can naturally be discussed further.

For example, Abdul Ghani Lone, another political key player in today's separatist movement, can provide some counterarguments. Lone originally pursued his political career with the Congress party, but in 1978 he founded his own party - the People's Conference, and today he is a senior member of the Hurriyat Conference. Lone points out that even if several parties in Jammu and Kashmir contested democratic elections, this does not imply that those parties accepted the accession of Jammu and Kashmir to India. "The Indian National Congress and National Conference contested in politics before independence, but that does not mean they accepted British Rule." Lone makes an important point here and shows that the fact that democracy is working may not necessarily eliminate separatist demands; but on the other hand it remains apparent that separatist voices did not receive much support when democracy was working during the late 1970s and the early 1980s.

Against this background it is possible to draw some of our first conclusions from the observations on democracy, violence and separatism.
in Jammu and Kashmir. To begin with, there was evidently something akin to ethnic peace in Jammu and Kashmir in the late 1970s and early 1980s, in spite of the state's history of disputed status and the mix of different language and religious groups. Developments and popular sentiments in the area during this period show that democracy was at least possible and valued. Democracy in Jammu and Kashmir seems also to have aided integration and the nation-building process in India. Forces disloyal to the nation-state project may always be present in a functioning democracy, but the available evidence suggests that they attracted little support and that the level of violence can remain low as long as political freedoms remain intact and institutions are fairly stable. Nor is there any evidence in the events described above that the mix of religious identities per se created the conflict that escalated in the late 1980s. Although political parties were ethnic according to Horowitz' definition, they did not automatically begin to polarize according to religious polarization came later. So, what went wrong? Why the early demise of democracy in Jammu and Kashmir?

Sheikh Abdullah's fight for democratic rights was not always effected in the internal structure and political development within the National Conference. (Muslim Conference -1931). Some of the trouble started back in 1978, when Mirza Afzal Beg was expelled from the National Conference after more than forty years of friendship and political struggle of Sheikh Abdullah's side. Sheikh Abdullah seems to have followed the same political strategy as Indira Gandhi, allowing the tendencies inherent in dynastic rule to assert themselves instead of building an internally democratic political apparatus of the party. Distrusting, Beg, Sheikh Abdullah reflected him to began to look for a successor. The choice was between his son, Farooq Abdullah, whom he considered too young and inexperienced, and his daughter's husband Ghulam Mohammed Shah (G M Shah) who he thought too arrogant and far too eager to take over the party leadership of National Conference. Shah was shocked by Sheikh Abdullah's decision to let Farooq Abdullah succeed him.
In September 1982, Sheikh Abdullah died and Dr. Farooq Abdullah imposed on the state as the Chief Minister as per the Sheikh's will and with the blessing of none other than Mrs. Indira Gandhi. Since 1947, Kashmir has continued to simmer: some times boiling over, at other enjoying comparative peace, especially under Bakshi Ghulam Mohd. And G. M. Sadiq despite the fact that the anti-India activities were going on. With their exist, condition began to deteriorate, more so under the family rule of the Sheikh's -- first the son, Dr. Farooq Abdullah, then the son-in-law, G.M. Shah and then again the son, Farooq Abdullah. Both gross mis-rule and family feuds contributed in no small degree to the frustration of the people and making the confusion worse confounded.

It needs to be emphasized that Farooq Abdullah had his political education and training in U.K. where he had developed contacts with the Jammu and Kashmir Liberation Front's activities. When the JKLF supreme, Amanullah Khan fled Pakistan with a few of his friends to evade arrest and reached London in 1971, Farooq Abdullah's bonds with the secessionist outfit became more and more stronger. It is on record that when in 1973, Farooq Abdullah visited Pakistan he had made it a point to go to POK. It was in POK that he had taken an oath to "liberate Kashmir" in a function the JKLF had organized in his honour. "When the Sheikh was accorded a reception in Kashmir after his return to power (in 1975), Farooq too joined the procession along with a number of his JKLF friends whom he had brought all the way from England" and raised a new slogan "Chyon Desh, Myon D~sh - Kashur Desh, Kashur Desh" (Kashmir is your country, and mine).

The first thing that Farooq Abdullah did on assuming office was the declaration in open and public that "he will never compromise the dignity and honour of Kashmiris, even if it means fighting the mighty India". Three months were enough to harden his attitude towards India or to adopt anti-
Centre and anti-Congress posture. That he was assuming threatening posture became evident when at the "Kashmir University functions", he exhorted students to preserve "Kashmiriyat and Islamic identity".

More than that, Farooq Abdullah accused India of fomenting communal trouble and asked "whether the Kashmiri Mussalman is safe in India". Like his father, he would project himself as an Indian patriot before Central political leaders and mediamen attacking Mrs. Indira Gandhi and her Congress. To resist the so-called onslaughts of the Central Government against the "Kashmiriat" Farooq Abdullah befriended Maulvi Farooq, an arch rival of the Abdullah family, and raised the slogan of "Muslim brotherhood". Not only this, he set up a youth wing of the National Conference and indoctrinated its members to work unitedly for the "battle of freedom".

The situation assumed alarming proportions when the 1983 elections to the State Assembly drew nearer. Shaky and inconstant as he was, Farooq Abdullah started fulminating against India and the Union Government. Addressing election rallies he would say: "We are fighting the Congress. Its defeat will mean defeat of the Central power that wants to subjugate the Kashmiris". The insidious propaganda that Farooq Abdullah let loose to win the Assembly elections bore rich fruit for the National Conference. Farooq Abdullah and his party won from most of the Muslim dominated constituencies playing anti-India and anti-Hindu cards. The Congress, on the contrary, won from most of the Hindu-dominated constituencies in the Jammu region. It won elections in the Jammu region playing pro-India and anti-Muslim cards.

It was during Farooq Abdullah's second tenure between 1983 and 1984 that a one day cricket match between India and West Indies was played in Srinagar. When the match was in progress, the Indian players were Jeered at and greeted with slogans: "Indian dogs go back". The anti-India slogans were raised by the Kashmiri youth with Pakistani Flags in
their hands. All this happened right under the nose of Farooq Abdullah who was gracing the occasion by witnessing the anti-India drama. The pandemonium that broke out did not at all bother Farooq Abdullah. The matter came to a head when he himself tried to justify the anti-India act performed by the Kashmiri youth. The demonstration against the Indian players was perhaps the mechanism of those who wanted to make the foreign team believe that Kashmiris were not with India. What happened during the match culminated in the cancellation of such international events in Kashmir in the future? Consequently, bringing the international cricket match to the disputed territory was always a provocation to the Jamaat-e-Islami. It was a provocation in 1978 and also in 1983 simply because the party had always criticized the accession.

Fully convinced of the fact that Farooq Abdullah was a liability and not a asset and disgusted with his caviler attitude and frivolous manner, Mrs. Indira Gandhi manipulated his ouster by engineering defections on an unprecedented scale. It seems that during Indira Gandhi's leadership the Congress (I) was willing to strike against any opposition leader in almost any state, whether or not they had been democratically elected. Disillusionment with democratic institutions and contempt for the central government increased dramatically in Jammu and Kashmir after the dismissal of Farooq Abdullah and the political developments that followed. G.M. Shah, Farooq Abdullah's brother-in-law, was won over. Supported by the Congress, G.M. Shah formed a new government in July 1984.

G.M. Shah's appointment as the State Chief Minister proved costly for Kashmir in particular and for India in general. During his short rule, the State which had already witnessed political instability and blackmail, got slumped into utter chaos, anarchy, confusion and uncertainty, subversion bomb became the cult of the secessionists. Things reached a situation where curfew had to be imposed and reimposed for long hours, nay for days together, to restore normalcy. The life under Shah came to a standstill as the
normal activities stood completely paralyzed. Some interpreted the subversive activities as the handiwork of the JKLF enthusiasts allegedly instigated and inspired by Farooq Abdullah to settle score with his brother-in-law, G.M. Shah. The situation in which Shah placed the State was highly explosive and not surprisingly, his Government was dubbed by those feeling disgusted and annoyed as the "curfew government". Politically abandoned, Shah finally brought his political career to an end a few years later by declaring that "all Kashmiris are Pakistanis" - a statement which, in the 1980s, meant a definite exit from Indian politics.

With Shah also came an extreme form of communalism and religious fanaticism giving altogether a new orientation to the Kashmir politics. The far reaching effects of the new developments and the events connected with them rendered Shah weak and ineffective. The government got reduced to nullity. With the result it failed in restraining fundamentalists who had launched a tirade against the miniscule minority of Kashmiri Pandits with frightening them as their chief plank. The situation reached dangerous proportions when in 1986 riots rocked Kashmir on an unprecedented scale. Anantnag suffered the worst type of plunder, arson and desecration of temples. Everywhere the targets were the Pandits and their temples. In the absence of any check on the activities of the fanatics, the life of the microscopic minority became a veritable hell on the earth. The riots overawed every right thinking Indian and caused alarm. After taking stock of the volatile situation created by the divisive and communal forces under the regime they themselves had imposed, Rajiv Gandhi and his lieutenants decided to withdraw their party's support to the Shah's ministry. Order could be restored only after the imposition of the Governor rule and strict enforcement of law of the land.

The event of 1983 & 1984 mark the beginning of the drastic decline of democracy in J&K. There is no evidence to support the idea that the dismissal of Farooq Abdullah was result of irrational feelings of ethnic
identity or due to religious sentiments or a response to demands for a separate state or accession to Pakistan. Both BJP and the Jamaat-e-Islami, the parties respectively defining themselves as Hindu and Muslim were wiped out in the election. Whereas there is no proof that Congress (I) opposed Farooq Abdullah and the National Conference because of fact that Congress (I) is Hindu dominated and National Conference is Muslim dominated. It can be initiated the conflict is the failure of political institutions and leaders in J&K to handle pressure from an interventionist central government. This period of frequent changes in loose alliances, of Governor's central government intervention dramatically eroded Kashmir's democracy.

While Professor Balraj Madhok, B. Krishana and Col. J.K. Dutt hold Jawaharlal Nehru the first Prime Minister of Independent India, responsible for whatever has happened and still happening in the strategic Jammu and Kashmir State, Brig. Raj Singh finds the genesis of the on-going separatist movement in the 1987 Rajiv-Farooq Accord. Brig. Rai Singh opines in unambiguous terms that "the genesis of the present unhappy situation in Kashmir can be traced back to the time the Congress. (I) joined the National Conference (NC) Government under Dr. Farooq Abdullah.

**Rajiv-Farooq Accord**

At a time when Jagmohan, the State Governor, was busy reorganising the administration and setting things right to provide a clean and efficient dispensation and restore public confidence which hitherto stood shattered, Farooq Abdullah was leaving no stone unturned to befriend Rajiv to recapture power. "Corrupt politicians and big businessmen" also advocated resoration of what they called "popular rule" believing that under Jagmohan they would not be able to "get their share of loot". The Congress leaders who had lost their say under Jagmohan and who under him were feeling restless also persuaded Rajiv to put the Governor rule to an end. Their
machinations and Farooq's efforts made Rajiv put Farooq back in the Chief Minister's chair.

The lust for power and office culminated into what is politically known as Rajiv-Farooq Accord of 1987. As expected, the Accord 'played havoc in Kashmir as it was denounced as unholy, unjust and unp politic. It was not based on principle. The motives behind the Accord were, undoubtedly, ulterior. The Congress joined hands with Farooq whom it had dethroned and dubbed as antinational not long ago and whose activities it regarded as prejudicial for the unity and integrity of India. Farooq, on the other hand, mended his fences with the Congress not because he loved it but because he wanted to destroy whatever little base it still had in the Valley and to recapture power. In fact, both Rajiv and Farooq were afraid of each other and both in their heart of hearts wanted to eliminate each other politically. What they lost sight of in the process were the ugly and rather dangerous consequences of their action in the Valley.

Even if alliances are made across ideological lines more often in India than other democracies, the cooperation between the Congress (I) and National Conference that gradually developed before the 1987 election was too much for even the hardy Indian electorate to accept. Only a few days after it was clear that an alliance between Farooq Abdullah and the Congress (I) was in the making, a strike was arranged in the Valley by a hitherto unknown organization the Muslim United Front (MUF). Later it transpired that the Jamaat-e-Islami, led by Ali Shah Geelani, and several other Islamic political groups and leaders in the Valley, had forged this new but somewhat fragile political unit. Abdul Ghani Lone of the People's Conference, a so-called "pro-autonomy party" in Jammu and Kashmir, had long ago declared the need to gather the opponents of the National Conference and Congress (I) under one banner, and this had finally become reality. It seems that the closer the Congress (I) and the National Conference drew together, the more groups became firmly aligned with
MUF. Finally it emerged that the Congress (I) and the National Conference had agreed not to oppose each other's candidates in the coming election. The Congress (I) would put up candidates for 31 seats and the National Conference for 46, a ratio of 40 to 60.

The Rajiv-Farooq Accord was accompanied by the typical Rajiv panacea of "economic package", which promised new development plans for the State costing more than rupees one thousand crores. People of the State were deliberately made to 'misunderstand' that some extraordinary bounty had been offered to them. The innocent people did not realise that none had dared to accuse both Rajiv Gandhi and Farooq Abdullah of knowing anything about economics and that too high public finance matters. The so-called package was nothing but aggregate financial outlay for Dul-Hasti and Uri Hydro-electric projects, work on both of which had already been commenced much before the new package was announced. The expenditure had already been capitalised upon by Mrs Indira Gandhi herself to get votes for the Congress (I) in the Jammu region in the elections held in 1983. She had also laid the foundation-stone of the Dul-Hasti project in March, 1983 itself. A small provision was made in the "package" for a "survey" for the new railway line from Qazigund to Srinagar and beyond. But the middle level Congress and N.C. leaders made the unsuspecting masses to believe that a railway line would be constructed which would be an economic boon to the Valley. All this jugglery later on boomeranged on both the parties. When people saw nothing out of this one thousand crore package, their disillusionment was natural. So the propaganda was launched that the Centre had betrayed the State. Even Farooq Abdullah, when faced with discontent among the people both in Kashmir Valley and in Jammu, also complained publicly of betrayal by the Centre. Farooq was well aware of the reality but to shift responsibility, he repeated the charge again and again. This was the practice with Sheikh Abdullah also. Whenever faced with people's discontent he made the Centre as whipping boy.
In spite of their small size, their muddled thinking and other weaknesses the part played by certain Congress leaders in Kashmir politics was far from unimportant. But their identification with the NC in 1987 in the Valley had two results. First, it made them indolent and intellectually sterile. If there political duty did not lie beyond endorsing the NC policy, any further exertion was unnecessary. By becoming uncritical supporters of the NC they lost their former flexibility of manoeuvre and even less agreeable to the masses. For they had no wares of their own to put on the market, they paid the price of unpopularity and total political extinction as far as their existence in the Valley was concerned. Their own supporters deserted them and held aloof from the Congress weighing other options.

The prophecy of many a political pandit that the Accord would demolish the NC citadel in the Valley proved true. In the Assembly election of the same year, the NC had to face a rough weather. Fully convinced that his party would suffer unprecedented reverses in the Valley, Farooq resorted to all possible malpractices throwing all norms and decency to the wind, the worst being the gross misuse of police and administrative machinery to manipulate election results in his favour.

Some activists of the NC who earlier had "burnt the Congress Office" in Srinagar at the "instance" of their leaders and indulged in other subversive activities, felt cheated, humbled and humiliated by the Accord. Believing that the Accord was blatant bluff and a grievous injury and that Farooq had let Kashmir down, young activists of the NC and some other outfits organized themselves into what was known as the Muslim United Front (MUF). The new alliance was a combination of the Jamait-I-Islami, the People's Party, the Itihad-I-Musulman, the Awami Action Committee, the dependent NC of G.M. Shah and some youth and student organisations who did not believe in India unity and sovereignty. The rise of the MUF evoked tremendous response. It was hoped that the MUF would win not...
less than 15 seats in the Assembly election. But Farooq who was determined to capture power at whatever cost got the MUF defeated. Its workers were brutally beaten up, insulted and humiliated.

The manipulated victory and humiliation inflicted upon the opponents, particularly those belonging to the MUF, changed the course of the history of secessionism in Kashmir. If anything, the 1987 election brought militancy, terrorism and defiance of the State authority and a virtual parallel government whose writ was to reign supreme in the boys to come.

The first to react was a group of young boys of the Amirakadal constituency, Hitherto this very group acted as a "martial brigade" of none other than the NC. This was the group which got particularly infuriated and took pledge to avenge their humiliation. One Aijaz Bar declared right in front of the counting hall-hall from where he had been forcibly kicked out "by the police and the NC candidate", that "he and his friends would shoot Farooq and other NC leaders as well as top police and civil officers and other prominent persons". However, Aijaz Oar was killed in a police "encounter" and with his death a new era of terrorism and militancy commenced with the cult of bomb and gun taking a particularly serious turn.

**Terrorism**

Fully convinced that he had lost touch with the masses, that he had lost whatever popularity he hitherto enjoyed among them and that the militants would not allow him a free hand, Farooq devised a strategy to appease, reconcile and befriend his arch opponents to regain the group lost. The first salvo that he fired was the release of 23 "top militants", including some self-styled "Area Commanders" of today allegedly with the concurrence of Rajiv Gandhi on the plea that the action would give them a chance to shun violence and join the mainstream politics. This amnesty, however, failed to produce the desired results. Terrorism showed no sign of abatement in Kashmir, being quite unmoved by Farooq's boon release of
militants. The well organized MUF, which now had branches throughout the Valley and even beyond it, concentrated on bomb blasts and sniping at police officials.

Bomb blasts and sniping at police officials was followed by a new strategy which included attacks on buses, tourist couches and Central Government offices. The militants evolved this strategy to frighten pro-India elements and disseminate the idea that India and everything Indian would no longer be tolerated in Kashmir.

Emboldened by the success of their strategy, the militants went to the extent of celebrating on August 14, 1989, Pakistan's Independence Day with great pomp and show right in the heart of the Srinagar city and under the nose of the State police with the CRPF personnel watching the anti-India drama as silent spectators in the absence of any orders to crush the pro-Pak elements. Worse happened when on August 15 India's Independence Day celebrations were boycotted, the National Flag made bonefire of at a number of places and blackout observed throughout the Valley in the evening.

The story of terrorism did not end here. It broadened its base of operation engulfing school buildings, business concerns and godowns. A number of school buildings and godowns were burnt and ransacked. Anyone reporting such incident to the police got the stock reply: "Take it easy and forget about it". The rot became so deep that even some of the close relations of NC ministers started indulging in such terrorist activities. This became evident when "a Kalashnikov gun, a few hand grenades and time bombs were recovered from the residence of the Law Minister's son-in-law, a junior engineer. The police took the younger brother of the junior engineer into custody in connection this case but was released on the "insistence" of Farooq.

The next to suffer at the hands of the militants were the liquor dealers and media men. Bars and liquor shops were located and bombed. Clubs and
tourist hotels, including the Amar Singh club, the Srinagar Club and the Golf Club of which Farooq himself was the President, the Broadway Hotel, etc. were ordered to close their bars. Liquor traders were attacked; their premises ransacked and looted forcing them to close down their business.

The control of the militants over the Valley became so tight and complete that it overawed the media men, particularly those belonging to Kashmir. They forced the media men report the terrorist activities more prominently. The local dailies which obliged the terrorists and pro-Pak elements by not publishing anything that went against them also included the Quami Awaz, an official organ of the State Congress.

Equally intriguing was the manner in which pistols and other such arms issued to the NC leaders for self-protection found their way to the terrorists. Yet another unprecedented cult that raised its ugly head in 1989 was the "Civil Curfew" to be imposed by the militants. That Farooq had completely abdicated his authority was evident from the prompt closure of shops and concerns owed by the Government whenever the terrorists gave a strike call or clamped "Civil Curfew".

The secessionists' activities and Farooq's indifferent attitude coupled with the release of 23 "top militants" obviously demoralised the police officials" some of whom were asked telephonically by the terrorists to stay away and not to burn their fingers unnecessarily". The message was thus loud clear. It did not surprise anyone when "police and civil administration officers" started giving "shelter to terrorists". "Some police officers were even seen saluting them. Some known terrorists were seen walking down the streets of Srinagar and exchanging hello with policemen on duty "Bita Karate who has boasted of having killed 40-50 Kashmiri Pandits from January to May, 1990 at the orders of the JKLF high command".

**Rubiya Episode**

With Rubiya's kidnapping commenced what may be termed as the last phase of the separatist movement in Kashmir. The kidnapping and the
subsequent release of Dr. Rubiya, Union Home Minister's daughter, in exchange for five top-ranked terrorists regardless of the impact it would have on the ongoing upsurge in Kashmir for 'Azadi' proved a last nail in the coffin of the NC Congress (I) coalition Government besides sending shock waves throughout the length and breadth of the country. In addition, the release of the militants sent wrong signals to the Indian adversaries as the entire drama was enacted taking into account personal rather than national interests.

With their spirits soaring higher than ever before, subversives, secessionists and their sympathizers filled the streets in their thousands to celebrate what the Kashmiris termed as their unprecedented victory over India; singing and dancing Bhangras wildly. The anti-Indian and pro-Pakistan slogans, "Azadi, Azadi", "Hindustan, Murdabad" and "Pakistan, Zindabad" rented the air. The release of the militants and what the Kashmiris, young and old, men and women, teachers and students and who not, did to celebrate the occasion certainly created an impression that Pakistan had won the battle against India with the help of Kashmiris themselves or the Kashmir had become an integral part of Pakistan. The dispensation of Farooq became so much paralyzed, nay insensitive, that it did nothing to check the anti-India drama. Even curfew was not imposed. In fact, the entire administration seemed cooperating with the militants and pro-Pakistani elements in their frightening display of strength and victory.

After the fall of V.P. Singh Government, Mr. Chandra Shekhar, as leader of 56-Members of breakaway Janata Oal group with the support of Congress (I) from outside, became the Prime Minister. Mr. Chandra Shekhar tried to make some good from the worst, but Rajiv Gandhi was very keen that the Government should not only be a puppet one, but should wholly and openly appear to be so. This new scenario of Rajiv Gandhi called the shots without sharing any responsibility created chaos in Kashmir. On his direction, the new Government gave Mr. Saifuddin Soz
much importance in the Kashmir affairs. Soz began to interfere in the functioning of Governor's administration. Crores of rupees were again sunk into the Valley to provide doles. All these crores became available to the terrorists. When Mufti Sayeed had become the Home Minister of India, he was considered to a WIP and hence as an act of black-mail, his daughter was abducted to get the dreaded terrorists released. Now they considered Soz very powerful WIP. So the terrorists thought of another black-mailing act to achieve release of another batch of dreaded terrorists. They abducted Soz's daughter. This was enough to set Jhelum on fire. Rajiv Gandhi became berserk. He directed the Chandra Shekhar Government, the State Government and all concerned to 'accept' all the demands of the terrorists and rescue Soz's daughter at any cost. Even good offices of Pakistan Prime Minister, Nawaz Sharif were sought and obtained. The terrorists ate the cake and had it too. They had the last laugh. Since then abduction got institutionalized in the Valley. Terrorists began to be released a matter of routine in exchange of hostages. It is very difficult to keep count of the terrorists released under this system. Whenever, an officer wants to be away from his place of duty for some private business, he simply gets it known that he had been abducted. As pre-arranged, some terrorist outfit takes responsibility. When he feels like joining duty, he presents himself at a police station or a newspaper office to say that he had been freed. He gives a long certificate to the concerned terrorist group for having treated him very well during his "confinement". He, of course, gets full pay from his office.

Ever since the eruption of present insurgency and terrorism in the Kashmir Valley, Mr. George Fernandes has been singing only one song and that is to blame the Kashmiri Hindus for the economic ills of the Muslims. During his long political career, Mr. Fernandes was never known to have taken any interest in the Kashmir affairs. His knowledge and information about Kashmir's economy is only second hand. As Minister of Kashmir Affairs for a few moths in 1990, he did pay many visits to the city of
Srinagar, and probably a single visit to Anantnag and Baramulla along with the All Party Committee of M. Ps.

**Socioeconomic Conditions**

Several writers who have investigated the conflict in Jammu and Kashmir have referred to socioeconomic conditions in the area, and in particular discrimination against Muslims and in favour of Hindus in Government employment. The Pandits and the Dogras are the traditional elite in Jammu and Kashmir. In particular the Pandits, like Brahmins all over India, have been overrepresented in banks, private companies and salaried jobs\(^1\) in the public sector. It would be natural to expect the overrepresentation of upper caste Hindus in the public sector to be a cause for discontent. And even if it is hard to find data on discrimination on which to base a comparison with other parts of India, we might expect under representation; of Kashmiri Muslims in the public sector in Jammu and Kashmir to cause greater resentment than in other parts of India because this a Muslim majority state.

Biharis have found gainful employment with rich Kashniiri Muslims farmers, orchardists, factory-owners, exporters etc. There is acute shortage of local labour in Kashmir. George has been holding the view that "Pandits, who are just 3 per cent of the population in the Valley but held 80-90 per cent jobs". Fernandes and, in fact, all "progressives" have been spreading this canard because even if it is untrue, they can go scot-free, Hindu-baiting will not annoy anybody and will not invite any reprisals. This lesson has been learnt by India's "progressives" and leftists from British leader, Sir Winston Churchill. These people never bother to acquaint themselves with facts and statistics. What is the truth? The truth is that 98 per cent jobs in the State administration in the Kashmir Valley were manned by Muslims. The population of Kashmir Pandits was 6 per cent in the Valley but they had been having just 1 per cent of the jobs in the State Government. Mr. Fernandes has preferred to be silent on this, but has taken up the issue of
Central Government jobs, which are mostly in the Postal and Telecom services and Banks.

Now let us take up the Banking sector first. Kashmir Valley, 85 per cent banking work is performed by the Jammu and Kashmir Bank Ltd., which is the State Government sponsored scheduled commercial bank. 99% staff in this bank in the Kashmir Valley consisted of Kashmiri Muslims. The remaining 15% banking work is done by the State Bank of India and other commercial banks. The total staff working in these banks, all put together, does not exceed one thousand persons. We can presume that out of this total figure, of one thousand, nine hundred of these jobs are held by Hindus. It is necessary to find why and how that is so. Banks have a uniform recruitment policy throughout the country. Recruitment is made by the Regional Recruitment Boards specially set up for the purpose. The recruitment process is largely computerized. If the Hindus of Kashmir Valley get entry into the banks through this system, how can they be blamed for it. If Fernandes and like of him were not happy with the situation why they did not work for change in the policy of recruitment. On the contrary, there has been great appreciation of the recruitment policy of the banks after nationalization. The system is uniform throughout the country including the most backward areas as also States in the North East. Leaders, mediamen and others who think like Fernandes should have courage to say openly that Central jobs should be wholly reserved for the majority community of Muslims in the Kashmir Valley and should be handed over to them on a platter. But, instead they indulge in malicious, motivated and defamatory campaign against helpless Hindus of Kashmir. However, this problem has now been solved by shunting out the entire Hindu community. This is the Muslim way of solving minority problem as was done by Pakistan in 1947. Now Muslims in Kashmir are occupying cent per cent jobs both in State Government and in the Central sector. After all, secularism has triumphed. Kashmir Hindus had not got the baking jobs through nepotism, favouratism or reservations. They were there because of
computerization. The honest course is to issue a Presidential ordinance that the recruitment procedures of Banking services will not apply to the Kashmir Valley where all posts will be filled by the candidates of majority community by nomination. It is deceitful to present Kashmiri Hindus as villains of the piece for not fault of theirs. They are only subjecting themselves to the recruitment procedures as promulgated by the Government for the whole country. In earlier years of this century princely Maharajas and Nawabs were having blooming days. Once a Maharaja was playing cricket. All other players consisted of his own courtiers, loyalists and employees. When the bowler tried to get the Maharaja's wicket, he was reprimanded by the captain of his team: "Can't you see? Maharaja Saheb is making runs. His wicket has to be taken only when he feels tired". But this dictum will not be followed by an educated, qualified but unemployed and hungry person. He cannot just sit idle for three hours in the Examination Hall to enable the pseudo secularists to fill their appeasement cup. Holding of less than one thousand jobs by the Hindus in the entire banking sector did not make any difference earlier nor has it resulted in any satisfaction now when all these posts are held by Muslims. In the State Bank of India, a total of 324 clerical posts were held by Muslims some of whom have even been offered promotions just for the sake of it as a gesture of appeasement. Has all this made any impact on the insurgency? This issue was raised by Fernandes and like of him without applying their minds to the facts.

As regards jobs in the Posts and Telecommunications Departments, there is a definite history behind it. P&T Services in the Jammu and Kashmir were under the British Central Government till 15th of August, 1947. The J&K was under the Punjab P&T Circle with its headquarters at Lahore. This Circle was called Punjab Circle and was very sprawling one. Its jurisdiction covered Khyber Pass in the West, Gilgit in the North, Ladakh and Kashmir in the East and Rewari and Rahimyar Khan in the South. After partition of the country the Indian portion of this Circle was named East Punjab Circle with its headquarters at Ambala. This East
Punjab Circle got overstaffed due to exodus of Hindus and Sikhs from the areas which came under the new country of Pakistan. In Jammu & Kashmir areas of this Circle, more than sixty thousand jawans were recruited for the World War-II from the areas of Poonch and Mirpur. For the benefit of these fighting servicemen, post offices were opened in almost all towns and major villages. This area was infested with malaria and allied diseases. Staff was reluctant to be posted there. However, unemployed Hindu youth from the Kashmir Valley, out of sheer necessity, had offered themselves for being posted in these areas. They were recruited and sent there. In October, 1947, when these areas fell into the hands of Pakistan, some of these employees escaped to this side and others were repatriated subsequently. Similarly Hindu employees were repatriated from Gilgit and Baltistan areas of the State after these areas were captured by Pakistani troops. Due to these reasons, staff became surplus in Srinagar. As a result there was no recruitment in the P& T Department for a couple of years. In those times, recruitment to P&T services used to be by open competitive examination. In 1950, a competitive test was held for employment of Postal clerks in the East Punjab Circle. Many highly educated Hindu boys came in the all Circle merit list and offered for being posted anywhere. Some of them were sent to Hyderabad State as Urdu-knowing staff was urgently needed there. Pandits were facing economic ruin at that time and had nothing to choose.

None of the members of separatist organizations interviewed mentioned discrimination in the public sector as the main source of discontent. Alienation and the motivation to resort to violence, according to these sources, stemmed generally from what was seen as the betrayal of the rules of democratic fair play and, more specifically, from the events during the 1987 election.

**Armed Training**

Farooq was not only responsible for allowing the situation to deteriorate, but he was also responsible for the creation of a situation
conducive for armed training of the Kashmiri youths in Pakistan. It may be recalled that it was in 1984-85 when Farooq was ruling the State that the first batch of Kashmiri youths received armed training in Pakistan. This batch also included a number of known "NC activists who were sent to Pakistan with a blessings of Important NC leaders"

Following the lead given by the NC leaders, the Jamait-I-Islami also started sending its adherents to Pakistan for armed training with a view to step up in the outskirts of Srinagar as well as rural and border areas. The intelligence agencies fully aware of such activities sent report after report to the Union Government for immediate necessary action. But Rajiv Gandhi did not take cognizance of the alarming reports on the plea that the law and order was a state subject. It was indeed intriguing and amusing to interpret setting-up of training camps around Srinagar and armed training of the Kashmiri youth in Pakistan as a law and order problem. Insensitive, irresponsible and inconstant as he was, Farooq informed the Central Government that the reports about the training

spring of 1991, there is no wonder, that there had been a dramatic escalation in subversive and insurgent activities in Kashmir. The report further pointed out that altogether some 20,000 young Kashmiris (belonging to the JKLF, Al-Umar Mujahideen, the Muslim Jaanbaz Force and Hizb-ul-Mujahideen) had been trained and armed by Pakistan on its soil in recent years. The report further stated that by 1992, the ISI was operating in 13 permanent, 18 temporary and 8 joint training camps for Kashmiris in Pakistan occupied Kashmir alone. The main training camps are in Gohat, Lunkana, Sangli, Sargodha, Cuttock, Murree, Sialkot and Lahore and the training included instruction in such specialized subjects as the blowing up of bridges, securing communication and use of small and mid-size weapons. Pakistan had supplied the latest anti-aircraft weapons, including rockets and missiles to Kashmiri militants.
The ISI-trained Kashmiri militants were behind a series of bomb blasts in New Delhi, Bombay and several other cities in 1992-93. The arrest of Mohammad Jalis Ansari, 'a big-time ISI operative' and Abdul Karim Alias, another key ISI operative of Delhi reaffirmed this fact. It was established that Ansari's close linkage with the Memon brothers -- the architect of Bombay blasts - were through the common ISI connections. The CBI investigations revealed that after the Bombay riots, Ansari formed a terrorist group called 'Crush India Force' and that a large quantity of explosives and weapons were found from his residence at Bombay and Delhi. He had been receiving huge amounts of money in the form of donations to fictitious organizations and trusts from Pakistan as well as some Middle-East private banks.

Religious fundamentalism was propagated by Pakistan with a view that the Islamist ideology in Kashmir could facilitate the emergence of a close link between the kashmiri insurgents, their supporters and Islamabad. It was with the widespread adoption of Islamist ideologies that Kashmiri Muslims too could seek ideological sustenance from a transnational Islam. The Muslim fundamentalists in Pakistan"... see the Islamic surge in Kashmir as the long awaited hour for Jihad against Indian infidels, a holy was for which Pakistan must funnel material and moral backing." Thus for Pakistan, Kashmir cause constituted a combination of national prestige, regional interest and commitment to the global Islamist cause. There is a profound difference between support for Sikh terrorism in Punjab, which is a matter of harassing New Delhi and Islamist terrorism in Kashmir, where there is a whole-hearted commitment to jihad.
It can be pointed out that the support to secessionist terrorism has become an integral part of Pakistani diplomacy. Since late 70s, Pakistan had provided support aid and training to Afghan insurgents. The availability of weapons, primarily from supplies to the Afghan resistance, turned Karachi into a centre for Islamic international terrorism. It is a known fact that the United States of America had supplied sophisticated weapons including stinger missiles to Afghan Mujahideens through Pakistan. Even if the Americans could justify their use of Afghanistan, how could they be sure that part of these shoulder fired antiaircraft missiles would not exchange hands and in the bargain, not used elsewhere by other terrorists. There is no fool-proof arrangement to ensure that the arms given to a group or state would not fall into the hands of another group of terrorists via the recipient group or state, whether by design or otherwise. In fact, Pakistan had used the entire Afghan-support infrastructure to support Kashmiri militants, specifically after the Geneva Accord on Afghanistan in 1988. At times, the ISI's assistance to the Kashmiri Islamists was even funneled through Afghan rebel leader Gulbuddin Hekmatyar's Hizb-I-Islami group, thus, providing Islamabad with deniability. However, the growing involvement of the ISI has been reflected in the quantity and quality of weapons caches captured by the Indian security forces.

Indian views the situation in Jammu and Kashmir 'proxy war' with Pakistan. Pakistan had used terrorism against India for forcing a solution of Kashmir Issue on the latter. With the availability of the latest and sophisticated weaponry, terrorists are posing the real danger and challenge not only to lives and property of the people but even to the national unity and integrity. It seems to be a matter of time that they could lay their hands
on nuclear or other weapons of higher levels of destruction and terror. But there can possibly be no effective defensive measures against the nuclear threat held by terrorists. Deterrence has no humane considerations. Indeed, grave are the implications of potential terrorism.

However, giving support to terrorism in a foreign land is a delicate and sensitive issue for any power. A country which chooses to extend this support has to be prepared to suffer the inevitable strain on bilateral relations and to absorb the resulting adverse reaction of the victim country. Moreover, it cannot be free from the spill-over of terrorism within its own borders. For immediate gains and benefits to the ruling elite, often such long-term adverse impact is either ignored or under-played. But for the separatist movements in Sind and Baluchistan, Pakistan could encourage the terrorism in India only at a grave risk to her own survival.

**Operation Topac**

It needs to be emphasized that the Kashmiri militant outfits are working as per a plan worked out by General Zia-ul-Haq, the former Pakistan President. The Plan is styled, "Operation Topac". However, it does not mean that before Zia succeeded after a successful coup that a concrete step towards that direction had been taken. The formation of the JKLF was part of the subversive plan hatched during Bhutto's regime. It had been set-up primarily to scare the pro India elements. The modus operandi prescribed for the Anti-India outfit was "killing and Kidnapping" of the Pro-India elements. However, it was General Zia who very cleverly evolved a plan of "subtrefuse, subversion and terrorism in Punjab and Kashmir "providing claws to militancy." General Zia's Kashmir Plan, called "Operation Topac", was prepared very carefully and painstakingly with the active assistance of
ISI carefully and painstakingly with the active assistance of ISI (Pakistani intelligence agency). The Plan was to be enforced not at once but in three phases. General Zua was of the firm opinion that it would take a lot of time for Kashmiri Muslims to rise in armed revolt against India as they have no martial tradition, but they can through their cunning subvert Indian polity in Kashmir. Attention should be concentrated on winning over Muslim bureaucracy and police force and dry up all intelligence sources. Once it is done, rest can be left to Pak Forces.

The happenings in Kashmir during the last one year or so clearly reflect how meticulously the "Operation Topac" was prepared and how systematically it has been implemented in Kashmir. Some of the Chief features of the "Operation Topac" whose influence under Kashmir is are:

(a) spread fear and terror;
(b) spread half-truth and falsehoods;
(c) demoralize and humble political adversities;
(d) win active support and sympathy of Muslim police and bureaucracy in the name of Islam and Jehad;
(e) eliminate all opposition and dissent by means of threats, bomb blasts or shoot outs or snipings;
(f) resort to selective killings of non-Muslims and frighten them away verbally or through written warnings;
(g) resort to arson, loot, plunder and destruction of Wine shops, bars, video, parlours, beauty parlours, cinema houses etc. as these are un-Islamic or against the holy convenient;
(h) enforce strict adherence to Islamic rules of conduct; for instance, purdah in case of women;
(i) kill Indian intelligence personnals, particularly non-muslims;
(j) burn down government and private educational institutions run by non-muslims and promote Jamait Schools;
(k) disallow any political activity except that which is permitted by militant organizations;
(l) control all local mosques and mullahs;
m) ambush and attack security forces;
(n) kidnap VIPS and their relations; and
(o) assassinate political enemies and deserters.

**Pakistan Won**
The following few glaring examples will clearly prove how methodically and carefully general Zia's "Operation Topac" has been enforced in the Valley of Kashmir being all activities, political, administrative and otherwise to a standstill causing deep concern to the Indian authorities and pleasing their Pakistani counter parts:
(a) innumerable demonstrations the militants organized and are still organizing to incite the Kashmiri Muslims to acts of treason and violence;
(b) the anti-India and pro-Pakistan slogans being blared during demonstrations;
(c) observance of black days and nights on such festive occasions as the Independence Day and Republic Day;
(d) the secessionists attempted move to declare Kashmir as the Islamic Republic of Kashmir on January 26, 1990;

(e) the reign of terror the militants have let loose and the parallel government that they are running;

(f) innumerable attacks by the militants on the para-military forces and the use of most sophisticated and deadly weapons, like Rocket Launchers;

(g) open defiance of the State authority and kidnappings and brutal killings of a large number of peace-loving, nationalist and law-abiding citizens;

(h) the closure of wine shops, clubs, tourist hotels, cinema houses, beauty parlours, industrial establishments, banks, post offices and what not;

(i) atrocities committed by the fundamentalists and pro-Pakistani elements on the Muslims and non-muslims who did not see eye to eye with the militants.

(j) the near total exodus of the minority community in search of safe abodes;

(k) the pushing back of the needles of the Indian watches by half an hour to enforce Pakistan Standard time in Kashmir;

(l) the participation of 1.37 lac Kashmiri employees, right from the additional Chief Secretary to the Government down to the orderlies; and
(m) the submission of innumerable memoranda to the UNO and "the people of world" against the atrocities alleged committed by the Indian para-military forces.

The points referred to above clearly demonstrate that the "Operation Topac" has brought about unprecedented havoc in the Valley and has won tremendous local support against India. At the same time it would not be an exaggeration to say that the two wars of 1965 and 1971 could not achieve for Pakistan what Indira Gandhi did in 1975 and her son, Rajiv Gandhi, did in 1987. Indira Gandhi's efforts towards reconciliation proved ill-fated. Her Accord with Sheikh Mohd. Abdullah, under which political power was handed back to him after a gap of 29 years, sealed the fate of the Congress Party's independent status in Kashmir for all the times to come; While the Sheikh was accused by the Kashmiris of having "sold out the people of Kashmir for the lure of the Chair."

But the maximum damage was done by the highly rigged 1987 Assembly elections and the reinstaliation of Farooq Abdullah as the State Chief Minister. To the Kashmiris Farooq Abdullah appeared as a "Stooge" of the congress and the Centre. From the country's standpoint, no consideration whatsoever seemed to have been given to his "antecedents: his shallow roots (or none at all) in Kashmiri Politics, having spent most of his early life in the U.K.: his sudden emergence as Chief Minister on the Sheikh's death with a dynastic claim; his anti-India postures while living in England, and his reportedly being as late as 1973, in the secessionist camp". And as Chief Minister, invariably he happened to be "fiddling" abroad like hero while Rome burnt. People felt isolated, and their alienation was allowed to grow deeper and deeper and wider and wider, which helped a handful of
secessionists to become more bolder and bolder with each passing day in their anti-India activities for which they went scot-free: bomb blasts, the hosting of the Pakistan flag in Srinagar on Independence Day in 1989, public mourning on the death anniversary of General Zia, and the Kidnapping of the Union Home Minister's daughter, Dr. Rubia Sayeed. And the result, the present turmoil.

**ELECTIONS IN J&K- 1996**

Last assembly elections were held in 1987, in the wake of outbreak of Large Scale Terrorist violence fuelled direction from across the border, in a bid to ferment violence subversion and secessionism in this part of India. Due to continuing violence, President Rule was imposed on 18 July, 1990, and it was not found possible to revive the representative and democratic institutions in state despite Govt's deep commitment and desire to do so. The President's Rule had to extended from time to time. On the 1nl June, 1995, Parliament had approved extension of President's rule in the state for six months beyond 17.7.95 till 17th January, 1996, and it became necessary to extend President's rule further beyond 17.1.1996 to ]7.7.1996. However, Assembly elections process started from 7.9.1996 onwards. During the President Rule from July 1990 to 6.9.1996, Pakistan continued militancy activities from P.O.K. it also continued Islamic Fundamentalism and Islamization in Pakistan.
The leading faction within the MUF was the Jamaat-e-Islarru, which had never accepted the accession in 1947 and openly expressed sympathies for Zia-ul-Haq's drive for Islamization in Pakistan. Pak Govt. started Islamic militancy and extremism in the name of Islam. Pakistan emerges as the Chief Patron and promoted of Islamic militancy and terrorism with the sole aim of utilizing it to serve its policy interest.

A sophisticated, well-equipped infrastructure to train militant Islamists was available for Pakistan to make use of. After the withdrawal of the Soviet troops from Afghanistan a highway motivated, militarily trained and war-hardened force of militant Islamists and a plethora of sophisticated weapons so generously gifted, principally by the US, was at Pakistan's disposal. There was no dearth of funds from domestic as well as foreign sources. Thus, Pakistan had at its disposal all the wherewithal for the pursuit of promoting and sustaining Muslim militancy and utilizing it to facilitate Islamabad in becoming, if not the leader then, one of the leading lights of Islamic World.

From the available evidence, three immediate objectives can be discerned in Pakistan's support and encouragement to Islamic militancy and terrorism as a means to attain primacy among Muslim countries. First, and the foremost, targeted India. It was planned that well-trained Islamic militants-Pakistani, Arab, Afghan and of Kashmiri origin on their own, as well as in collaboration with locally drafted elements, would unleash a sustained campaign of sabotage, subversion, assassinations and other kinds of terrorist activities in as many parts of India as feasible and thus create chaos and strife in the country. By putting the government of India under pressure, its attention in Kashmir would be reduced. In Kashmir trained Islamic extremists would incite the religious sentiments and susceptibilities of
Kashmiri Muslims and channelise their feelings thus aroused towards anti-Hindu, anti-India direction. Having thus created a favourable atmosphere, those Islamists and pro-Pakistan Muslim elements would then resort to a bloody campaign of terrorism as an 'Islamic War' that would ultimately lead to secession of Kashmir from India which would facilitate the fulfillment of their long-cherished dream of incorporating Kashmir into Pakistan. This would also suitably avenge the humiliation suffered by Pakistan at the hands of India during the liberation war of Bangladesh and its aftermath.

At the initiative of Pakistan, Afghan War veterans of Afghan origin appeared in the ranks of militant outfit Hizb-ul-Mujahideen in Kashmir whose number rose to 300 by late 1992. They were found to have been involved in violent and terrorist activities in Kashmir. A member of Markazul-Dawa at Irshad proudly declared that 56 troops were killed in 1993-94 during the fighting against the Govt. troops of Kashmir. Funding for the activities of the Markaaz it was claimed came largely from Saudi Philanthropists. Towards the end of 1995, A 3 day convention was organized by the Jamaat-e-Islami in Lahore, it was also attended by Kashmiri Militants besides of other countries.

The Jamaat-e-Islami runs the Syed Maudoodi International Institute at its headquarters in Lahore which trains and financially helps Islamists. At the end of 1995, some 1 00 Uighur Muslims from Xinjiang (China) were said to be receiving training in that Institute. The Islamic University in Islamabad and a host of other madrassas (theological schools) across Pakistan are actively engaged in Islamists. According to a recent report, at the Binnori Town mosque complex in Karachi’s New Town area, the Jamiat Ul Uloom II Islamiyyah, set up by Maulana Muhammad Yusuf Binnori, is being run
where 8,000 students of different nationalities receive intensive Islamic education.

There have been three levels of terrorist training camps, imparting different kinds of military training to Islamists in Pakistan. The camps around Muzaffarabad in POK trained inmates in hit-and-run tactics. In another kind of camps under the direct control of the ISI, training was given to create havoc in India. The third kind of camps were more sensitive, meant to train terrorists for world-wide operations.

According to report of 1996, several special were established in the Chitral region in north-western Pakistan. Earlier such camps were run in big numbers in the host and Jalalabad regions Afghanistan. But during the couple of years, due to a drop in the number of Kashmiri recruits, several of those camps were closed. Licence forth canges were in Muzaffarabad, Aliabad, Mirpur, Rawalkot, Rawalpindi and some other places in Occupied Kashmir and Pakistan.

After the Pak-raised, funded, equipped and supported fundamentalist Taliban militia seized power in Kabul in September 1996, two training camps in Khost were reopened. Camp Al-Badr I is meant for Pakistani trainees being trained to fight in Kashmir. The Al-Badr II has been meant for trainees from Arab and other countries, being prepared to fight in Chechnya and In these camps lessons imparted "are on bomb."making, the use of automatic weapons" rocket launchers and anti-aircraft guns. There are religious classes, instructing trainees in the nature of jihad.

As regards the number of military training camps fill" recruits, by 1,992, the ISI was operating 13 permanent, 18 temporary and 8 joint training camps for Kashnuri youth. Newspapers revealed that in an official secret report
submitted to the former Pakistan government of Prime Minister Benazir Bhutto it was admitted that 38 military training camps existed in Pakistan from where trained terrorists were being dispatched regularly to Kashmir.

By late 1990, an estimated 5,000 Kashmiris were receiving military training in Pakistan. In 1991 alone, nearly 4,000 Kashmiris were those facilities. By the summer of 1992, some 3,700 Kashmiri militants were located in those camps.

By the beginning of 1993, an estimated 20,000 had been trained and armed by and/or in Pakistan to unleash a reign of 'Islamic' terror in India. The ISI had been clandestinely using trained terrorist against Indian targets.

**TA... American Support – to Kashmiri Militants through Pakistan**

America has declared Sudan, Cuba, North Korea, Iran, Iraq, Libya, Syria. But, in spite of overwhelming amount of supportive evidence, Pakistan has been spared by America from being declared a terrorism sponsoring country.

In its assessment for the year 1993, the US State observed that "the Government of Pakistan acknowledges that it continued to give moral, political and diplomatic support to Kashmiri militants but denies allegation of other assistance. However, there were credible reports in 1993 of official Pakistani support to Kashmiri militants who undertook attacks of terrorism" in Kashmir. Some support to Sikh militants engaged in terrorism in northern India," added the report. Two years later, the State militants engaged in terrorism in northern India," added the report. Two years later, the State Department report made some additions to their assessment and reiterated:
"There continued to be credible reports in 1995, however, of official Pakistan support to militants fighting in Kashmir. One Pakistan-backed group, Harakat-ul-Ansar (HUA)" is believed to be linked to AI-Faran, the group that claimed kidnapping in July (1995) in Kashmir of (6 western tourists). Other claimed responsibility for numerous bombings in Kashmir, including one against foreign journalists". But, instead of taking any 10gical punitive action against Islamabad in lightthis dear indictment of Pakistani by its own State Department, the Clinton removed the name of Pakistan from the "watch list" of countries suspected to involved in encouraging terrorism where it was placed by the earlier Bush administration. The reason advanced for this benign action in favour of Pakistan was that, vas extra ordinarily help to the US last ye'tr in a major anti.terrorist It the arrest and of the leader of the World Trade Centre bombing". Id Not unexpectedly, the next year's assessment of word "credibile", used for the past several years, characterising to intcmal:iona. terrorism and simply stated that official Pakistani support to militants lighting in, removed the Pakistani political support in 1996, however, of official Pakistani support to militants fighting in Kashmir"
The question of holding election in the State came up again in the context of the General Elections in the country. After consolations with the State Government and all concerned agencies, it was decided that elections in the six Parliamentary Constituencies in schedule notified by the Election Commission elections in the State were held in three phases i.e. on the 7 May, 1996 in Jammu & Ladakh; on 23 May 1996 in Anantnag and Baramulla; and, on the 30 May, 1996 in Srinagar and Udhampur. Elaborate arrangements were made for the peaceful conduct of free and fair polls in the State, and the elections were held as per schedule. The whole process was completed peacefully and without any significant incidents of violence, despite threats from the militants and desperate attempts to disrupt the polls, particularly through the use of IEDs, grenades and other explosive devices. Also, despite threats against and intimidation to the people and the Government employees through a massive poster campaign and boycott calls etc., according to available information there was a large turnout as indicated below.
POLLING IN PARLIAMENT ELECTIONS IN JAMMU AND KASHMIR HELD IN MAY 1996

<table>
<thead>
<tr>
<th></th>
<th>Total Electorate</th>
<th>Valid Votes Polled</th>
<th>Rejected votes</th>
<th>Total Votes Polled</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baramulla</td>
<td>7,04,601</td>
<td>3,05,740</td>
<td>22,948</td>
<td>3,28,688</td>
<td>46.63%</td>
</tr>
<tr>
<td>Srinagar</td>
<td>7,85,293</td>
<td>2,97,891</td>
<td>24,037</td>
<td>3,21,928</td>
<td>41.00%</td>
</tr>
<tr>
<td>Jammu</td>
<td>12,06,499</td>
<td>5,67,298</td>
<td>14,009</td>
<td>5,81,307</td>
<td>48.18%</td>
</tr>
<tr>
<td>Ladakh</td>
<td>1,27,729</td>
<td>1,04,777</td>
<td>1,570</td>
<td>1,06,347</td>
<td>83.26%</td>
</tr>
<tr>
<td>Anantnag</td>
<td>7,65,571</td>
<td>3,57,858</td>
<td>26,003</td>
<td>3,83,861</td>
<td>50.14%</td>
</tr>
<tr>
<td>Udhampur</td>
<td>8,53,460</td>
<td>4,42,307</td>
<td>17,149</td>
<td>4,59,456</td>
<td>53.83%</td>
</tr>
</tbody>
</table>

A massive propaganda and disinformation campaign was also launched by the militants and secessionist elements, and particularly by Pakistan, to try and discredit the entire election process through allegations that the ballot boxes would be stuffed by the 'coercion' would be answered by large scale invalidation of votes exposed the falsehood, or speculation, from the truth. Most important the elections showed that the people had rejected the gun, and the foreign hand behind it, and had voted for the restoration of peace, normalcy and democracy in the State. Level of violence continued and it was high during 1995.

Statements giving the year-wise profile of violence in J&K are given below:-

98
## DETAILS OF POLLING IN THE ASSEMBLY ELECTIONS IN JAMMU AND KASHMIR 1996 SEPT.

<table>
<thead>
<tr>
<th>Name of the District</th>
<th>Total Electorate</th>
<th>Total Votes Polled</th>
<th>%age of Votes Polled to Total Electorates</th>
<th>No. of valid Votes</th>
<th>No. of Invalid Votes</th>
<th>%age of Invalid Votes to Total Votes Polled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anantnag</td>
<td>5,07,855</td>
<td>2,43,923</td>
<td>43.71</td>
<td>2,30,571</td>
<td>13,352</td>
<td>3.81</td>
</tr>
<tr>
<td>Budgam</td>
<td>2,68,504</td>
<td>1,77,763</td>
<td>66.21</td>
<td>1,69,558</td>
<td>8,205</td>
<td>4.62</td>
</tr>
<tr>
<td>Kupeara</td>
<td>2,45,818</td>
<td>97,094</td>
<td>39.50</td>
<td>90,313</td>
<td>6,781</td>
<td>6.98</td>
</tr>
<tr>
<td>Baramulla</td>
<td>4,91,835</td>
<td>2,65,550</td>
<td>53.99</td>
<td>2,56,897</td>
<td>8,653</td>
<td>3.26</td>
</tr>
<tr>
<td>Pulwama</td>
<td>2,92,702</td>
<td>1,57,391</td>
<td>53.77</td>
<td>1,46,146</td>
<td>11,245</td>
<td>7.14</td>
</tr>
<tr>
<td>Srinagar</td>
<td>2,56,452</td>
<td>1,41,242</td>
<td>24.99</td>
<td>1,33,716</td>
<td>7,626</td>
<td>5.40</td>
</tr>
<tr>
<td>Kahtua</td>
<td>2,86,222</td>
<td>1,80,344</td>
<td>63.00</td>
<td>1,77,817</td>
<td>2,527</td>
<td>1.40</td>
</tr>
<tr>
<td>Poonch</td>
<td>2,04,136</td>
<td>1,41,322</td>
<td>69.23</td>
<td>1,39,608</td>
<td>1,714</td>
<td>1.21</td>
</tr>
<tr>
<td>Rajouri</td>
<td>2,67,756</td>
<td>1,50,273</td>
<td>54.12</td>
<td>1,48,436</td>
<td>1,837</td>
<td>1.22</td>
</tr>
<tr>
<td>Udhampur</td>
<td>3,43,388</td>
<td>1,96,814</td>
<td>57.31</td>
<td>1,93,876</td>
<td>2,938</td>
<td>1.49</td>
</tr>
<tr>
<td>Kargil</td>
<td>71,241</td>
<td>57,262</td>
<td>830.38</td>
<td>56,587</td>
<td>675</td>
<td>1.18</td>
</tr>
<tr>
<td>Leh</td>
<td>67,156</td>
<td>39,252</td>
<td>58.45</td>
<td>38,704</td>
<td>548</td>
<td>1.40</td>
</tr>
<tr>
<td>Jammu</td>
<td>8,37,248</td>
<td>4,68,221</td>
<td>55.92</td>
<td>4,59,784</td>
<td>8,437</td>
<td>1.80</td>
</tr>
<tr>
<td>Doda</td>
<td>2,99,297</td>
<td>1,90,919</td>
<td>63.79</td>
<td>1,87,262</td>
<td>3,657</td>
<td>1.23</td>
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</table>

## TERRORIST VIOLENCE IN J&K

<table>
<thead>
<tr>
<th>Total Incidents</th>
<th>Attacks on SF</th>
<th>Attacks on others</th>
<th>Explosion &amp; Arson</th>
<th>Other Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>390</td>
<td>6</td>
<td>1</td>
<td>142</td>
</tr>
<tr>
<td>1989</td>
<td>2154</td>
<td>49</td>
<td>73</td>
<td>840</td>
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<tr>
<td>1990</td>
<td>3905</td>
<td>11098</td>
<td>485</td>
<td>1810</td>
</tr>
<tr>
<td>1991</td>
<td>3122</td>
<td>1999</td>
<td>321</td>
<td>611</td>
</tr>
<tr>
<td>1992</td>
<td>4971</td>
<td>3413</td>
<td>507</td>
<td>744</td>
</tr>
<tr>
<td>1993</td>
<td>4457</td>
<td>2573</td>
<td>539</td>
<td>900</td>
</tr>
<tr>
<td>1994</td>
<td>6895</td>
<td>2675</td>
<td>1594</td>
<td>1774</td>
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</table>
## KILLINGS IN TERRORIST VIOLENCE

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total killed</td>
<td>31</td>
<td>92</td>
<td>1177</td>
<td>1393</td>
<td>1909</td>
<td>2567</td>
<td>2863</td>
<td>2768</td>
<td>2858</td>
<td>15661</td>
</tr>
<tr>
<td>SF Personnel</td>
<td>1</td>
<td>13</td>
<td>132</td>
<td>185</td>
<td>177</td>
<td>216</td>
<td>199</td>
<td>234</td>
<td>185</td>
<td>1342</td>
</tr>
<tr>
<td>Govt. Officials</td>
<td>1</td>
<td>3</td>
<td>62</td>
<td>57</td>
<td>36</td>
<td>34</td>
<td>26</td>
<td>46</td>
<td>67</td>
<td>332</td>
</tr>
<tr>
<td>Top Poetical</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>6</td>
<td>1</td>
<td>5</td>
<td>15</td>
</tr>
<tr>
<td>Politicians</td>
<td>-</td>
<td>3</td>
<td>24</td>
<td>10</td>
<td>4</td>
<td>8</td>
<td>6</td>
<td>12</td>
<td>29</td>
<td>96</td>
</tr>
<tr>
<td>Judiciary</td>
<td>-</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>2</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>Pressmen</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>Hindus</td>
<td>-</td>
<td>6</td>
<td>177</td>
<td>45</td>
<td>67</td>
<td>87</td>
<td>95</td>
<td>99</td>
<td>110</td>
<td>686</td>
</tr>
<tr>
<td>Muslims</td>
<td>28</td>
<td>64</td>
<td>573</td>
<td>456</td>
<td>706</td>
<td>841</td>
<td>858</td>
<td>983</td>
<td>1217</td>
<td>5726</td>
</tr>
<tr>
<td>sikhs</td>
<td>-</td>
<td>-</td>
<td>6</td>
<td>12</td>
<td>10</td>
<td>7</td>
<td>5</td>
<td>2</td>
<td>3</td>
<td>45</td>
</tr>
<tr>
<td>Others</td>
<td>-</td>
<td>-</td>
<td>16</td>
<td>12</td>
<td>35</td>
<td>40</td>
<td>73</td>
<td>55</td>
<td>30</td>
<td>261</td>
</tr>
<tr>
<td>Militants</td>
<td>1</td>
<td>-</td>
<td>183</td>
<td>614</td>
<td>873</td>
<td>1330</td>
<td>1596</td>
<td>1332</td>
<td>1209</td>
<td>7138</td>
</tr>
<tr>
<td>Total</td>
<td>38155</td>
<td>15856</td>
<td>7489</td>
<td>9714</td>
<td>5177</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Notes
- SF: Special Forces
- Govt.: Government
- Poetical: Poetic
- Pressmen
- Hindus
- Muslims
- Sikhs
- Others
- Militants
## KIDNAPPED BY MILITANTS

<table>
<thead>
<tr>
<th>Year</th>
<th>Incidents</th>
<th>Persons Abducted</th>
<th>Foreigners</th>
<th>Women</th>
<th>Politicians</th>
<th>Govt. Officers</th>
<th>SF Personnel</th>
<th>Killed</th>
<th>Released</th>
</tr>
</thead>
<tbody>
<tr>
<td>1989</td>
<td>2</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1990</td>
<td>57</td>
<td>70</td>
<td>12</td>
<td>8</td>
<td>33</td>
<td>21</td>
<td>12</td>
<td>1</td>
<td>32</td>
</tr>
<tr>
<td>1991</td>
<td>100</td>
<td>159</td>
<td>-</td>
<td>8</td>
<td>53</td>
<td>27</td>
<td>29</td>
<td>29</td>
<td>73</td>
</tr>
<tr>
<td>1992</td>
<td>124</td>
<td>183</td>
<td>13</td>
<td>13</td>
<td>26</td>
<td>43</td>
<td>38</td>
<td>38</td>
<td>112</td>
</tr>
<tr>
<td>1993</td>
<td>181</td>
<td>269</td>
<td>26</td>
<td>26</td>
<td>4</td>
<td>37</td>
<td>92</td>
<td>92</td>
<td>128</td>
</tr>
<tr>
<td>1994</td>
<td>332</td>
<td>368</td>
<td>20</td>
<td>20</td>
<td>3</td>
<td>36</td>
<td>25</td>
<td>157</td>
<td>164</td>
</tr>
<tr>
<td>1995</td>
<td>395</td>
<td>548</td>
<td>6</td>
<td>31</td>
<td>3</td>
<td>55</td>
<td>14</td>
<td>207</td>
<td>163</td>
</tr>
<tr>
<td>1996</td>
<td>473</td>
<td>666</td>
<td>20</td>
<td>20</td>
<td>4</td>
<td>48</td>
<td>21</td>
<td>345</td>
<td>104</td>
</tr>
<tr>
<td>Total</td>
<td>1664</td>
<td>2265</td>
<td>20</td>
<td>126</td>
<td>126</td>
<td>267</td>
<td>231</td>
<td>925</td>
<td>777</td>
</tr>
</tbody>
</table>

* Israelis – 7, Swedish – 2, Dutch-1, Japanese-1, British-4, American-2, German-1, Norweign -1

** IN MOST CASES RELEASED AFTER EXTORTION, TORTURE, EXCHANGE OF MILITANTS, RAPE (REMAINING UNTRACED)

## CRIMINAL ACTS EXTORTION & LOOTINGS BY MILITANTS

<table>
<thead>
<tr>
<th>Year</th>
<th>Incidents</th>
<th>Amount Robbed (in Ruppes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>23</td>
<td>2,26,91,200</td>
</tr>
<tr>
<td>1991</td>
<td>31</td>
<td>62,30,768</td>
</tr>
<tr>
<td>1992</td>
<td>39</td>
<td>64,86,583</td>
</tr>
<tr>
<td>1993</td>
<td>50</td>
<td>83,57,626</td>
</tr>
<tr>
<td>1994</td>
<td>149</td>
<td>5,48,46,532</td>
</tr>
<tr>
<td>1995</td>
<td>130</td>
<td>31,37,826</td>
</tr>
<tr>
<td>1996</td>
<td>139</td>
<td>25,20,205</td>
</tr>
<tr>
<td>Total</td>
<td>561</td>
<td>10,42,70,205</td>
</tr>
</tbody>
</table>

Only a small fraction of such cases is reported to the Authorities due to fear.

101
### DESTRUCTION OF PROPERTY BY MILITANTS

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Incidents</th>
<th>Government Building</th>
<th>Educational Institution</th>
<th>Private Houses</th>
<th>Bridges</th>
<th>Shops</th>
<th>Hospitals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>128</td>
<td>4</td>
<td>4</td>
<td>19</td>
<td>1</td>
<td>-</td>
<td>-</td>
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<tr>
<td>1989</td>
<td>294</td>
<td>191</td>
<td>172</td>
<td>427</td>
<td>16</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1990</td>
<td>646</td>
<td>501</td>
<td>129</td>
<td>1242</td>
<td>172</td>
<td>202</td>
<td>-</td>
</tr>
<tr>
<td>1991</td>
<td>391</td>
<td>45</td>
<td>24</td>
<td>819</td>
<td>24</td>
<td>83</td>
<td>-</td>
</tr>
<tr>
<td>1992</td>
<td>564</td>
<td>65</td>
<td>57</td>
<td>2312</td>
<td>28</td>
<td>200</td>
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<td>662</td>
<td>98</td>
<td>46</td>
<td>1110</td>
<td>34</td>
<td>400</td>
<td>-</td>
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<td>688</td>
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<td>1814</td>
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<td>1996</td>
<td>482</td>
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<td>68</td>
<td>602</td>
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### RECOVERY OF WEAPONS FROM MILITANTS

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<td>588</td>
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It would be seen, that the level of violence in the State continued to be high during the year 1995. The comparative increase in the number of causalities of civilians and Security Force Personnel could be attributed, to a large extent, to the large scale and was a major feature of violence since the last year. There was also a visible increase other soft targets such as political workers, Government Officials, media persons etc. whereas civilian causalities in security also indicated that they had been avoiding direct engagement with security force operations declined significantly. The comparatively lower militant causalities also indicated that they had been avoiding direct engagement with security force personnel. The same trend has continued during the current year. These trends demonstrate, on the one hand, that the security forces are clearly top, and, on the other, the desperate attempts of the militants to strike at soft targets and try to keep up a feeling of fear among the people through targeted as well as random killing of innocent civilians.

Both in the year 1995 and, so far, in the current year, it was observed that there was an immediate spurt in violence whenever there was any serious
talk of elections. In 1995, for example, there was a significant escalation in the number of incident since May 1995, when there were imminent signs of the elections being held in June-July 1995. This period also saw a number of high profile terrorist acts such as the burning of the township and Shrine of Chara-e-Sharief (11 May), abduction of 6 foreign tourists (4- 8 July), bomb blasts in Jammu (20 -26 July), bomb blasts in Srinagar (12 Sept), bomb blast in Anantnag (3 December), all of which were acts of desperation intended to spread widespread disorder and create panic and terror among the people. It is to be noted that in February, 1995, extension of President’s Rule had been sought only till 17 July 1995, rather than for the normal period of six months. This, together with a host of other developments in the State, had created a widespread perception that election to the State Assembly were imminent around the middle of the year. This apparently unnerved the militants, and their mentors across the border, which is reflected in desperate attempts to escalate the violence as outlined above, in a bid to thwart the political and electoral process at all costs.

Similarly, there was a spurt in the violence immediately after the announcement of Parliamentary Elections by the Election Commission in March 1996. Within a week of the announcement of the elections, there was an attempt by armed militants to forcibly enter and occupy the Hazartbal Shrine, clearly with the intention of engineering a dramatic incident, as in the case of Charar-e-Sharif in May, 1995, in the hope that once again they would be able to thwart the elections. The announcement of elections was followed by as many as 18 incidents of targeted attacks against candidates, political leaders and workers including the killing of five such persons, and repeated attempts at violent disruption of election meetings and rallies.
The militants continued their efforts to spread the area of violence into the Jammu region, particularly the Doda District. Their activities in Doda, and the interior areas of some of the other districts in the region, continued to be mainly in the nature of acts and attempts of abduction/killing and attacks on innocent villagers in far flung areas with the aim of spreading fear among the people at large, create communal tensions, and try and trigger off an exodus of members of the minority community from the district. The situation in the area was kept under close and continues review both at State, and at the Central Government levels and senior officials have also been frequently visiting the area. The security force deployment has been substantially augmented and a separate CI grid has been established in the District. Various other measures have also been taken, including strengthening the local police, including creation of a separate Police district at Ramban, recruitment and deployment of ex-Servicemen’s Companies, setting up of Village Defence Committee and intensification of anti-terrorist operations in the district. Though the earlier mentioned terrorist activities have continued to occur intermittently which have also led, on some occasions, to temporary migration of some families from the far flung areas of the district to others parts of the district and elsewhere in the Jammu region, in overall terms there was a considerable decline in the incidence of violence in the district.

As for the rest of Jammu region, attempts were observed to raise the profile of violence, particularly in Jammu, Poonch and Rajouri, mainly by the use of explosive devices to engineer explosions and blasts in public places and buses etc. which led to a number of casualties of innocent men, women and children over the past year, and increased incidents of rocket attacks in the
border districts, aimed at facilitating infiltration from across the border. Increased vigilance and strengthening of the security arrangements have kept the situation under control and militants have not been able to succeed in their design of creating large scale violence, disruption and communal discord.

Particularly since the middle of 1993, there has been a visible increase in the infiltration of foreign national/mercenaries into J&K, apparently due to progressive slacking in the will and morale of the local militants, as also the growing disillusionment among them with the so called 'movement', 94 foreign nationals / mercenaries were killed during the year and 34 arrested. 34 such elements were killed and arrested respectively till the end of April in the current year. It is clear that, after getting frustrated with its failure to continue to maintain large scale violence and the so-called "self sustained indigenous insurgency" Pakistan has increasingly tried to take direct control of the terrorist and subversive activities in the State through these foreign nationals and mercenaries, most of whom belong to non-Kashmiri, Pan Islamist international terrorist groups like the Harkat-Ul-Ansar, Lashkar-e-Toiba etc.

THE ECONOMIC RUIN OF KASHMIR

Soon after the first time Assembly elections held after a period of turbulence, the state and Central governments had made a number of policy announcements to revive the shattored economy of Jammu and Kashmir. The moves that followed generated a tot of expectations and many people had viewed them as positive signals. It was hoped that under the "elected governments" the main focus would be the much needed economic development. The Central government and its agencies had promised to
come forward in a big way. However, as the uncertainty would have it, the promised assistance could not see the light of the day till date. Because of the 'insurgency and abnormal political condition in occupied Kashmir. The Govt. during the year 1992-93 had turned bankrupt. It was unable to pay for plan and non-plan expenditure including the salaries of its employees. The strike, bandh were observed by the employees of “Road Transport Corporation. During the year 1992-93, shows a staggering deficit of Rs.602.73 crore which 25% of the Plan and non-plan expenditure.

However, C. Govt. Switchover to the Liberal pattern of financing of 90% grant and 10% Loan from 1990-91 has reduced the debt servicing in respect of borrowings Retrospective application of 0:10 pattern of funding of Central Assistance would result in debt relief of Rs.1275 under the burden of militancy1.

The state government paid a minor amount of Rs7.04 crore in ash during 1995096 and the centre adjusted Rs.396.50 crore (principal Rs.147.94 and interest Rs.248.56 crore) in fresh loans and grants sanctioned in the financial year 1996-97 in a total amount of Rs.706.28 crore due for repayment of India, the audit survey for year ending March 1997 said.

In fact, the government of Jammu & Kashmir made no arrangements and efforts to repay the loans and advances from the Government of India. Keeping in view, the financial position of Jammu Kashmir has reached such a pass that the state has to take fresh loans to pay the interests on its staggering liabilities.

The situation is grim another fronts too. The assets of the state government stood at Rs.676.41 crore in 1995-96, while the liabilities amounted to Rs.5170.02 crore. Significantly, grants-in-aid to the tune of
Rs.1147.15 crore formed an important component of the state's revenue receipts of the order of Rs.3319.50 crore, the figures recently audited said.

Shockingly, the plan revenue expenditure during 1995-96 only increased by Rs.35.12 crore as compared to the previous year, while the non-plan revenue shot up by Rs.253.49 crore.

According to the financial report of Government of India released on April 1997, Jammu and Kashmir which ranked 6th in the matter of per capita income in 1988, before the onset of militancy in state, now has slid to 23rd position, only one rank ahead of Bihar on all over India rating.

More grim is the state's growth rate, which from 9.4 per cent in 1996-97, has gone down to 2.1 per cent, the sources of JK income has virtually dried up and here is shortfall in all the sectors. While shortfall in forests is Rs.11 crore, it is Rs.40 and Rs.10 crore in power sector and excise sectors respectively.

Significantly, the outflow of Rs.403.54 crore during 1994-96 on account of repayment of central government loans and payment of interest thereon worked out to 84 per cent of fresh loans received from the central government during the year.

As many as Rs.365.93 interest amount on debt was paid to the Government of India during 1995-97. However, the interest received during the year was a meager Rs.97.18 crore resulting in a net interest burden of Rs.269.76 crore. There was large scale increase in interest payment from 61
per cent of the revenue raised by the state government from 1991-92 to 1996.

The dismal budgetary performance of the state government is revealed by the fact that against actual expenditure of Rs.6771.61 crore, there is total budgetary provisions of Rs.4685.06 crore showing an excess of 2936.89 crore.

The state is spending Rs.1500 crore on salary bills of employees of J & K Government, while the state has 12500 unemployed youth for whom the government will be introducing ‘Stephen’ to employ near 26000 unemployed persons, revive tourism, horticulture and build bridges, schools and other structures gutted during the last seven years, involving nearby Rs.4000 crore additional amount.

Once prosperous state of Jammu And Kashmir is on the verge of financial collapse due to fiscal mismanagement, abysmal recovery of revenue dues, deep-rooted corruption and mounting debt burden during seven years of Governor’s rule in the state.

Further, seven years of militancy and counter-militancy operations have compounded the crises in Jammu and Kashmir, putting the popular government led by national conference in the dock.

The high budgetary deficit and liabilities outstrip the state’s revenue and central grants and loans, and the state offers are running dry.

According to available data, the total debt burden of Jammu and Kashmir had increased to Rs.4435.12 crore in 1995-96 from Rs.4225.12 crore in 1997-95…. Showing an increase of Rs.210.24 crore in just one year.
Of the total debt of Rs.4435.36 crore, the internal debt of the state accounted for Rs.1102.45 and loan advances from the central government stood at Rs.2584.40 crore, the statistics revealed.

While the total public debt was the order Rs. 3686.65 crore as on March 31, 1996 in addition the Jammu and Kashmir government owed Rs. 748,51 crore on account of the small saving provisional fund and other miscellaneous heads.

Not only this, the Jammu and Kashmir government has flouted contract directives on its temporary loans from Jammu and Kashmir bank amounting to Rs. 655.75 crores. The total temporary loans during these years amounted to Rs. 2737.94 crore.

Ostensibly, according to the central government’s directives, the maximum limit upto which temporary loans could be obtained at any time during the year was only Rs. 10 crore. In total violation of the central law on temporary loans, the state government took more than the limit (in hundreds of corres) of the temporary loans, from time to time for requirements in J and K.

However, the state government later repaid Rs. 2738.45 crore during theyear leaving a balance of Rs. 608.01 crore on March 31, 1996.

On the front of central government;s loans to the state, as much Rs. 302.74 crore (principal Rs. 243.92 and interest Rs. 58.82 crore) was pending and had not been paid to the central government at the end of 1995 – 96.

**Initiatives for acceleration of development activities**

The Department of Jammu and Kashmir Affairs was set up in November, 1994 with a view to ensure focused attention on problems of Jammu and
Kashmir. Several initiatives were taken towards normalization of situation in the State and to accelerate development process in the state, particularly in the Kashmir valley.

The steps included enhanced Central Plan Assistance to meet non-plan resource gap and intensive monitoring of plan implementation at all levels which enabled the State Government to spend amongst entire plan allocation of Rs. 1,053 crores during 1995-96 without diverting any funds to bridge non-plan gap unlike in the past. The actual expenditure incurred during the year was Rs. 1,023 crores i.e. 97.2% of the plan allocation. For 1996 – 97, Planning Commission has finalized plan outlay to Jammu and Kashmir at Rs. 1,250 crores.

**Economic Packages announced by the Prime Minister**

In the light of the successful holding of Parliament elections and in view of overall improvement in the situation, it was felt that effective steps should be taken for economic development of the State. In view of this, an economic package was announced by the Prime Minister in both House of Parliament on 23.07.1996 and 02.08.1996. the salient features of the packages are detailed below :-

(i) Central Government would expedite the implementation of the new Railway line project from Udhampur to Srinagar and then to Baramulla in Kashmir Valley covering a distance of about 290 kms. The Project was approved by the Central Government at an estimated cost of Rs. 2,500 crores. This railway line, will provide an all weather cheap means of communication between the valley and rest of the Country and is expected to mitigate the sense of isolation of the people living in Kashmir valley, besides providing
a much quicker means of transpiration for export and import of perishable goods like fruits and vegetables.

(ii) Expeditious construction of Mughal Road as a viable alternative link between Jammu and Kashmir as a part of Centrally Sponsored Schemes of “Roads of Economic Importance” at a cost of nearly Rs. 77.40 crores would be taken up. The cost of the project will be shared between the Centre and State at a ratio of 50 : 50.

(iii) Work on the construction of Dulhasti and Uri Hydel Projects in the State would be expedited so as to provide much needed relief to the power straved State.

(iv) The situation in the state in the last few years had greatly effected economic activities in the State. Activities related to tourism, industry, trade, transport, house boat business were badly affected. To revive these activities, loans where the initial borrowing was upto Rs. 50,000/- would be waived off. It was also decided to examine the possibility of relief to the borrowers whose initial borrowings were more than Rs. 50,000/- For this purpose, an Inter-Ministerial Committee would be set up.

(v) To bridge Non-plan gap of Jammu and Kashmir State, a Special Central Plan Assistance would be made, so that entire plan outlay for the current financial year can be utilized for the development schemes without having to divert any part of it to meet the non-plan gap.
(vi) A grant of Rs. 6.6 crores would be given for setting up of a Convention / Conference Centre at Leh to give a further fillip to tourism in this area.

(vii) High priority for development of airport at Kargil at a cost of Rs. 25 crores will be given to ensure completion of the project within a two years period. In the meantime, the Government would provide weekly helicopter service in Kargil instead of present fortnightly service.

(viii) In order to meet longstanding demand the Jammu city should be granted B-2 status, Government of India has decided to upgrade the status of Jammu city to B-2 city.

**Increased Employment Opportunities for youth from Jammu and Kashmir**

The matter of providing employment to youth from Jammu and Kashmir has been attention of the Central Government for quite some time. It was decided by Government of India that unemployed youth of Jammu and Kashmir should be provided adequate employment opportunities both in the Central and State Government and also by self employment. All the major Ministries in the Central Government and State Government were asked to take effective steps in this direction. The State Government was advised to prepare the unemployed youth through special coaching and training for Government jobs as also for self employment. In this effort greater role to NGOs and participation of larger number of NGOs in employment is envisaged.
As a result of connected effort put in by the Government of India, a number of educated unemployed persons could be recruited against the vacancies in Central Para Military Forces, Central Public Sector undertakings, Department and Organizations. 225 persons including gratitude engineers have been appointed by various Public Sector Undertakings. Nationalized Banks and Insurance Companies have recruited 491 unemployed youth. The Central Police Organisation have recruited 10,090 persons from Jammu and Kashmir since 1989 – 90. Relaxation from age limit and minimum height were provided to the youth of Jammu and Kashmir for recruitment in Central Para Military Forces. Railways have recruited 44 candidates this year. 50 unemployed graduate engineers are going to be recruited by various Public Sector Undertakings shortly. The Staff Selection Commission had employed 998 Jammu and Kashmir youth through Special Recruitment Drives. Apart for this, for regular selection for filling of the vacancies in the Central Government offices in Jammu and Kashmir, examinations are being held regularly.

**Relief for Kashmiri Migrants**

In wake of militancy in the State a vast majority of Kashmiris migrated from the valley. As their permanent rehabilitation outside the valley is not envisaged, the needy migrants are given sustenance support to minimize their hardships. They are being given relief by the States / Union Territories where they are residing.

The maximum limit of monthly relief to the migrants living in Jammu was raised by 20% to make it Rs. 1,800/- per family from the existing Rs. 1,500/- w.e.f. 1st June 1996. The Government of National Capital Territory of Delhi was also asked to increase the relief in the same manner. Rs. 6.6. crores were
given to the State Government for improving facilities in camps of Jammu by way of providing more One Room Tenements, construction of camp schools, improvement of drainage and sanitation facilities, etc. special emphasis was laid on speedy disposal of claims of payment of ex-gratia relief for damaged properties and out of 3,977 claims, 3,620 have been settled so far. Similarly, of the 6,646 insurance claims, 6,278 have been settled. The State Governments where the migrants are living, were also requested to provide the best possible educational facilities to the Kashmiri migrant students till their return to the valley. The problems of the Kashmiri migrants were reviewed from time to time by the central as well as the State Government and corrective measures taken where necessary.

With the successful conduct of elections to the State Assembly and installation of a popular Government, the process of return of the Kashmiri migrants to their native places is likely to speed up and the State Government is drawing up an action plan in this regard.

The period after the election was marked by a further comparative decline in the incidence of violence, but there was visible increase in targeted attacks on political leaders and workers, and on former / surrendered militants.

The whereabouts of four foreign tourists, who along with two others had been abducted on 4\textsuperscript{th} and 8\textsuperscript{th} July, 1995, continued to remain unknown despite intensive efforts to locate them.

Non – Kashmiri, Pan-Islamist international terrorist groups and organization such as Harkat-ul-Ansar, Lakshar-e-Toiba, Markaz-Daawa-Al-Arshad, have continued to openly carry on their activities in Pakistan for propagation of the so-called ‘Jehad’ in Kashmir, mobilize volunteers and collect funds for
the same, and organize arms training for terrorists in concert with the Pakistani authorities and ISI.

List of the Terrorist Organizations Operating in the Kashmir Valley

1. J&K Liberation Front
2. Hizab-ul-Mahahedeen
3. Allah Tigers
4. Zia Tigers
5. Islamic Kamait Tulba
6. Dekhtram-e-Milat (Women Wing)
7. Al Bader
8. Operation Balakote
9. Kashmir Freedom Army Guerilla Commando
10. Students Liberation Front
11. Al-Khomeni
12. Hizbi Islami
13. Hizbullah
14. Kashmir Freedom Movement
15. Kashmir Liberation Front
16. J&K Liberation Organisation
17. Peoples League
18. Islamic Students League
19. Al-Mehmoodi Mijahdin
20. Inquallabi Council
21. J&K Mahaji Azsadi
22. Victory Commando Force
23. Islami Jamurie Kashmir
24. J&K Inquilabi Front
25. Kashmir Students Force
26. People Liberation Organisation
27. Tehrike-Jahad
28. All J&K Soldiers Field Front
29. Hizab-Ullah-Islamic-Jammohuria J&K
30. Free Army
31. Ikhwan-ul-Musalmaan
32. Kahsmir Liberation Tiger
33. Peoples Front
34. Hiz-ul-Zaheed
35. National Muslim United Front
36. Al Hamzah
37. Ansor – ul- Islam
38. Muslim Student Front
39. Tehrique Azadi
While Jagmohan claims 44 outfits in January 1990, JKLF Chairman Imanullah Khan claims 6-70 groups were active in 1991. There is loose coordination of Militant Group Activities, but no central command for formal integration of military operation.

**deologically, each group is different:**

Residents of valley are disenchantment with the cult of violence and the militants are facing the risk of losing direction because of the confusion that has cropped up owing to their internal serious ideological differences, the mushrooming of militant groups and reports of growing criminalization among their ranks.

Kashmiri militants, like in Punjab, are divided into numerous groups. At one point of time, the state government had counted 186 militant groups and over 60,000 militants operative in the valley. But unlike Punjab, where all militant groups are united on the demand for the independent sovereign Sikh state, ‘Khalistan’, in Kashmir, the militant groups are ideologically divided over the fundamental issue of whether to accede to Pakistan or to seek instead the status of sovereign independence for a reunified Jammu and Kashmir.
Hence, the JKLF, which has been a principal protagonist of sovereign independence, is particularly disillusioned with Pakistan because of the latter’s perceived betrayal of their cause. Apart from facing the recent ban of their proposed conference, earlier scheduled to be held at Rawalkot (Pakistan) this month, the JKLF is feeling the pinch because it is not getting the same level of support as before from across the border. Political observers go as far as to describe the JKLF as a modified version of the National Conference.

The pro-Pakistan groups, however, seem to treat the JKLF suspiciously and advocate acceding to Pakistan for reasons of Islamic proximity. Militant ideologues here point out that Pakistan has deliberately floated organizations directly in its favour in order to wrest the initiative from the JKLF and convert the popular sentiment for azadi in its favour. The numerous organizations also help Pakistan maintain control on the militant movements in case of betrayal by some organizations. However, political observers point out that in the bargain the policy appears to have created confusion among the militant ranks and the public alike.

Conceding that the mushroom growth of militant organizations on the one hand and the starkly evident ideological differences on the other have “created an overall climate of confusion”, the secretary general of the political wing of the underground JKLF, Mrs. Bashir Ahmed Bhat, further admitted that “the division among the militant organizations reflects unsolved issues.

Bhat attributed Pakistan’s “propping up” of Pro-Pakistan militant organizations such as Hizbul-Mujahideen and Al Jehad in keeping with her (Pakistan’s) self interest. The leader of Al Jehad one of ht largest and
influential pro-Pakistan Militant because it rules out the third option of AZADI. Al Jehad is align itself with Pakistan to the cultural, historical, religion and geographical links with Pakistan “they want to consolidate this Muslim State in our neighborhood for ultimate cause of unification of Nation which is presently divided into 52 countries.

There is always a method in Militants strategy. In the first phase of insurgency many Kashmiri youths crossed over to P.O.K. for insurgent training from 1987-89.

In the second phase of militancy till mid 1990 was spearheaded by Mass agitations. Acts of terrorism were committed more to strengthen the mass movement than directly for the secessionist goal. That was to be achieved through mass action. But as the movement lost its momentum, the emphasis shifted to “terrorism”.

The Third phase of strategy was to escalate violence. Through the movement in this phase was openly terrorist, it still enjoyed considerable support in the valley. But after 1994, fed up with the unending violence, the Kashmiris began getting disillusioned with Pakistan and the Militants. Two Parliamentary elections and one Assembly election have completely transformed the valley.

**Jammu Kashmir Liberation Force**

The most important and dangerous group is JKLF. By virtue of its expousal of Kashmir’s independence, a moderate brand of Islam is popular. Amanullah Khan is its chief and its Headquarters are at P.O.K. Founded in 1968 as KNL Front, it has come a long way. Previously, it was called Plebiscite Front but an organization created out of Fragments of operation
Gibraltar of resistance movements on the Indian side of the cease fire line in J & K, which it had been the aim and desire of Pakistan to encourage. Initially, it operated in total independence from any official body in Pakistan. They began using covert resistance against Indian Govt., responsible to nobody but to their own Leadership and controlled by no Government. The Leaders genuinely believed that they were acting in the interest of Kashmir Nationalism. But it was only in 1988-89, that Amanullah Khan and his associates really began to affect the course of political life in J&K they represented by no means the only organization involved in the deterioration in the security situation. Members of JKLF were signed out as the main culprit to explain the internal disorder in Kahsmir. Traditional demonstration and marches were replaed by the armed processions. They were responsible for the murder of T. Taploo on 15.9.89 kidnapping of Dr. Rubaiya Sayeed, V.C. of Kashmir University, G.M. of HMT Mr. H.L. Khera. JKLF’s bases can be found in Karachi, Isabelbad in Pakistan, Muzurabadin P.O.K. in J&K, Anantnag and Srinagar as urban and rural cells. P.O.K. Prime Minister Sardar G. Khan JKLF as terrorist organization.

**HIZBUL-MUKHIDEEN**

The other most powerful militant group / organization is the Hizb-ul-Mujahideen. It is fully patronized and funded by Pakistan, hence better trained, more effective, hard core and greatly feared. The Pro-accession to Pakistan, has emphasized the movements newer and increasingly potent Islamist (Islamist) Orientation. Their strategic appeals to faith or ethnic nationalism conceals their mutual ideological Orientation. Their strategic appeals to faith or ethnic nationalism conceals their mutual Ideological Orientation wholly exclusive. The Hizbul-Mujahideen had completely
marginalized the JKLF. They continue to force Islamization of the valley by the Gun. The Group works entirely for Pakistan interests. They want Kashmir of Pakistan and has claimed to kill a number of JKLF Leaders so far. It began its operations in 1987, its fighting wing is Jamaat-e-Islam. Organizationally, it is the strongest, but very fundamentalist. They draw their support from the young educated Kashmiri Muslims. MUST GUL is Chief Leader who burnt Charar-e-Sharief in 1995. Jammat-e-Islami, wants plebiscite and merger with Pakistan.

Islamic Students Leagues, people’s League, Allah-tigers, Dukhtran-e-Milat (Women’s wing) Hizbe-Islamic, Ali Omar Mujahideen, Al Jehad, Al Barg, Ikhwan-Jul Musalaman, Al Fatah. These militant groups have only one aim, merger of Kashmir with Pakistan, by Armed struggle and violence.

Then there are a couple of groups who favour total self determination like JLLF, one in Muslim United Front demands autonomy and self determination.

Hurriyet-e-Kashmir

There have been a number of efforts since the uprising began to forge a common above group of pro-separatists movements form the valley’s politicians, religious students, Intellectual professional and social organization. The first of these was Tehreek Hurriyat – e – Kashmir. It was an Islamist Leaving Organization. It excluded group allied to the JKLF. But did not start well in April 1993, it was replaced by a larger alliance that combined a dozen or more groups. This was called the All Party Hurriyat Conference (APHC). It included JKLF. Hurriyat shot into prominence during the month long crisis in Oct-Nov, 1993, over the militants seizure of
the Hazratbal is the most vulnerable Shrine for the Muslims in Kashmir. They believe a Hai from prophet Mohammad’s beard is preserved here.

The Hurriyat Leader Prof. Abdul Ghani, SAS Geelani, and Abdul Ghani Lone got a new platform to over group activities. They tried to negotiate with the militants for a compromise solution. It organized, strikes, boycotts mass public demonstration to protest against the loss of Holy Relic and seize of the Shrien by Armed Forces in J&K. the All Party Hurriyat Conference has emerged as a strong force. It is an umbrella Organization of 36 parties with highly divergent views. In it there are certain moderate elements who have opposed the gun culture and favour a political dialogue.

Part – II

Terrorism / counter Terrorism and Violation of Human Rights in J&K

(a) Terrorism

The Encyclopedia of Social Sciences had defined terrorism as the method “whereby an organized group of party seeks to achieve its avowed aim through the systematic use of violence”. Terrorism implies striking terror in the hearts of those against whom it is applied. Brain Jenkins calls “violence for effect”. This phenomenon is not the result of social misery and frustration but born out of political ambition and design of such states an groups that instigate them.

In all countries, where terrorism prevails, there is a dispute between the police Centre, State-Security Agencies. The former treat it as a Law enforcement problem and the latter takes the view that terrorism is a wear against an established state. Terrorism is a great economic burden and serious problem for the government and people which has taken many
innocent human lives, destroyed Public and Private Properties, disturbed the
peace, Law and Order, society and administration of the country and society.
At present, it is alleged that the human right is being violated in a state
terrorism. It is also alleged that many innocent persons have been killed in
the fake encounters and their dead bodies have not been returned to their
breaved families. Many innocent people have been kidnapped and abducted
in an unidentified vehicles by armed man of the police and not produced
before the court. Many people are missing and no body knows where they
are. Some restrictions have been imposed on the people to attend the bhog
ceremonies of the slain. Many persons have been killed in the police custody
and the police do not want the postmortem report or the dead bodies to be
given to the relatives or inspected by doctors. The law of human right does
not permit the police to kill persons in custody or permit them to abduct or
allow them to cimmit torture as the only method interrogation. The
Universal Declaration of Human Rights allows the only method
interrogation. The Universal Declaration of Human Rights allows the
government to use the Terrorism Form in a normal situation but not in an
abnormal situation. There is apolitical slogan “Government is the people, by
the people and for the people”. As regards legal system, no one is above the
law (whether government – non-government ) or lower high, rich or poor,
senior of junior. Every person must be punished in accordance with law,
when government does partiality in punishing the wrongdoer, the rule of law
is jeopardised. Everyone is equal before the law and have equal protection of
law (Art. 14 of the Indian Constitution). India, being a Secular and Welfare
state, has adopted a social pattern of society for the welfare of every citizen
in a democratic way. The dictatorial governments habitually deprive the
exacting laws or by issuing informal instructions to their officers and agencies. Each country with a democratic constitutional government has its code of criminal act and punishes those who violate the code. But what is most agonizing in the world today is the prevalence of governments which deny their citizens basic human rights and which in many cases use terrorism in an abnormal situation against their own populace on whom the government rules and by whom the government is made or elected.
There are certain beliefs and ideas which gave birth to Human Rights. The word Human Rights is an old phenomenon and as old as human race. In ancient time the people used to demand their human rights. If we look back to the past history it comes in mind that the human rights were changing from time to time according to the needs and setup of the time. The right of everyone is to be respected and everyone has a responsibility to protect the rights of other persons. Although there are differences in race, sex, language and colour yet these differences do not change the said rights. There is a difference in thinking and ideas. Everybody has his own ideas and thinking. Everyone is born with human rights regardless of who they are and to which community he belongs; and wears different culture. Everyone is equal before law. Everyone has a right to be protected by the State and people.

Everyone, regardless of their country administration has a human rights to be protected by the other countries. The violation of human rights is a threat to the welfare of and dignity of the entire human values. The worldwide responsibility which transcends all racial, ideological and geographical boundaries is to protect the human rights of everyone regardless of their country and standard of their country (poor-rich, developed – under developed, developing, etc.) All these fundamental beliefs and ideas give rise to human rights and play an important role in the development of human rights for which everyone has a right to possess for his welfare and welfare of the entire society and country, etc. The most characteristic features of the middle twentieth century is what Johan P. Humphrey calls, “the revolutionary development in the international law of human rights”
HUMAN RIGHTS IN THE HISTORICAL CONTEXT

Human rights are those rights which are considered to be absolutely essential for the survival, existence, and personality development of a human being. These rights are considered to be inherent to all human beings. They are also inalienable and inviolable. Without them humans could be reduced to the level of animals. Their sacrosanct character may be seen considered as flagrant violation of the 'natural law' or 'Superior law' but with the change of time, the concept of human rights underwent a process of change.

Sovereign states used to be considered as the creator, guardian and guarantor of all rights in the world. Unhappily, the protectors turned into violators. For some five hundred years sovereign governments — even those which profess to be most democratic have been tempted to repress their internal opposition, by equating dissent with disloyalty, and in the name of national security interests the elite sought to crush the rights of others. Nevertheless, a gradual process development of humanitarian law attracted the global concern. The roots of this concern for the promotion and protection of human rights and human dignity may be traced to the 'Dhamayuddha' fought by Pandavas against the 'Kauravas', to the humanitarian movement launched by Prophet Mohammad against the tyrannical regimes of the Arab world, to the humanist traditions of the Renaissance, to the struggle for self-determination, independence and equality that has taken place, and is still proceeding in many parts of the world; to the philosophical concepts of such men as John Locke, Jean Jacques Rousseau, Thomas Jefferson, Karl Marx, V.L. Lenin, Mahatma Gandhi, Mao Tse Tung and to the impact of such events are the issuance of the Magna Carta by King John of England in 1215, the adoption of the Habeas Corpus Act by the representatives of the
thirteen North American colonies in 1776, the adoption of the Declaration of the Rights of Man and of the Citizen by the National Assembly of France in 1798, and the publication of the Communist Manifesto in 1848. The protection of human rights was the intent in each of these documents. At the same time these were the first constitutional instruments of modern times of proclaim that natural rights of man must, as such, form part of the fundamental law of the State and that their protection was the reason of its existence.

While there were few treaties that dealt exclusively with human rights, concern for the rights of minorities was expressed in such multilateral peace agreements as the Treaty of Westphalia (1648), the congress of Vienna (1815) and the Treaty of Berlin (1878). Little progress was made till the end of nineteenth century. However, in the first half of the twentieth century, at the close of the World War – I, International concern with human rights found expression in certain provisions of the Covenant of the League of Nations. State members of the league adopted the obligation to endeavour to secure and maintain fair and humane conditions of labour for men, women and children, and also to ensure the just treatment of the indigenous inhabitants of their colonies. Under the mandate system, established by the League Covenant, the responsibility for the well-being and development of the peoples placed under the mandates was considered a "sacred trust" of nations. In addition, some of the post 1919 peace treaties and a number of "minorities treaties" and declarations created a system for the protection of linguistic, racial and religious minorities under the guarantee of the League of Nations. And the International labor Organization was established in 1919 as an autonomous organization, associated with the League, with explicit
realization that universal peace could be established only if it were based upon social justice.

Hopes and aspirations of the freedom-loving people, once again, were burnt in the flames of the World War II. The experience of war and the Nazi-atrocities resulted in the wide spread conviction that effective international protection of human rights was one of the essential conditions of everlasting international peace and prosperity. In other words, peace and progress was considered not possible in a world where gross violations of human rights took place. With this commitment the Charter of the United Nations came into existence. The human rights clauses in the Charter reflect there action of the international community to the horrors of World War II and the beastiality of the regimes which unleashed it. In the preamble of the Charter, the peoples of the United Nations "reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small." In addition, Articles 1(3), 55, 62 (2), and 76 commit the organization to the goal of promoting the encouraging respect for human rights and for fundamental freedom for all. In becoming to the Charter, the member nations pledge themselves under Articles 2(2), 55 and 56 to take joint and separate action for the achievement of this goal.

Having adopted the Charter, the United Nations set for itself a three-fold task in the field of human rights ; the proclamation of a Universal Declaration of Human Rights that was to be taken "as a common standard of achievement for all peoples and all nations". The adoption of one or several international covenants on human rights having the force of law in all the
ratifying states; and the setting up of bodies to supervise the observance of the covenants.

The first phase of the task was complete on 10 December 1948 when the General Assembly unanimously adopted the Universal Declaration of Human Rights. The second and third phases could broadly accomplished only after a lapse 18 years, with the adoption of two covenants viz., the international Covenant on Economic, Social and Cultural Rights; and, the International Covenant on Civil and Political Rights, and the Optional Protocol to the latter.

Today the corpus of international law governing human rights is comprised of at least 15 Declarations. In addition, some 50 treaties can be considered as offshoots of the principles laid down in the Universal Declaration. Naturally, therefore, the task now facing human rights organizations, which have grown in number over the years, is not so much to draft new texts as to see that existing texts are implemented and respected. In other words, it is not the codification but the protection of human rights which is of greater relevance today.

As noted earlier, there are various international human rights instruments which set out 'global standards'. But setting standards could not by itself protect human rights if the standards laid down were disregarded. The 1977 annual report of the Amnesty International shows violations of human rights in at least 116 nations. It means that "... Human rights are violated in a majority of countries all over the world. All major regimes, all political or ideological blocs are involved in such practices, despite the Universal Declaration". In the words of Thomas Hammarberg, it is a "Mockery of justice"
It is rightly observed by Raymond Fletcher:

"Most of the States represented at the General Assembly of the United Nations are tyrannies to a greater or lesser degree. Human rights are daily, almost hourly, violated all over the world. This is wrong. It becomes doubly wrong when it is done in the name of freedom, progress, liberation and all the other catch—words so freely used in the Barbarias club."

Experience has proved that the UN machinery for the protection of human rights is neither comprehensive nor very effective. Comparatively, some Non-Governmental Organizations (NGOs), having consultative status with the UN, have proved quite effective in this field.

**CONSTITUTIONAL FRAMEWORK OF HUMAN RIGHTS**

The Constitution of the Republic of India, which came into force on 26 January 1950 with 395 articles and nine schedules, is one of the most elaborate fundamental laws ever adopted. The Preamble to the Constitution pledges to secure to all the citizens of India Justice, social economic and political, Liberty of Thought, expression, belief faith and worship, Equality of status and of opportunity and Fraternity assuring the dignity of the individual and the unity and integrity of the national. Two parts of the Constitution embody most human rights, by distinguishing between judicially enforceable fundamental rights and rights not so enforceable.

**A. The Fundamental Rights**

The judicially enforceable fundamental rights, which encompass all seminal civil and political rights and some of the rights of minorities, are enshrined in Part III of the Constitution (Articles 12 to 35). These include the right to equality, the right to freedom, the right against exploitation, the right to
freedom of religion, cultural and educational rights, and the right to constitutional remedies.

Article 14 proclaims the general right of all persons to equality before the law, while Article 15 prohibits the state from discriminating against any citizen on grounds only of religion, race, caste, sex or place of birth, and prohibits any restriction on any citizen’s access to any public places, including wells and tanks. Equality of opportunity for all citizens in matters of public, including wells and tanks. Equality of opportunity for all citizens in matters of public employment is guaranteed under Article 16. Article 17 abolishes unsociability and makes its practice an offence punishable under law. Both articles 15 and 16 enable the state to make special provisions for the advancement of socially and educationally backward classes for such castes and tribes as recognized in the Constitution (known as the Scheduled Castes and Scheduled Tribes) require very special treatment for their advancement. Article 18 abolishes all non-military or non-academic titles.

The right to freedom guaranteed to all citizens under Articles 19 encompass the right to freedom of speech and expression, the right to assemble peaceably and without arms, the right to form associations or unions, the right to move freely throughout the territory of India, the right of residence, and the right to practice any profession, or to carry on any occupation, trade of business. The protection of a person in respect of conviction of offences, under Article 20, includes protection against ex post facto criminal laws.
HUMAN RIGHTS

VIOLATION

IN

JAMMU AND KASHMIR

After the study of Human Right it has been guessed that these rights are being violated in every country on everyday. People have the right to food; hundreds of thousands are starving. People have right to work; millions are unemployed. People have the right to freedom of thoughts; tens of thousands are imprisoned and tortured for their beliefs. People have the right to be free from discrimination. Everywhere racial prejudice is rampant, the poor are victimized, minorities are denied access to equal rights. In a state terrorism many innocent people are killed in a fake encounter and many are abducted in unidentified vehicles and their dead bodies have not been returned. Many people have been tortured in custody and thereby the death occurred. Many innocent policemen and army men have been killed by the terrorists. Thus, the human rights of everyone is being violated for which it becomes the collective responsibility of everyone to protect (whether Government of non-Government).

As per rules of the country the states are lawfully constituted, staffed by enlightened and sensitive people, endowed with the power and the right to inflict punishment and to maintain bodies of armed men at their disposal for the purpose of maintaining law and order and punishing terrorists and other criminals and protect the human rights of every citizen. Moreover, the raison d'être of a government is to protect its citizens and punish those who endanger the life, liberty and well-being of the citizenry.
When a functionary of government behaves like a terrorist, he becomes more dangerous than terrorists since the law works against terrorists but not against a government functionary who takes the law in his own hands. If the rulers themselves direct their officer to disobey laws, then there is no safeguard in the legal machinery. The state terrorism is more dangerous than terrorism of small group of people of society and the human right is being violated by various ways.

The international focus on the Human Rights Organisations such as Amnesty International, Asia Watch and Physicians for Human Rights the world Press, the human rights committees and many European countries too paid attention to the human rights violation in Kashmir. Since then India has been quite often condemned in relation to violation of human rights in various international forums. The US House of Representatives for example stated on 13th June 1991. “In Kashmir, widespread breakdown of the legal system is known to have occurred.....it shall be the policy of the US Government and be a guiding principle for the President that the Government of India should take significant steps to improve human rights by allowing unrestricted access to internationally recognized human rights organizations fulfilling recommendations of the UN Human Rights Committee....making significant progress in curbing human rights abuses committed by its security and police forces. As a result, Indian Government received condemnation from abroad.

According to Balraj Puri, a leading human rights activist, the public generally remained uninformed about the happenings of atrocities that aggravated in the early period of insurgency in 1990. A type of ‘censorship’ was imposed by the Government in order to resist the divulgence of news of
hostilities. Human Rights activists assert that the government acted as obstacle and prohibited the international human rights missionaries to enter in Kashmir. 

The Indian media was ambiguous in its attitude towards the issue of human right violation form the very beginning. Human right groups alleged that the mediocre attitude of public information sources in making people aware to this issue has raised the question of social and moral credibility. The human right activists complain that the press is irresponsible in its reporting and gives only half the picture regarding news of hostilities committed by anti-human rights elements in the Kashmir valley.

Puri feels that after ‘initial hesitation’ the press started reporting cases of such violations. It was the local human right activist as well as few national HRDs which projected the violation of human rights both at the national and international level. They also visited the troubled spots in the valley and made their own inquiries.

Initially the government responded to such investigation by human rights organisations critically and ambighously. However, when the government started feeling the pressure from international agencies and was forced to admit human right violations. For example, the former Minister for Home Affairs, Sobodh Kant Sahay admitted in April 1991 that ‘some shameful incidents took place for which a record number of security personnel have been suspended’. The minister of state for internal security, Rajesh Pilot, felt concern over the reports of “use of excessive forces and misuse of authority the security personnel”. Similarly, the Prime Minister Narasimha Rao revealed the action that had taken against 230 security forces
officials in Jammu and Kashmir affirmed that “we do not tolerate human rights violations”.

The complexity of human rights problem and increasing denunciation at the global level resulted in the government’s own initiatives vis-à-vis this problem. Hence, it sponsored seminars and discussions. It also established an National Human Rights Commission (NHRC). The purpose of such commission is to keep vigilance in the human rights.

Of the various human rights organisations which made efforts to expose human rights violations in Kashmir, PUCL (People Union for Civil Liberties) claims to be one such organization which played an effective role in projecting the problem at national and international level.

In J & K the Indian army and para-military forces have often been pressed into service to meet the challenges of terrorism and insurgency, as the police forces not adequately equipped to meet such threats to civil life. The paramilitary forces include the Border Security Forces (BSF), the Central Reserve Police Force (CRPF), the Indo-Tibetan Border Police (ITBP), the Rapid Action Force (RAF), the Central Industrial Security Force (CISF), the National Security Guard (NSG) and the Special Protection Group (SPG). While there are allegations of rights violations by army and para-military forces some of which have been proved by the National Human Rights Commission and the Indian judiciary, the army claims that it human rights record has generally been “exemplary”. Lieutenant-General V. P. Malik, Vice-Chief of Army Staff is reported to have asserted in Nagaland recently that “the army is not on the defensive on the human rights score.
Each and every case of alleged rights violation is thoroughly investigated and anyone found guilty is punished.”

There have been instances of use of excessive force and violations of human rights by these forces. Often behind these is the soldier “losing his balance”. The question of taking impromptu revenge to terrorist acts apart, the prospect for “little or no leave, absence of ‘soft’ postings, difficult living conditions, indifferent food and, above all, constantly facing the prospect of dying is enough to try the mettle of even the bravest soldier and psychologically push him over the edge.” As the Director-General of BSF candidly admits, during the initial years of development “over-reactions and enthusiasm overshadowed prudence. We have learned our lesson and the four-year baptism by fire has seasoned the men and they have now learned to stop and think before firing.”

There is now a ‘politics’ of human rights violations in terrorism an insurgency infected areas. The demonstration and the counter the counter-demonstration that took place in front of the UN Information Centre, New Delhi, on the Human Rights Day 1995 highlight this. A group under the banner of All Parties Hurriyat Conference (APHC), a motley of factions which fared rather badly in the recent legislative elections in Jammu & Kashmir, demanded UN intervention against State terrorism in their State. On the other side was a group of Kashmiri migrant displaced by terrorism, who claimed violations of their human rights by the militant groups funded and supported by Pakistan’s Inter-Services Intelligence and who alleged APHC as “a tool of Pakistan’s design to dismember India”. There were other groups as well to protest against militants in Jammu and Kashmir. Against
this setting, the Indian Government has done well in allowing outside agencies like the ICRC to monitor the human rights situation in Kashmir.

The recent public outcry against some of the human rights violations by the security forces resulted in the termination of the Terrorist and disruptive Activities (Prevention) Act, 1985-1991 (TADA), whereby the police and other security forces committed abuse of powers, and both the Supreme Court and the National Human Rights Commissions came down heavily on such abuses. There is also mounting criticism against the armed Forces (Assam and Manipur) Special Powers Act, 1958, the National Security Act, 1980 and the Public Safety Act, 1978, which have lent themselves to be abused by the security forces.

WHO VIOLATES HUMAN RIGHTS IN KASHMIR?

Terrorist violence itself is a violation of Human Rights and crime against humanity which invites action under all laws, national and international.

According to J & K Governor, K. V. Krishna Rao said Pakistan sponsored proxy war was essentially responsible for Human Rights violation. “The akistan sponsored terrorism had not only brought down the democratic government but forced almost the entire Hindu (Minority) population in the Valley and sizeable number so Muslims to flee”.

The Governor said the militants had destroyed schools, hospitals and bridges and occupied, desecrated and damaged religious places. He said they had ruined tourism, which was the chief source of income of the people in the Valley, and ruined the career of thousands of youth by disrupting the education system and imposing an alien gun culture on them. “Are not all
these acts of Pakistan-sponsored terrorism violation of human rights?" he asked.

The proxy war had produced thousands of criminals, thugs, kidnappers, rapists and Murderers. "Is not people of the State (J & K) have been deprived of by the trans-border Terrorism". The terrorists of the World over of making false charges of human rights abuses and forcing people to make false complaints to prevent security forces from carrying out their duties. The National Human Rights Commission has established false report of violation of Human Rights by Security Forces. The Terrorists have murdered innocent people women and children and even disabled persons in the name of Azade as shown below:

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The slogan of Islamic Jihad in Kashmir is a negative of Declaration of Human Rights and National and International equality. Terrorism and Human rights observance do not go hand in hand. Terrorist are enemies of the human race and have to be tracked down. The melody of terrorism is cruel, malignant and unforgiving and cannot be wished away by any soft methods of indirect means. It is not the practitioner of terrorist but the victim who deserves the protection of human rights.

When those in authority in Pakistan were instigating Kashmir Muslims through electronic media to launch Islamic Jihad, were they not violating human rights? How a sovereign state is to face the situation? The terrorist violence in Kashmir is a religious crusade, the Jihad, which is continuation of a Muslim struggle for a separate in dependent homeland in India or complete the partition of India by securing the muslim-majority state of Jammu and Kashmir for Pakistan. The terrorists motive is to seek extermination and subjugation of the Hindu because they do not accept the intergration of Jammu and Kashmir with Pakistan nor do they accept to be governed by the authority of the state, which derives its sanction from the
law and precedent of Islam. The most crucial aspect of the terrorist violence in the state is the right of intervention, which Pakistan has increasingly sought to support the Muslim struggle in Kashmir. The international justice cannot be reconcile again at the level of principles, the forced exodus of Hindus of Kashmir, with the due process of law upon which Universal Declaration of Human Rights hinges? It is the crucial factor of terrorist violence is primary to all inquiry into Human Rights violations in Kashmir because terrorism is in itself a violation of human rights. It is also a crime against humanity as well as a crime against international law. Whatever the ideological motivations of terrorist violence in Kashmir, it has involved genocide of religious identity of the Hindus assassination, torture death, abduction, extermination of hostages, forced exodus of Hindus from Kashmir and burning and destroying of their property. No terrorist violence is justified on the ground of political or ideological motivation or goal structures. In no circumstances has terrorist violence been recognized as legitimate concomitant. Terrorist violence in Kashmir is a part of militarization of the Pan-Islamic fundamentalism in Asia and the commitment of the secessionist movement to the separation of the state from India and the strategies of Pakistan to annex Jammu and Kashmir state do not legitimise terrorist violence in Kashmir whatever political content they are presumed to have.

The major terrorist crimes which have been committed in Kashmir are assassination of Hindus as a religious denomination. This all-round terrorist onslaught has resulted in forced exodus of Hindus from Kashmir. An important dimension of Human Rights in Kashmir is genocide of the minorities.
Thus, Kashmiri Hindus have borne the crucifixion of genocide. But will the penetrators of terrorist violence, their accomplices and the abettor country to Pakistan be arraigned for punishment for crimes against humanity and crimes in contravention of international law. In Kashmir, brutal assassination of Hindus, abduction and killing hostages, genocide of Hindus on pain of death – all these are violation of human rights and a crime against humanity. The exhuberant champions of Human Rights should answer one simple question from a displaced person and a miserable Kishmire: “who is to restore civil authority in Kashmir and by what means may this miracle be achieved?”

Mr. V.M. Tarkunde, Mr. Rajinder Sachar and others who belong to some organizations dealing in human rights in India, paid a five-day visit to Kashmir towards the last weed of May, 1993. Mr Sachar, in his report, said: “While considering all these aspects one must remember the plight of thousands fo migrants from Kashmir Valley, who are living miserable life in camps in Jammu and other places in India. A visit to one of the camps in Jammu showed the pitiable condition - hovel – like tents with no drinking water and insanitary conditions”.

For lakhs of Kashmiri Hindus who have lost everything because the administration both at the Centre and in the State has totally failed to protect their life, honour and property. They are simply shocked that the set – up that is designed and meant to protect the country’s borders is unable to prevent the ingress of thousands of terrorists well equipped with the latest weaponry. One hundred and one excuse are advanced in defence of the Government’s inablility in this regard. But all events lead to one and the only one fact that their genocide has gone unchecked because they are
Hindus. "Upholders" of human rights consider Kashmiri Hindus to be the natural prey of the terrorists as they are fighting for 'independence' or Pakistan. Ergo there is no violation of human rights when minorities are hounded out of Kashmir, or they are butchered, or their women are molested, for how can Hindus have right in a state where majority is of Muslims.

The Amnesty International's report on India in 1992 contains many pages full of references to the "violations" against what are called fighters for separation in Kashmir. There is no mention of the tragedy and travails inflicted on the hopeless, weak, innocent minority, aboriginal native of Kashmir. Ironically the report claims to detail torture, raped and deaths in custody (hostages in case of Hindus (Pandits) to which precisely this minority communities has been subjected openly and defiantly in the last about 4 years.

Whatever be the Amnesty's aims, objects, achievement and procedures, the fact is clear that they have turned a Nelson's eye to the genocide of Kashmiri Pandits. Their plea that they do not investigate anything other than state repression is falsified when we see that Amnesty has been probing ethnic cleansing in Bosnia. Repeated pleas by Panan Kashmir to the Amnesty International have not yielded anything. The memorandum prepared by Panun Kashmir was the most exhaustive document prepared on the Kashmir problem. It included a list of those killed upto 1992, pictures of hideously mutilated bodies, warning on walls and lead stories in mainline Kashmir dailies asking the "infidels" to leave the state. However, Amnesty has remained unmoved. The spokesperson, Anita Tiessen said that they have uptil now only dealt with military atrocities in the Valley.
“Now we have been glad to receive details about abuses of Kashmire Hindus by Militants fighting in the Valley. They are important for our understanding of the human rights situation in Kashmir”. It is hoped that Amnesty will, at last, apply their mind to the most tragic situation in which Kashmiri Hindus have been pushed by the armed fundamentalist terrorists. No Human Rights Group has bothered to take even note of rape cases in which Muslim girls were victims of rape terrorists. The magazine “India today” in its issue of May 31, 1992 had given some specific cases in this regard. Since the terrorists were involved in raping their own Muslim girls and not the Security forces, the Human Rights did not take any interest in these cases.

It is heartening that some eminent people have taken note of genocide of Hindus (Pandits) in Kashmir. “Increasing killings and extortion by the militant armed groups had led to thousands of Hindus fleeing the Valley and living in camps in Jammu”.

(Estrallita Jons, Amnesty International: India Abroad 8/14/92)

“Across the globe in Kashmir, an earthy paradise, other blameless people are suffering hellish persecution not for anything they did but for who they are. The Kashmiri Pandits, a minority Hindu sect that has lived in Kashmir for five thousand years would like to go home as much Guatemalan peasants. They have been driven off their ancestral lands by the terrorism of Islamic guerrillas who wish to annex Kashmir to crescent of fundamentalist countries in the area. India, will do anything to keep Kashmir in its possession has refused to acknowledge existence of the Hindus in refugee camps.... because ‘they don’t want to add a religious element to the problem’. Under the oppression their population has shrunk. Their numbers are being reduced further by conditions in the camps – snake – bites and extreme heat. (Ms
Mary McGrory Washington Post 8/27/92) (Ms Mary McGrory is an investigative journalist and a syndicated columnist in the United States).

“In Kashmir, terrorists have forced almost the entire minority Hindu community to leave the valley, Sikhs and moderate Muslims have sought shelter in other parts of India,” ...(Congressman Merwin Dymally (D-Calif)17. The terrorist outfits cannot be permitted to seek the protection of the human rights shield, to perpetuate their heinous crimes18. In July 1995, a previously unknown militant group, Al Faran, kidnapped six tourists in Kashmir: two Americans, one of whom later escaped, two Britons, one German and one Norwegian. The group demanded the release of twenty-one detained militants, principally top members of the militant group, Harkat-ul-Ansar. On August 13, police discovered the beheaded and mutilated body of the Norwegian hostage, Hans Christian Oster. According to government sources in 1995, 584 persons were kidnapped. Four journalists were abducted by Ikhwah-ul-Maslimoon forces in July 1995.

VIOLATION OF HUMAN RIGHTS BY SECURITY FORCES

Under the scenario of Kashmir insurgency the gross violation of human rights are going on. The incidents to acts like kidnappings, rape, custodial deaths, killings are increasing daily. According to human rights activists many of their news are unreported, which directly raise questions relating to dignity and sovereignty of any country. It is the alleged gross violation of human rights in Kashmir which has brought it into world view. As a result Indian Government received condemnation from abroad.

Security legislations by authorizing the security forces to shoot, to kill and to destroy civilian property has increased the likelihood of abuses. There is an array of laws in Kashmir to shield the armed forces against legal
actions for their violation of human rights. The Armed forces (Special Powers) Act and the Disturbed Areas Act enable them to use force and to kill under various pretexts. The armed forces are given immunity from prosecution for anything done or purported to be done in the exercise of the powers under such laws. The Public Safety Act, enacted in 1978 and amended in 1987 and 1990, empowers the state government to detain persons without trial for up to one year for a broad range of activities and has been widely used to suppress peaceful dissent.

Government forces operating in Kashmir include the Indian Army and India’s federal security forces, the Central Reserve Police Force (CRPF), the Border Security Force (BSF), and the Special Task Force (STF). These forces resort to army’s role in the conflict expanded in 1993 with the introduction of the Rashtriya Rifles, an elite army unit created specifically for counter insurgency operations in Kashmir. In 1995 the Special Task Force (STF), a counter insurgency division of the Jammu and Kashmir Police, made up of mainly non-Muslim non-Kashmiri recruits, was formed.

The Human rights groups in Jammu and Kashmir allege that both regular, uniformed Indian army and federal security forces and state-sponsored paramilitary groups have been responsible for grave human rights abuses, including summary executions, torture, illegal detention, disappearance and reprisal attacks against civilians. It is also alleged that the security forces are involved in killing people in large numbers by firing upon demonstrations, by taking revenge on the local public as a reprisals for militant’s attacks and crackdown operations in towns and villages.
In some cases, attacks by the paramilitary groups appear to have been carried out on orders from security officers: for instance the killing of human rights activist Wanchoo and attempted assassination of Main Abdul Qayoom, President of Jammu & Kashmir Bar Association are clear manifestation of attack by these forces. In other cases, the groups appear to operate on their own, within broadly defined limits to their discretionary powers and the full expectations on the part of the security forces that they will use their discretion to take initiatives within the overall counter-insurgency strategy. Their actions are taken up with the knowledge and complicity of official security forces.

There appears to be an inter group rivalry between the security forces acting in Jammu and Kashmir. According to a report in India Today, the government’s policy of using surrendered militants for counter-insurgency efforts “has heightened the enmity between the various security agencies operating in Kashmir — mainly the Border Security Force (BSG) and the army — with each trying go score a point by notching up a higher tally of surrendered militants”. It is alleged that the militants who have surrendered to the army have been beaten by BSF for not surrendering to them. The BSG reportedly told some of them to obtain new weapons so that they could surrender again, and the BSF could get the credit.

Statistics that are disclosed in Rajya Sabha on August 17, 1994 are very revealing. It is stated that as many as 11,537 persons including 5,404 militants and 1,047 security personnel were killed in Jammu and Kashmir between 1990 and July 31, 1995. Between January 1 ,1995 a total of 1,624 persons were killed and 1,385 injured in military related violence in the state. This included 808 militants, 578 civilians and 138 security personnel.
Minister of State in the Prime Minister’s office Bhuvanesh Chaturvedi on August 24, 1995 said that 598 persons including 289 civilians, 261 ultras and 48 security personnel were killed in July and August in Jammu and Kashmir. He also said as many as 137 persons including 6 western tourists were abducted during the period. As per the information made available by the government of Jammu and Kashmir, as many as 2,965 militants were in custody in the state on November 30, the Upper House of the Parliament was informed on December 21, 1995. According to the latest information of the Defense Minister N.V.N. Somu given to the Lower House of the Parliament 5,544 terrorists have been killed in encounters with army personnel in Jammu and Kashmir.

According to Amnesty International for the period from January 1990 to September 1995 the total number of persons killed by the armed forces was 20,000. According to local human rights organisations at least 40,000 people are incarcerated in the various jails of the state.

The following number of persons were killed by security forces during the first seven months of 1995.

<table>
<thead>
<tr>
<th>JAN</th>
<th>FEB</th>
<th>MAR</th>
<th>APR</th>
<th>MAY</th>
<th>JUNE</th>
</tr>
</thead>
<tbody>
<tr>
<td>146</td>
<td>200</td>
<td>188</td>
<td>379</td>
<td>298</td>
<td>343</td>
</tr>
</tbody>
</table>


The Govt. of India is/was fully committed to the protection of Human Rights and prevention of Possible excesses. In J & K propt inquiries were conducted and strict punishments given to security forces personnel
found guilty of any deliberate misdeeds, gross negligence or callousness. A summary of the action taken against 170 personnel in Jammu & Kashmir since 1990-91 is given below as circulated by Ministry of Home Affairs, annual report 1993-95, p-31-32.

(As on 31.12.1993)

**SUMMARY AT A GLANCE**

**ACTION TAKEN AGAINST SECURITY FORCES PERSONNEL**

**FOUND GULTY OF ACTS OF OMMISSION OR COMMISSION IN J&K**

<table>
<thead>
<tr>
<th>Period</th>
<th>Army</th>
<th>BSF</th>
<th>CRPF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Imprisonment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 years</td>
<td>4 ORs</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td>-do-</td>
<td>1 Officer</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>9 years</td>
<td>1 Officer</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>7 years</td>
<td>1 Officer</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>-do-</td>
<td>-</td>
<td>1 Cons.</td>
<td>1</td>
</tr>
<tr>
<td>5 years</td>
<td>-</td>
<td>2 Cons.</td>
<td>2</td>
</tr>
<tr>
<td>3 years</td>
<td>-</td>
<td>1 L/NK</td>
<td>1</td>
</tr>
<tr>
<td>1 years</td>
<td>-</td>
<td>I.S.I.</td>
<td>1</td>
</tr>
<tr>
<td>6 months</td>
<td>1 NCO</td>
<td>4 Cons.</td>
<td>5</td>
</tr>
<tr>
<td>3 months &amp; less</td>
<td>1 OR</td>
<td>31 Cons.</td>
<td>36</td>
</tr>
<tr>
<td>Period</td>
<td>1 L/NK</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td>12 Cons.</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td>1 L/NK</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>10</td>
<td>40</td>
<td>17</td>
</tr>
<tr>
<td>Dismissals/Removal</td>
<td>1 OR</td>
<td>2 Cons.</td>
<td>2 Hd. Cons.</td>
</tr>
<tr>
<td>From Service/</td>
<td>-</td>
<td>-</td>
<td>1 NK</td>
</tr>
<tr>
<td>Compulsorily</td>
<td>-</td>
<td>-</td>
<td>1 L/NK</td>
</tr>
<tr>
<td>Retired</td>
<td>-</td>
<td>-</td>
<td>1 Cons.</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>13</td>
</tr>
<tr>
<td>Reduction in Rank</td>
<td>1 Officer</td>
<td>2 Hd. Cons.</td>
<td>1 L/NK</td>
</tr>
<tr>
<td>Loss of Seniority</td>
<td>2 ORs</td>
<td>1 L/NK</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>3</td>
<td>1</td>
</tr>
</tbody>
</table>

149
<table>
<thead>
<tr>
<th>Other</th>
<th>7 Officers</th>
<th>1 Dy. Comdt</th>
<th>1 Dy. Comdt.</th>
<th>9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Departmental</td>
<td>3 JCOs</td>
<td>I. S. I.</td>
<td>2 Inspector</td>
<td>6</td>
</tr>
<tr>
<td>Penalties</td>
<td>3 Ors</td>
<td>2 Hd. Cons.</td>
<td>2 S. Is.</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>1 Hd. Cons.</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>1 Subedar</td>
<td>4 NKs.</td>
<td>2 Hd. Cons.</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td>2 L/NKs</td>
<td>5 Cons.</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td>2 Subedar</td>
<td>2 NK</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td>-</td>
<td>3 L/NKs</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>14</td>
<td>13</td>
<td>17</td>
<td>44</td>
</tr>
<tr>
<td>Suspensions/</td>
<td>4 Ors</td>
<td>4 Officers</td>
<td>2 Dy. Comdt.</td>
<td>10</td>
</tr>
<tr>
<td>Arrests; pending</td>
<td>6 Ors</td>
<td>3 Asst. Comdt.</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>Enquiry</td>
<td>1 S. I.</td>
<td>2 Hd. Cons.</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>7 Cons.</td>
<td>1 L/NK</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>6 Ors</td>
<td>-</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>10</td>
<td>22</td>
<td>36</td>
</tr>
<tr>
<td>Grand Total</td>
<td>30</td>
<td>68</td>
<td>70</td>
<td>170</td>
</tr>
</tbody>
</table>

Though the security forces were operating under pressure, there were various methods employed by security forces to counter – insurgency in J & K.

Disappearances

In a report published in June 1995, the Kashmir Monitor reported that “More than 300 persons who were arrested by the army/parliamentary forces during the past six years are missing”.

Apart from those who are known to have been killed in the custody of the armed forces, there are many who simply disappeared from

**Cardon and Search Operations**

The corner-stone of counter insurgency remains the "cordon and search operation" conducted by the security forces. Commonly known as crackdowns, they target suspected hiding places of militants and weapons dumps. It usually takes place before sunrise. The troops encircle the area where they suspect militants could be hiding or weapons stored, males are called out of the houses and gathered in an open space, women remain inside. The male population parade, one by one, in front of a line of military jeeps inside which are informers, called "cats". The informers are often former militants or civilians. House-to-house searches are conducted during the identification parade. With non-Muslim troops sneaking into the houses of Muslim women left alone, these searches gave ground for accusation of rape and looting by the troops.

**Crackdowns**

Before mid-1995, BSF forces themselves used to patrol the hospitals, looking for militants. They would conduct search operations, known in Kashmir as "crackdowns", inside Soura, ordering all staff to line up and be searched. Any staff member or patient who is suspected of being involved with the militants is taken away, anyone who resists or objects is threatened or beaten.

**Cross Firing Killings**
Cross fire between the armed forces and the militants takes place quite frequently in Kashmir. The deaths always are not the result of acts of self defence by the security forces. The armed forces do not appear to be particular about showing all deaths are due to acts of self defence like in other parts of the country, because of the Armed Forces Special Powers Act allows them to open fire on suspicion of threat to peace.

**Torture**

In his report of January 9, 1996, U.N. Special Rapporteur on Nigel Rodley stated:

The Special Rapporteur has received information that torture as practiced routinely by the army, the Border Security Force (BSF) and Central Reserve Police Force (CRPF) against the vast majority of persons arrested for political reasons in Jammu and Kashmir. Official investigations into allegations of torture, including those that resulted in custodial deaths, were said to be rare, One the few occasions when such investigations had taken place, they were carried out by the security forces themselves, rather than by an independent body. (Report submitted pursuant to Commission of Human Rights Resolution 1995/37)

Indian security forces in Kashmir continue to administer torture systematically to coerce detainees to reveal information about suspected militants or to confess about militant activity. Torture is also used to punish detainees who are believed to support to sympathize with the militants. The practice of torture is facilitated by the fact that detainees are generally held in temporary detention centers, controlled by the various security forces, without access to the courts, relatives or medical care. According to reports, methods of torture include severe beatings, electrical shock, crushing the leg
muscles with a wooden roller, and burning with hot objects. Indian security personnel routinely ignore procedural safeguards designed to prevent torture when taking persons into custody.

The brutality of torture in J & K defies belief. It has left people mutilated and disabled for life. To cite one of the instances, Nazir Ahmed Sheikh of Yuhamma, Kupwara district, was arrested by the army on January 1, 1995. After one month and seven days the army dumped him by the roadside and the local police took him to the bone and joint hospital, Srinagar where the doctors found his feet and some of his fingers gangrenous and hence had to be amputed.

Torture usually takes place in detention centers operated by the security forces, which often occurs in the first hours or days after the victim is detained. Every security force has its own interrogation centers in Kashmir, which include temporary detention centers at BSF, CRPF and army camps, hostels and other buildings that have been taken over by security forces. Detainees are first interrogated by the detaining security force for a period which ranges from several hours to several weeks. During this time the detainee is not produced before a court or given access to anyone outside the interrogation Center. Those suspected of being militants may then be interrogated at Joint Interrogation Centres (JICs) at which each security force is represented. Detention at the JIC may last for months.

Some of the interrogation centers which have been used are: Old Airport (BSF), Hari Niwas Interrogation Center (CRPF), Papa II (BSF), Red 16 (BSF), Badami Bagh (Army Cantonment), Gogoland – between the old and new airports (CRPF), Bagi Ali Marean (Nowshera) (BSF), Lal
Bazaar Police Station (BSF), Hotel Mamata, DA1 Gate (BSF) and Shiraz Cinema, Khenyar (BSF).

The Jammu and Kashmir Bar association has a list of 100 persons held in one joint interrogation center in Kotbalwar, near Jammu. They are detained without change even after they were first detained for one year under the Jammu and Kashmir Public Safety Act.

In response to a petition about the mistreatment of detainees in the state, in October 1994, the Jammu and Kashmir High Court ordered that in each district a committee be created of district judges, district magistrates, senior superintendents of police (SSPs) and district medical officers to visit every jail and interrogation center and submit a report to the High Court about the conditions and facilities every two weeks. In May 1995, the state government appealed against the order, and a Division bench made up of two judges of High Court affirmed the initial ruling, with the amendment that reports be submitted every two months. However, the security forces refused to provide lists of the detention of

In December, 1991 the district judge in Anantnag, ordained that the army had not provided him with a list of detention centers, and as a result he was only able to visit the JEC in Anantnag. He reported that in the JIC, many detainees were detained "not pursuant to any law". He noted that 52 detainees were housed in "five small cell type rooms.... Patently, the accommodation is too short to lodge dozens of persons....All complained about the lack of medical facilities". One year earlier, he had documented torture by the security forces, including forcing detainees to sit for extended periods of time in cold water, electrical shock, pulling the legs apart at a
wide angle, and suspending detainees upside down. In his December 1994 report, the judge noted that marks of violence on the detainees upside down. In this December 1994 report, the judge noted that marks of violence on the detainees were “quite visible”

A student arrested by Commanding office Joshi of the 81st Battalion of the BSF on January 25, 1995 narrates his story as follows: “The Commanding Officer accused me of being Pakistani national. At the BSF base camp I was brought to some other Kashmiris to speak with them so they could check my accent. They kept me in base camp until January 27. On the morning of January 27, my hands and legs were tied to the bed, and I was made to lie back on a steel bed. Uniformed BSF soldiers put a piece of cloth in my mouth. Three of them leaned on my chest and head. Then they pumped water into my nose. I was suffocating and choking. I started bleeding from my mouth. Then the soldiers turned me over and beat me on my back and feet with a long iron rod. They also hit me with a leather belt which they had dipped in water, My back was bleeding. There was blood splatterd on the wall in the room. Then they made me lie down face up on bed again and tied my hands and feet to bed. They applied electric shock to my feet, genitals, chest, and tongue for twenty minutes in all. Two wires – one on either side of my body – were attached to a generator with a crank which one of the soldiers turned. If he turned the crank fast, the shock was severe, if he turned it slowly, less so”.

A doctor from Tral, a village about 40 kms south of Srinagar arrested on May 15, 1995 by BSF was also tortured. His narration was: the BSF commander questioned me, then he put me into a cell in which there were several basins of water, several ropes, several cricket bats, and some
electric equipment. About five BSF soldiers were in the room. They kept me there for one hour. First they made me take off my clothes. Then they forced my head five or six times into a basin of water. Then they covered my heads with a plastic bag so that I could not breathe. Then they made me sit down with my knees raised and a road inserted behind and under them while my hands were tied against my legs.

Feroz Ahmed Ganai, a twenty-eight-year-old contractor, was arrested by the BSF on November 29, 1995. One December 12, he was brought to the Bone and Joint Hospital with a gangrenous broken leg and acute renal failure. According to doctors in the emergency ward, Ganai had been brought in by the commander of the BSF 1st Battalion who claimed that Ganai was militant and that he had broken his leg trying to escape. However, Ganai told doctors that the BSF had broken his legs on the first day of interrogation.

Nazir Ahmed Shekh (25) of Yuhamma, Handware Tehsil, Kupwara district was arrested by army in his village on 1 January, 1995 and interrogated for 12 days at Kalam Chakla interrogation centre, and later at the Langate interrogation centre. He was made to walk barefoot on snow for hours together, and thereafter his feet were burnt on a stove. His lower limbs soon ceased to function. After one month and seven days the army dumped him by the roadside and the local police took him to the Bone and Joint Hospital, Srinagar. Doctors found that his feet had become gangrenous, and both feet as well as some fingers on the left hand were amputated.

Death in Custody

The various forms of torture lead to death. Perhaps more commonly deaths in custody happen by the deliberate design described by the Kashmiri
human rights activists as a policy of “catch and kill”. In the first seven months of 1995, 2,230 were killed – 1,785 by the security forces and 44 by the militants. The human rights activists in Kashmir estimate that every month there are more than 25 deaths in the custody of security forces.

The killings appear very brutal at times. To cite an instance, Hilal Ahmed Nasti (a bank employee) of Anantnag, Gulam Rasul of Hutmoora, Anantnag district, and Ramja Alish and Farooq Ahmed Wani or Salgama were arrested at Hutmoora on 13 June 1995. According to Farooq Ahmed Wani, the only survivor of this death story, the four of them were taken to Rashtriya Rifles (RR) camp where Hilal Ahmed Naste was first killed while the other watched. His body was cut into five pieces and the second of the four was told to put the pieces in a gunny bag and dump them in the Jhelum river. He did so and came back. Then he was killed, cut into five pieces and given to third person to take in a gunny bag and throw in the river. When he did so and came back the same fate awaited him. Farooq Ahmed Wani was given the five pieces of the slain body to dump in the river. Farooq, however, jumped into the river along with this burden and despite being wounded in the shoulder by RR gunfire, he swam across and escaped. He later gave a sworn statement recording these events to a judicial magistrate at Anantnag.

The Kashmir Monitor, a human rights group, compiled the following figures on deaths in custody (excluding “encounter” killings and deaths described as resulting from “cross-fire”) from press reports; these figures should be seen as representing the bare minimum killings in this period.
Encounter Deaths (Cross Fire)

<table>
<thead>
<tr>
<th>Year</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994</td>
<td>24</td>
<td>37</td>
<td>24</td>
<td>40</td>
<td>2</td>
<td>0</td>
<td>23</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1995</td>
<td>12</td>
<td>11</td>
<td>17</td>
<td>14</td>
<td>13</td>
<td>16</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>


Extrajudicial Execution and Reprisal Killings

The summary execution of suspected militants by regular security forces in Kashmir has been part of counter-insurgency operations. According to the reports of human rights groups the army and BSF have continued to execute capture militant suspects routinely, in violation of international human rights and humanitarian law. Most extrajudicial killings carried out by Indian security forces in Kashmir occur after “crackdowns” – cordon and search operations. Officials in Kashmir routinely claim that the detainee was killed in an “encounter” with the security forces, or was shot while trying to escape. As with other summary executions, the authorities generally claim that civilian casualties during such operations result from “cross-fire”.

HUMAN Rights groups in Kashmir have documented hundreds of such killings. In its annual report covering events of 1995, the U. S. State Department stated that “Human Rights groups consider credible reports that dozens of such killings occur every month”. Since 1994, there have been fewer incidents in which government forces engaged in reprisal killings of civilians or used lethal force on a large scale against peaceful demonstrators. However, incidents in which the security force on large scale against
peaceful demonstrators. However, incidents in which the security forces have opened fire on civilians during crackdowns have continued.

Attacks on the Press

On March 31 some 25 journalists have been attacked and beaten up by the CRPF in Jammu when the Jammu Press Association took out a peaceful procession from Residency Road to the State Secretariat to protest against interference by police and security forces in the day-to-day functioning of newspersons.

Ikhwan-ul Muslimoon and other armed groups in Kashmir have demonstrated a particular antipathy toward the press. In July 1995, four journalists with the dailies Greater Kashmir and Naida-I Mushraq were abducted by Ikhwan-ul Maslimoon forces and held for four days. After ordering several newspapers to temporarily cease publication in November 1995, Koko Parray accused all to the Kashmir Journalists of being militants.

Attacks on Human Activists

Human rights activists have increasingly come under attack in Kashmir. The human rights activists who have continued to document abuses in Kashmir do so at considerable risk to themselves. Many express a feeling of uncertainty and fear.

In 1992-93 at least three persons have been killed in the valley for their involvement in human rights work. The first was H. N. Wanchoo, a retired civil servant and trade unionist who had documented hundreds of cases of extrajudicial executions, disappearance and torture by the security forces, who was pulled out of an autorickshaw and shot dead by unidentified gunmen. Two other human rights activists who paid with their lices for their
activities were Dr. Farooq Ahmed Ashai, an orthopedic surgeon who documented cases of torture and indiscriminate assaults on civilians, and Dr. Abdul Ahad Guru, a leading member of the militant Jammu and Kashmir Liberation Front (JKLF) who had documented abuses by Indian security forces. The government of India has never made public any action it has taken to investigate these killings and prosecute those responsible.

On the night on June 15, 1995, Sheikh Mohammad Ashraf, president of the Baramulla branch of the Jammu and Kashmir Bar Association, which regularly documented abuses by Indian security forces, was arrested by the Rashtriya Rifles unit of the Indian army. He was released on September 9, throughout his detention, his family was denied access to him. Earlier, on May 1, 1995, Mohammad Ashraf, and advocate at the High Court in Srinagar, was reportedly arrested and charged under the Public Safety Act, a preventive detention law. He was later released.

Main Abdul Qayoom, forty-six year old lawyer, the president of the Jammu and Kashmir Bar Association till April 1995 was one of the Kashmir's most prominent human rights monitors. Under his direction, the bar association produced voluminous records of human rights violations by Indian security forces in Kashmir. Qayoom had been arrested on several occasions before because of his human rights work and his public statements supporting self determination in Kashmir. On April 22, 1995, he was shot dead by two unidentified gunmen. The incident left Qayoom permanent disabled.

Parvez Imroz, a Kashmiri human rights activist, was shot on April 12, 1995, when he was driving home after visiting a friend some eight kilometers from Srinagar. At 7.45 PM, as Imroz reached the outskirts of
Kanipura, two men armed with automatic weapons signaled for him to stop. Imroz sped up, and as he passed he was hit in the upper left back.

Court

Lawyers in Kashmir have filled more than 15,000 habeas corpus petitions since 1990 calling on state authorities to reveal the whereabouts of detainees and the charges against them. However, in the vast majority of cases, the authorities have not responded, and the petitions remain pending in the courts. A large number of bail applications are also pending. Even when the High Court has ordered state authorities to produce detainees in court or release those against whom no charges have been brought, state and security force officials have refused to comply. Lawyers have also filled petitions charging officials with contempt for non-compliance, but these petitions are pending before the Jammu and Kashmir High Court. According to the report court orders demanding that detainees the produced are routinely disregarded by the security forces.

"The police agencies and the administrator appear to have thrown to the winds the rule of law. All sorts of illegalities are being committed by them, and even criminals and terrorists may be ashamed of them....Hundred of cases have been brought to my notice where the deatinees are in illegal detention. Despite the strong direction of this court they are not being released. Hundreds of cases are pending in which the whereabouts of the detainees are nit known. Scores of cases are pencing in which the detainees have allegedly, been done away with after arrest.... In short there is total breakdown of law and order machinery, I should not feel shy to say that even this court has been made helpless by the so-called law enforcement agencies. Nobody bothers to obey the orders of this court. Thousands of
orders have been given....which have not even been responded to” said Justice S.M. Rizvi, a judge, in High Court of Jammu and Kashmir on October, 17, 1994. The same situation continued even during 1995.

**Government’s Response**

Many incidents of violence in Kashmir go unattributed and unpunished. The government denies that torture is practiced systematically and as a matter of policy in Kashmir. However, it has not made public any investigations into any of the many documented cases of torture, no has it ever announced that a member of the security forces was prosecuted or punished for torture, Although the government has made some effort of publicise courts-martial and punishments of security personnel who have committed rape, many charges of rape continue to go uninvestigated.

Only 39 army personnel have been punished for excesses committed during operations in Jammu and Kashmir between 1990-94. These include 15 officers, 2 JCOs and 22 other ranks. This has been revealed from a list indicating the action taken in each of the cases obtained by NHRC from the army. Only 245 cases have been registered against the Border Security Force (BSF) personnel operating in J & K for violation of human rights during 1990-94. Even in the rare cases in which investigations of abuses have taken place, the most severe punishments have generally been limited to dismissals or suspensions from duty. There are reports that security officers have offered bribes and have threatened individuals and families in an attempt to prevent them form pressing charges.

Since 1993, the Indian government has embarked on campaign to improve an international image tarnished by the appalling human rights record of its police and security forces. Some of the steps the government
has taken have been significant, particularly its decision to allow the International Committee of the Red Cross to provide its humanitarian services in Kashmir. A new policy of "transparency" has been adopted by the Indian authorities who are showing a new willingness in allowing observers, human rights organizations and foreign diplomats to visit the Valley. The U. N. High Commissioner for Human Rights, Jose Ayala Lasso, visited Kashmir in early May. Two Rapporteurs for the U.N. Human Rights Commission on extra-judicial executions (Becre Waly Ndiaye) and on torture (Nigel S. Rodley) have persistently been refused permission to visit India.

The Indian Government's failure to account for the abuses and take rigorous action against those members of its forces responsible for murder, rape and torture amounts to a policy of condoning human rights violations.

"Even today, perhaps the best of us do not quite realize the depths of Kashmir alienatin and are unready to ponder wasy and means of overcoming its". The truth of Prof. Hiren Mukherjee's courages observations, on February 25,1994 shows how alienation is deep and universal in Kashmir. So long as this alienation is not removed instead deepened, systematic violations of human rights will be inherent in the situation and no mere aberration.

Charar - e - Sharief

On May 11, 1995, a two-month long standoff militants and the Indian army at a Sufi shrine in the town of Charar-e-Sharief ended in catastrophe when the shrine of Sheikh Noor-ud-din-Noorane, regarded as the patron
saint of all Kashmiris was torched and most of the town burned to the ground alongwith the shrine. It was clear who set the fire; the Indian government blamed the militants while most Kashmiris blamed the army. The disaster forced the government to cancel its plan to hold elections.

WHO BROUGHT LIGHT TO HUMAN RIGHTS VIOLATION BY SECURITY FORCES

There are number of NGO's both National as well as International performing useful work in the monitoring and Implementation of human rights. Indian and Foreign Press have also contributed in the field for implementation of Human Rights. Pakistan’s false international propaganda against violation of Human Rights in JK received full coverage in Anti-Indian States, particularly USA, UK. In India, most notable Ngo’s are PUCL, citizens for Democracy, Radical Human Association and the Manav Ekta Abhyan, Press Council of India etc,

Most of the Human Rights Organizations are more concerned with the human rights violation by the state and state related agencies rather than militant or terrorist groups. For this reason the people have got a feeling that such type of organization are basically for checking the state terrorism (The atrocities cause by state bodies like bodies like bureaucracy, armed forces, State Police, BSF, CRPF and other par-military forces) or for raising voice against state hostilities. This raises one basic issue that is what forces the violations of human rights by the terrorist excluded form the purview of HRO’S? of course, the activities of terrorists are to be condemned but state remains the major for such organization.

The PUCL team visited twice to observe the atrocities committed by the security forces. The first visit was completed form 9-13 March 1990. the
team members were S/s V.M.Tarkunde, Rajinder Sachar, visited some sensitive places such as Gowkadal, Zakura, Sonawar, Pir Bagh, Nadarganj, Chanpura Bansant Bagh, Chhota Bazaar, Zairat Kadal, Sonawar, Mosque, Rah Bagh Mosque, Betamula, Khrew, Bones and Joints Hospital at Burzula, Shah Hamdam Mosque and Id-Ghah.

PUCL team reveals that most of the atrocities were conducted either deliberately or as an act retaliation. The report also alleged that the Security forces looted the cash, valuables and destroyed the property. PUCL in its report presented the story of alienation of Kashmiris. The report also denounced the killings and abduction of innocent persons by militant outfits like Prof. Muhirul Huque, V.C. of Kashmir University, his Secy. Mr. Abdul Ghani, Shri B.L. Khera, GM, HMT. It also condemned the killings of innocent masses of both communities.

After two years the PUCL again sent a joint team ot Kashmir for assessing the intensity of terrorist activities and human rights situation therein. The Joint team consisted of the members of PUCL i.e., Rajinder Sachar, Amrik Singh, Balraj Puri and Citizens. For Democracy members i.e., Kukdip Nayar and N.D. Pancholi. They visited Kashmir and Jammu and 22nd to the 27th May 1993.

This visit basically related to issues such as:

b) The April 1993 incident in Lal Chowk, Srinagar
c) Interrogation centres, custodial deaths and jails.
d) The role and performance of judicial system.
e) The May 1993, police strike
f) The role of the BSF.

In this enquiry related to Lal Chowk incidence on 10th April, 1993, the delegation emphasized the negative role played by BSF and excesses committed by it. According to its report, in a huge fire in Lal Chowk in which militants were held responsible for gutting down the Sanatan Dharam Sabha along with a number of other houses and shops, the real culprit was BSF, "as per our enquiries, while the Sanatan Dharam building had possibly been set on fire by the militants, the other buildings, some distance away, had been set on fire by BSF. And more or less as an act of high handedness."

In similar incident in Sopore on January 6, 1993 when 200 shops and 60 godowns were burnt and around 50 persons killed, the delegation held BSF responsible for the incident. According to its report "The BSF acted as an indisciplined force and what happened could have been avoided....the BSF appears to have over-reacted in a spirit of victictiveness and all the arson and killings that took place were the direct outcome of that state of mind".

According to the report to the team a number of interrogation centers (PAPA-I and PAPA-II are specifically mentioned) under the control of security forces have been set in where people are arrested interrogated, tortured without any provocation. This often leads to "injuries, remal fslure, incapacity of one kind or another, and in quite a few cases, even death". The Team felt more serious concern over the inhuman activities in custodial deaths. The report provided the exclusive data giving details of explosion/cross-firing/arson/militant killed, loss of security forces,
The team also visited the Kashmiri migrants camps located on the outskirts of Jammu. And felt concern over the plight of Kashmiri migrants and alleged that no proper arrangements and facilities have been provided for them. They are living entirely in an inhuman condition even sanitary and medical facilities have been provided.

**PRESS COUNCIL OF INDIA’S REPORT ON ATROCITIES COMMITTED BY ARMED FORCES**

The Press Council team headed by George Verghese with its members Shri K. Vikram Rao, Shri Jamna Das Akhtar, visited JK to find truth about outrage of 23 ladies in Kunan Poshpora. It was alleged by the victims that Army had raped them on Feb-23-24 night during a normal cordon and search operation in a village, which is a transit point for those infiltrating with sophisticated weapons from across the line of control. This incident was given widest publicity in India and round the Globe. It was denied by Army authorities. Press Council Committee has established this charge to be as ‘invention’, a hurriedly contrived piece of dissimilation which finally broke down under the weight of its own contradictions. It is shocking beyond words, the report of gang rape was unreported for 10 days and 11th day District Magistrate of Kupwara, Syed Mohammed Yasin, appeared on the scene. He made no enquiries himself but reported whatever he was told. He then sent a letter to his Commissioner and six others. The media, took Mr. Yasin’s letter as official acknowledgement that the outrage had indeed under huge headlines the Army ordered an inquiry by Barigadier after which it was announced that a “totally fabricated account of search
koperations. According to Miss Barbara Crossetie of the New York Times reported that Yasin’s boss and Commissioner of the Kashmir Valley, Shri Wajahar Habibullan was so outraged by the military’s denial, that he resigned forthwith” Press Council adds, that Kanan rape story stands totally unproved and completely untrue, a dirty trick to frame the Army.

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