Chapter-V
Problem of Human Rights in Jammu and Kashmir
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PROBLEM OF HUMAN RIGHTS IN
JAMMU AND KASHMIR

The concept of “Human Rights” has assumed the central concern in political theory as well as in politics in the present era. There is a widespread concern about human rights in all parts of the world. In our own age, the idea of human rights owes much of its popularity to the people’s revulsion against the grotesque evils perpetrated by some twentieth-century regimes. It has been an international concern to promote universal respect for observance of basic rights of all human beings without any distinction. Without going into the issues involved in the practical implementation or violation of these rights, the discussion in this chapter is confined to the basic understanding of what the human rights are. An attempt is made here to define the fundamental meaning, basic nature and scope of the human rights.¹

The Human Rights are those rights with which every human being is endowed by the mere fact that one is born on this planet. These are certain minimum, irreducible rights which have come to be development and realisation of the full potential as a human being. The Human rights are indivisible and inalienable rights that cannot be abrogated by any one individual or authority. They are not the gift of any regime, authority or kingship.²

In the early period people fought against the tyranny of the ruling powers for which time and again rules and laws were created to bind the rulers to follow the norm. In the course of time such enjoyment of rights turned to become mere ideology as there were no agreed catalogues of such rules or any machinery for their enforcement. Later people
succeeded to establish the concept of the human rights expressively through the Magna Carta of 1215, the Petition of Rights of 1628, the Bill of Rights of 1688, the American Bill of Rights 1791 and the French Declaration of Rights of Man of 1789. In the gradual metamorphosis of social change, the human rights became the milestone for seeking protection against the capricious acts of the rulers.3

The Human Rights were solemnly proclaimed as universal by the United Nations on December 10, 1948. At that moment itself, 6 out of the 55 members then forming the United Nations had reservations and abstained from voting in favour of the declaration. In fact, there has been opposition to the very idea of the human rights in Europe itself, the most noteworthy opponents being Jeremy Bentham and Karl Marx.

Thereafter a large number of countries have joined the international body. They have in principle accepted the declaration. But some of them have in the course of time expressed reservations bordering sometimes on opposition. They found that the declaration was based on the western philosophy of life and was not acceptable in its entirety to their ethos. Consequently regional declarations happened to be framed like the African Charter of Human Rights, the Declaration of Bangkok, etc. The champions of universality were sad over these developments but in order to save the declaration from total collapse they had to compromise in the World Conference on the Human Rights in Vienna in 1993 where it was decided that the national and the regional particularities have to be borne in mind.4

As far as India is concerned no conceptual difficulty was voiced. The Rights as enunciated in the declaration have been embodied in the Indian Constitution either as fundamental rights or as directive principles of state policy. The Supreme Court of India has converted most of those
principles into fundamental rights enforceable in courts in declaring that they are implicit in one or the other of the fundamental rights as listed in the Constitution. The Court has gone recently a step further in holding that any provision contained in an international instrument was enforceable in municipal courts provided it has been accepted by India and is not inconsistent with the Constitution. So, as far as principles are concerned, India is in full agreement with the declaration and legally prepared to implement it.5

The Constitution of India has incorporated various provisions as Fundamental Rights including the one to enforce the human rights (Articles 32 & 226). Some of the important provisions are equality before law (Articles 14 & 15), equality of opportunity in matters of public employment (Article 16), right to fundamental freedoms (Article 19), right to life and liberty (Articles 20, 21 & 22), right to religious beliefs and practices (Articles 25 to 30), and now the legal right to private property (Article 31). The state is duty bound to provide some more rights of socio-economic nature as per the provisions of the Directive Principles of State Policy. In the ultimate analysis the responsibility to balance the needs and compulsions of the state vis-a-vis human rights of an individual rests on the shoulders of the judiciary of this country.

The Constitution of India has provided for another remedy and that is by providing some compensation to the victim. This is done not by providing a provision in the Constitution but by interpretation of statute. The Supreme Court has held that in public law, a claim for compensation is a remedy available under the Constitution for the enforcement and protection of the fundamental and the human rights.6

In Kashmir, since the escalation of violence in the late eighties and the militant takeover of the Valley, common Kashmiris today stand sand-
witched between the armed forces of India and the equally equipped militant secessionists. The tragic events in the Valley have, of late, received a worldwide coverage. The reports of different human rights organizations – both official and non-official-NGOs and both national and international have brought forth the sorrow plight of the Kashmiris. These reports are mostly contradictory, indignatory, malicious, guided, and at times far from facts. However, the substantial truth carried by them speaks of the frightening experiences the Kashmiris have been undergoing.

The onslaughts of secessionist terrorism in the State of J&K have so far consumed thousands of lives and property worth millions with its tentacles spread to the other regions of Jammu, Ladakh and even to the border areas of Himachal Pradesh.\(^7\)

In a significant development, probably the biggest ever after the fourteenth and fifteenth century when Kashmiri Pandits had to leave the valley or join Islam following the atrocities of Sikander the iconoclast, the Kashmiri Pandits have migrated from the valley en masse. The whole established society has been uprooted in the name of religion. It is because Pandits find it almost impossible to live in too suffocating environment of the Islamic fundamentalism. Thousands of mosques in lanes and by lanes of the city of Srinagar have become the hub of activity of the militants and also the centres of Hizbul-Mujahiddin to brainwash the Kashmiri youth.\(^8\)

The Kashmiri Pandits had a fore-taste of the present bloody campaign in February 1986 when the fundamentalist organization, Jamat-e-Islami, the Muslim United Front and various Muslim leaders instigated the Muslims of Anantnag district in the Valley to destroy, desecrate and defile the Hindu temples and shrines, to attack houses of Hindus, to
molest the Hindu women, and to indulge in arson and looting of Hindu properties. In one day, on February 21, 1986, 40 Hindu temples were desecrated or burnt, 1500 houses were looted and 300 of them were burnt down. Everyone except the young indoctrinated Muslims was shocked and could not believe what had happened. But that was only an exploratory exercise for the Fundamentalists to test their own might and methods and the Government’s resolve and response. Though the G.M. Shah Ministry was dismissed by the then Governor making way for Dr. Farooq Abdullah to return to power, no action was taken against the culprits. It was observed that many elderly Muslims in Anantnag had condemned the barbaric acts of the young fanatics and had come to the rescue of the Hindu victims. That only gave Jamat-e-Islami an opportunity to study their shortcomings and apply corrective methods in their final onslaught on “Kafirs-the Batta, the first symbol of India in Kashmir.”

The training across the border started immediately thereafter. The so-called “Azadi” is only a facade for the fundamentalist terrorists. Their main and declared objective is to establish an Islamic fundamentalist state of Kashmir. The whole campaign started with killing of the Hindus on September 14, 1989 when Pandit Tikka Lal was gunned down outside his house and the slaughter continued thereafter till it became genocide of the Kashmiri Pandits. Between December 1989 to May 15, 1990, about 71 innocent Hindus were murdered to propel the process of migration from Valley. In what is surely one of the greatest refugee migrations in recent Indian history, some 90,000 Kashmiri Pandits and other members of the minority community of a total of about 1,40,000 (3 per cent) living in the Valley fled from their homes leaving property worth crores behind. According to an information given in the Parliament, till the end of July
1990, 48,894 migrant families were registered in the Jammu region and 11,438 in Delhi. The other figures were U.P. – 857, Rajasthan – 61, Haryana – 94, Punjab – 1293, Chandigarh – 216, M.P. – 75, Himachal – 66 and Gujarat – 54.¹⁰

Several myths have been aired about the migration of the Pandits being state engineered mainly by Jagmohan. The local Urdu press of Srinagar published certain letters creating the impression that the Pandits who had migrated have now realised their folly of becoming pawns in the hands of the BJP-Shiv Sena combined communal game. One letter written by K.L. Kaul on September 18 in Srinagar Daily Alsafa News stated that Jagmohan had sent a message to the Pandits of the Valley in the first week of February to migrate to safer places since the government had planned to kill about 1.5 lakh Muslims and once the massacre was over they will be sent back.¹¹ Such fears were also expressed by several other people but without factual basis. Contrary to this, as Jagmohan would himself falsify such rumours, on March 1, 1990 in a press note released by the State Government, the Governor appealed to the Pandit Community not to leave the Valley, not even for a small period. Effective law and order situation and due protection was also assured to the people of the minority communities.¹²

The Universal Declaration of Human Rights does not envisage a Muslim State which protects the Muslims against the injunctions of the Human Rights. The Human Rights insulate the Muslims in Kashmir against arbitrary authority of the state and they also envisage the protection by the state of the Hindus and other ethnic and religious denominations against extermination, religious persecution and slavery if they are not prepared to submit to the percepts of a Muslim state. The Human Rights impose a limitation on state authority, but they impose an
equal obligation on the state to safeguard life, ensure equality and due process of the law even in the face of Jehad. The Human Rights do not envisage approval of a religious state in which the religious minorities are subject to servitude. The Human Rights conflict with all political organizations governed by the religious precedent and precept. They conflict with restricted citizenship and religious protectorate. In Kashmir, the Muslim insurgents cry: “Yahan Kya Chalega, Nizame Mustafa!” (Only the Prophet’s rule will prevail here!) This slogan of Islamic Jehad in Kashmir when there are other religious minorities in the Valley is a negation of the human rights of those minorities. It also contravenes the due process of law which is basic to all Human Rights and national and international equity.¹³

**Human Rights and the Culpability of Security Forces**

One of the chief targets of the Human Rights Organisations in regard to the violation of human rights in Kashmir has been the security forces of India especially the BSF and the CRPF. There are of course exaggerations but this has not only alienated the Kashmiris from India but also presented the ugly face of the state’s repression of its own kind. Anti-Indian elements have found an opportunity to discredit India and demoralise the Indian security force. The incidents of Sopore, Kupwara, Lal Chowk, Dudhi and Baijabara where security forces resorted to firing have been greatly highlighted to exploit the situation. The issue has been raised by Pakistan from time to time at the meetings of the OIC, the UN and at other international fora.¹⁴

Since October 1989, some 38,000 Kashmiris have been killed by the Indian occupation forces, over 5000 women (young and old) have been raped, thousands have been maimed and thousands have been thrown in jail without any recourse to legal action. Torture, extrajudicial
executions, disappearances, wilful destruction of property and forced
displacement are the order of the day. The Kashmiris despite a virtual
media blackout have been trying to bring these horrors to the attention of
the international community. An iron curtain is drawn across Kashmir as
India refuses to allow visits by Amnesty International Educational
Development and other human rights and humanitarian organisations.
However, despite these restrictions, some commendable organisations
have been able to document the abuses perpetrated by India in occupied
Kashmir in report after report.\(^{15}\)

Security forces have also repeatedly raided hospitals and other
medical facilities, even paediatric and obstetric hospitals. During these
raids, the security personnels have forced doctors at a gunpoint to identify
recent trauma patients. Because of their injuries, the security forces have
suspected these patients of militant activity. Injured patients have been
arrested from hospitals, in some cases after being disconnected from life-
sustaining treatments. The security forces have also discharged their
weapons within hospital grounds and inside hospitals and have entered
operation theatres and destroyed or damaged medical supplies, transports
and equipment. Doctors and other medical staff frequently have been
threatened, beaten and detained. Several have been shot dead while on
duty while others have been tortured.\(^{16}\)

Many of those seeking medical care are released detainees who
have been subjected to torture. In fact, virtually everyone taken into
custody by the security forces in Kashmir is tortured. Torture is practised
to coerce detainees to reveal information about the suspected militants or
to confess militant activity. It is also used to punish detainees who are
believed to support or sympathize with the militants and to create a
climate of political repression. The practice of torture is facilitated by the
fact that detainees are generally held in temporary detention centres controlled by the various security forces, without access to the courts, relatives or medical care. Methods of torture include severe beatings, electric shock, suspension by the feet or hands, stretching the legs apart, burning with heated objects and sexual molestation. One common form of torture involves crushing the leg muscles with a heavy wooden roller. This practice results in the release of toxins from the damaged muscles that may cause acute renal (kidney) failure. This report documents a number of such cases which required dialysis. Since 1990, doctors in Kashmir have documented 37 cases of torture-related acute renal failure and in three cases the victims died.17

The first fierce attack on the security forces of India in regard to violation of the Human Rights in the valley came from the "Committee for Initiative on Kashmir". The committee consisted of four members who visited the Valley from March 12 to 16, 1990. The members of the team after visiting the senior Government officials, the eyewitnesses as well as the victims, in their report came down heavily on the state authorities and the security personnels for unlawful searches, unprovoked assaults on peaceful demonstrations and complete dislocation of normal life due to imposition of curfew for months together. The report also alleged that the fundamental rights of the Indian Constitution and those enshrined in the 'Universal Declaration of Human Rights' to which the Indian Government is a signatory have been denied to the people. However, the chief target of the attack was the policies followed by the then Governor of the State Jag Mohan.18

The report carried several accounts of atrocities of security forces on innocent people. On January 21, 1990, a strong procession of 20,000 including people from outskirts passed through the streets of Srinagar,
defying curfew and protesting against illegal searches and arrests that followed Jag Mohan’s takeover on January 19, 1990. When the procession reached Basant Bagh in Gow Kadal area, the para-military forces opened fire leaving behind 60 dead. The unofficial sources however claimed that more than 200 people were killed. On January 22, when people gathered to protest against the high-handed dealing on January 21, the procession was permitted to reach Alamgari Bazar in the Hawal area of the town. Here the demonstrators were trapped between the CRPF Jawans in front and behind and were fired upon to leave several killed behind. The unofficial sources spoke of more than 100 killings.19

On March 1, 1990, the security forces once again opened fire on the peaceful processionists at three different places—Zakura, Tengpura—Bemina Bypass and Shalimar killing and crippling several. According to an FIR lodged by Srinagar SSP M.A. Chaudhari, four vehicles didn’t change their way and opened fire at a peaceful demonstration of 10,000 to 15,000 people at Zakura. At Tengpura, the demonstrators returning from Srinagar in buses were disembarked and shot down. On March 7, the CRPF personnel raided the houses of the Chhanpora locality. The team that visited the locality on March 14 interviewed the victims. Noora (24), wife of Abdul Rahman Khan told that she was dragged out of her kitchen by the CRPF personnel numbering about 20 and raped her. Her sister-in-law Zaina was also raped. She also saw the two girls Gulshan (14) and Fatima (16) being molested. The Women officials were reported to do humiliating body searches. The security forces did not even permit the hospital ambulances to collect the injured victims on January 22 near Srinagar. Week long curfews became a common thing in the valley. The Committee finally demanded (a) to recall Governor Jagmohan who had become a symbol of state repression, (b) withdrawal of all para-military
forces, (c) discontinuity of ‘curfew raj’ (d) exemplary punishment of those security personnel and army jawans who were found guilty of killing innocent people, raping women and destroying public and private property.\textsuperscript{20}

The Committee in its second report on July 19, 1990 once again accused the security forces of the inhuman treatment of the Kashmiris. Though the Committee brought to forefront some bitter experiences of the Kashmiris, but its 5 day study with greater dependence on interviews of the Kashmiris did not carry much weight. In fact, some of the accounts given were found far from truth. People who had great sympathy with the militants would do anything to spread disinformation and this had been, in fact one of the propaganda policies of the militants also.\textsuperscript{21}

On 23 February 1991, a particularly serious incident occurred in the mountain village of Kunan Poshpura. More than 800 soldiers of the fourth Rajput Regiment surrounded the village. They rounded up the men outside and then broke into houses in search of arms. Many women were attacked. The delegation was told that somewhere between 23 and 60 women were raped in the course of that night. The team wished to investigate the nature and importance as well as the socio-psychological and political details of the issue, by questioning the women attacked by the Indian security forces. The team was able to identify seven cases of rape and one case of sexual molestation. The victims come from several villages in the Kashmir valley. With regard to the testimonies of these women as well as to information obtained from the women who related what they knew about the rape of their neighbours or relatives, the following points were made as discussed ahead.\textsuperscript{22}

It cannot be said that the rape of the Muslim women is a systematic or generalised practice. It is only carried out by the Indian security forces
(there is no case of rape committed by either the police or by non-Muslim civilians). Rape is sometimes linked to pure acts of vengeance for colleagues killed or wounded by the militants. Sometimes it is simply gratuitous aggression combined with sadistic impulses which may stem from a soldier's humiliating living conditions and from a general inhumane attitude towards unarmed civilians. It is often committed by soldiers under the influence of alcohol. The most horrific sexual attacks occur when a family member is believed to belong to an armed militant group. There are also cases of rape and/or sexual humiliations of various kinds which take place during the interrogation of the suspected militants. Such acts may be committed against a family member forced to attend the interrogation in order that maximum information may be extracted. It is not possible to confirm that rape is being committed systematically by the Indian security forces as a weapon to provoke a mass exodus of the population. However, it is certain that the army officers are turning a blind eye to catalogue of sexual attacks and that the security forces are acting with impunity. It should be noted that the young, unmarried women are sometimes taken away for days to the soldiers' camps. This practice is mentioned in the testimony of four women from different areas. Some of these young women having become pregnant have committed suicide, preferring to die rather than to dishonour their families.\textsuperscript{23}

In Jammu and Kashmir, the para-military groups especially the Border Security Force (BSF) and the Central Reserve Police Force (CRPF) is primarily responsible for unacknowledged detentions, "disappearances" and other human rights' violations and a small number is perpetrated by the army. The police is rarely accused and is itself reportedly critical of excesses committed by the security forces. Although
all the security forces theoretically operate under the supervision of the Director General of Police, Jammu and Kashmir, yet in practice the army and paramilitary forces act independent of the local police.24

The Human rights' violations have risen dramatically in Jammu and Kashmir since late 1989 i.e. at the start of the campaign for secession or for the State to join Pakistan. Thousands of Kashmiris are arbitrarily detained under special laws that lack vital legal safeguards and provide the security forces with sweeping powers to arrest and detain. They are held for months or years without charge or trial. Torture by the security forces is a daily routine and so brutal that hundreds die in custody as a result. Scores of women claim that they have been raped. Efforts by relatives to use legal avenues to obtain redress have been persistently frustrated. The court orders to protect detainees are routinely flouted and the legal machinery in the state has broken down. A Judge of the Jammu and Kashmir High Court said in October 1994 that the rule of law in the state had ceased to exist. Initially, the authorities made hardly any efforts to disguise deaths in custody. The disfigured bodies of the victims were simply dumped on roads or in rivers or were returned to the police or the relatives. More recently, the government has sought to cover up such killings by attributing them to “encounters” between the militants and the security forces or claiming that the victims died in cross-fire. However, the government has consistently failed to provide any evidence to support its version of events and in many cases there is incontrovertible evidence including the medical reports. The police say that the victims died in the custody of the security forces.25

The Kashmiris’ demand is very simple. They want to be free of military occupation and want to decide their future by a democratic vote, impartially supervised. A mechanism for the exercise of this right has

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already been defined by the United Nations Security Council, which was not only supported by Canada but was co-sponsored too. This mechanism needs to be activated and implemented. The unbearable suffering of the people of Kashmir cannot be brought to an end nor the constant danger to regional peace removed unless concerted pressure is brought on the Indian Government to turn to the path of sanity and civilized conduct. It would be in the long-term interest of India itself to settle the unresolved dispute of Kashmir. While India pursues a policy of terror, the Kashmiri people and their leadership have consistently maintained their hope in peace. The Kashmiri leadership had joined together in a united front: the All Parties Hurriyet Conference (APHC). The APHC which represents the combined political will of the Kashmiri people seeks a peaceful and negotiated settlement through a tripartite dialogue. The solution of Kashmir is both urgent and vital. It has a far more populous and strategic area than other troubled spots in the world. The arson and mass rapes by the Indian occupation forces are no less humiliating in Kashmir than in Bosnia. The torture and imprisonment in Indian-occupied Kashmir is no less intense as it is in Burma. In fact the pain, suffering and humiliation in Kashmir is intensified because the people of Kashmir have been under the Indian occupation for nearly half a century.26

However, to the immense relief of the security forces, the Press Council of India (a three member committee of B.G. Vergese, Jamna Das Akhtar and Vikram Rao that inquired the army excesses on the invitation of army officials) in its report that covered events between March 1990 to May 1991 came to the rescue of the former. The report concluded that the excesses of security forces were largely concocted, fabricated and exaggerated and wherever they took place have been inquired into and action was taken. The Committee exonerated the army of serious
allegations regarding the Kunan-Poshpura gang rape incident (23 to 100 women were said to have been raped by the army during search and cordon operations in February 1991) and killing of about 73 militants at Dudhi (allegation hurled through press that these militants could have been arrested) in May 1990. The Committee also debased the allegations regarding the Pazipora rape incident of August 1990 and the Zakura firing incident of March 1990. These allegations were described by the Committee as a ‘massive hoax’ orchestrated by the militant groups and their mentors abroad to inscribe the Kashmir issue on the international agenda.\textsuperscript{27} However, the Committee’s inclination towards the army and its exempting army of some serious allegations hurled by the Committee for initiative on Kashmir evoked bad words also. It was alleged to have succumbed to the army.\textsuperscript{28} To put it in the words of Amiya Rao, “the report is not only a tissue of half-truths and untruths but in its zeal to whitewash the army, it has humiliated all women”.\textsuperscript{29}

The reports of the Asia Watch and the Amnesty International have also accused the Indian security forces of committing excesses in the Valley. The Asia Watch, a US based agency has criticised the role of Indian Security forces in violating the international humanitarian law by summarily executing detainees, killing civilians in reprisal attacks and using lethal force against peaceful demonstrators. It also refers to extra-judicial executions, disappearances and custodial deaths. The report of the Amnesty International has also castigated the Government of India for human rights violations. It listed about 415 deaths from torture and police encounters while enquiry was conducted in only 11 cases. Custodial deaths, setting ablaze the houses in retaliation, custodial rapes, use of third degree methods by the police to extract information, overcrowding in the jails leading to degrading human living conditions, detention of
under trial prisoners in jails for an unlimited period of time and excesses committed during search, seizure operations, etc. are the chief allegations. The PHR (Physicians for Human Rights) also condemned the Indian forces for rapes being used as a war weapon. India in response to these reports exposed their intention to demoralise security personnel by indulging in half-truths and falsehood. It has also pointed out that hospitals in Kashmir had been used to hide weapons and militants by doctors and the nursing staff and the contention of the PHR of rape being used as a weapon of war was found to be malicious. The use of the words like ‘medical neutrality’ and ‘armed conflict’ in these reports were not only deceptive but could also give respectability to the terrorist organizations and their activities.30

The official reaction to the reports of the Asia Watch and the Amnesty International may be summarised in the words of the former Home Minister Mr. S.B. Chawan who argued that “we do not need outsiders to come in and preach about democracy and constitutionally guaranteed rights. We not only have a free press and judiciary but also an active human rights movement in the country”. In answer to the advice by John Mallot, the US Deputy Assistant Secretary of State for South Asian Affairs that India should allow human rights groups “genuine access”, the Home Minister dismissed it as “unsolicited advice” and said that the Government of India was quite competent to judge whether to allow or debar any group. In response to Mallot’s advice that the USA was prepared to help if its involvement was acceptable to India and Pakistan, the Government of India told in unambiguous terms, “while we do not mind discussing the issue with friendly countries, we don’t want to be in a position of receiving advice.”31 To counter the allegations of the security forces’ excesses, S.B. Chawan remarked on December 17, 1993
that due action has been taken for human rights abuses against 160 odd Armed Forces personnel, resulting in their dismissals from the service and imprisonment for 10 years. Besides cases have also been registered against those found guilty of committing excesses.

The World Conference on Human Rights held in Vienna from June 12 to 25, 1993 witnessed the confrontation between India and Pakistan on the issue of human rights in Kashmir. Begum Nusrat Bhutto, Pakistan’s representative at the conferences describing India as a colonial power and Kashmir a colony of India held that the Kashmiris have been subjected to persistent and indiscriminate killings, tortures and staged encounters in which people were brutally murdered and women-folk raped. She further remarked that the conference must uphold the right of all peoples under colonial rule and alien domination to struggle for their right to self-determination. Countering the allegations, Farroq Abdullah the former CM of the state of J&K rapped Pakistan for destroying peace in the State and for spreading lies and propaganda only to mislead the people. Holding Kashmir as an integral part of India, he described Pakistan as a terrorism sponsoring state.\(^{32}\)

L.M. Singhvi, the deputy leader of the Indian delegation to the conference rebutted completely the Pakistan’s demand for “effective self-determination” in “UN-recognised disputed territory” – a veiled reference to Kashmir. He said that it had been made clear by the UN resolutions that secessionist conspiracies and terrorism could not masquerade as liberation struggles. He remarked that a particular country (Pakistan) was advocating an outlandish view of self-determination which was contrary to the accepted international law. Singhvi also held that the real danger to the human rights came from systematic denial of democracy, disregard of rule of law, curbs on judiciary’s independence, attitude of intolerance and
extremism, oppression of minorities, excessive interference and political pressure on the military forces. He also took Begum Bhutto to task for violating the norms of the conference by naming Kashmir. He said that Mrs. Bhutto’s words were “totally irrelevant, false, untenable, confused and having specific reference”. The Pak delegate has violated the rule of relevance, the rule of restraint, the rule of committee and the rule of truthfulness. His presentation made the Pakistani position appear quite untenable and indefensible in terms of the international law and the human rights norms.33

In yet another attempt Pakistan was humiliated at Geneva in February 1994 when it failed to secure the required number of sponsors for tabling of its resolution on human rights in Kashmir. Even China and Iran, the long stood friends of Pakistan did not come to its help. While China described Pakistan’s resolution “out of context”, Iran regretted that Pakistan was aiding terrorism in the Valley. The Iranian President Al Akbar Rafsanjani and the Foreign Minister of China Mr. Qian regretted Pakistan’s involvement in promoting terrorist activities in Kashmir and stressed the need to seek a solution to the problem under the Shimla Agreement.

Under the growing need of having some statutory body on human rights and also due to circumstantial requirements the government of India decided to form a National Human Rights Commission of India. On September 29, 1993, President Shankar Dayal Sharma promulgated an Ordinance for setting up of the NHRC and similar bodies in the states with human rights courts. Ranga Nath Mishra, the former Chief Justice of India was made Chairman of the Commission. In the vein of PCI, Mishra also fingered at the media and the militants rather than the security forces.
However, the findings of the Commission which mostly exonerated the security forces have evoked ill feelings.\textsuperscript{34}

**Terrorism and Human Rights Violation in Jammu and Kashmir**

Terrorism in all its manifestations is the greatest violator of the human rights. It strikes a fatal blow to human rights of innocent citizens. The ruthless, barbaric, inhuman killing of innocent people in the Kashmir valley not only challenges the authority of the government but also strikes terror in the minds of innocent citizens and tries to put the security and sovereignty of the country in jeopardy.\textsuperscript{35}

The terrorist violence in Kashmir has several dimensions which have a direct bearing on Human Rights violation in Kashmir. In the first place, the terrorist violence in Kashmir is an ideological struggle with specified political commitments which are basically fundamentalist and communal in character. To call the terrorist violence in Kashmir as local eruption of political dissent is to avoid analyzing it in its depth. There are civilized ways of expressing political dissent and seeking redress. If there are any groups involved who call themselves secular, their deeds and actions directed against the religious minorities belie their self-serving pronouncements. They could have stood up for the protection of the Hindus right from the beginning and not indulged themselves in killing innocent people. It is easy to claim secular character to their campaign, now that the minorities have been hounded out of the Valley. The fact is that the violent campaign is dominated by a religious crusade, the Jehad, which is the continuation of the pre-partition of India by securing the Muslim majority state of Jammu and Kashmir for Pakistan under the “Two Nation Theory.”

The second major dimension of the violence in Kashmir is the militants commitment to the exodus of the Hindus from the Valley
because the Hindus after 43 years of association with India are not willing to accept the integration of Jammu & Kashmir with Pakistan, nor are they willing to give up the secularism of India and be governed by the authority of a state which will derive 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.36

It is simply a travesty of human history to ignore the crucial factor of terrorist violence which ultimately must determine the boundaries and the extent of State action to contain it. However, terrorist violence is central to all enquiries into the violation of Human Rights in Kashmir, mainly because terrorism as explained before is in itself a violation of Human Rights and a crime against humanity and a crime under International Law. Whatever be the ideological motivations for the terrorist violence in Kashmir, it has involved assassinations, torturous deaths, abductions, extermination of hostages and forced exodus of the Hindus from the Valley and ultimately genocide of the Kashmiri Hindu identity.37

The State of Jammu and Kashmir is the dwelling place of the Muslims, the Kashmiri Pandits and the Sikhs. By and large, the society in Jammu and Kashmir remained well knit until 1989 when widespread violence erupted. The uniting factor had been Kashmiriyat—a concept of ethnic identity of the Valley. However, this came under serious attack with the supremacy of fundamentalist/secessionist groups like the Hizbul-Mujahideen. The Kashmiri Pandits are an ethno-religious minority who numbered around 160,000 in the Kashmir valley in 1990. The Islamic organisation which was believed to have started as a freedom movement degenerated into a massive operation of loot, extortion and rape. The
majority of Kashmiri Pandits having fled, the guns were now turned towards the moderates amongst the Muslims and the common village folk.

The reason for the targeted victimization of this particular community by the secessionist groups was due to the overall strategy of evicting those not sympathetic to the cause of an ‘Independent State.’ Besides, the gradual assertion by the Kashmiri Pandits of a distinct identity based on their culture and tradition only increased the militants’ ire. Thus, by cleansing of all non-Muslims from the Valley the militants wished to establish an ‘Islamic State’.38

The first phase of displacement of the Kashmiri Pandits took place from mid-1989 to the end of 1990. To counter the insurgency forces that proliferated in the Valley due to many reasons, the army began its operations in Kashmir in 1990. It suffered from various handicaps. It was like a blind man trying to fight an unseen enemy in the night. The hamhanded approach alienated the population even further from the government. To counter the pressure from the security forces, the militants turned its ire against the strong Hindu community of 2,00,000. Living in isolation and forming less than 3 per cent of the population, the Kashmiri Pandits were vulnerable to terrorists. The ethnic cleansing of the Kashmir valley by the militant organization (like JKLF) began by selective murders of the prominent people. The commonly heard cry in the valley was, ‘leave your women and property and get out’. As a result a massive exodus of the Hindus began on January 21, 1990. Many went to New Delhi and other parts of India.39 More than 2,00,000 Hindus had fled from the Valley since 1989. According to most estimates, about 4,00,000 Indian Army and paramilitary personnel continued to occupy Kashmir. The number of those killed till 1996 was close to 20,000
including the militants and the Indian police as well as other security and army personnel.\textsuperscript{40}

The Second Phase of displacement began in March 1997, with the massacre of seven Pandits by militants at Sangram Pora village in the Budgam district and later with the killing of 23 Pandits in Wandhama village (Ganderbal constituency). Prominent leaders of both the Hindu and the Muslim communities were killed and their families were threatened.

The third phase commenced when 24 Kashmiri Pandits were killed on 23 March 2003 in Nadimarg village in Pulwama district. The Pandits reportedly migrated to Jammu. The number of Kashmiri Pandits displaced in the second and third phase as a result of the Sangram Pora and the Nadimarg incidents is not available.\textsuperscript{41}

A strong protest march was launched when the wife and the daughter of Sohan Lal Barua were killed after being raped by militants at Nai Sadak, Karal Khud, and Srinagar on April, 1\&2, 1992. The apprehension of an Afghan mercenary in late 1993 who admitted that he had raped at least 26 girls and women in Kashmir was horrifying indeed. One of the most heinous acts of militants revealed later on is: On the night of October 8&9, 1993, a dozen armed Mujahids intruded into the house of an aged ex-serviceman Kunjlal of Kishtwar. They asked his wife to prepare food for them. After taking meals they robbed the family of its ornaments and cash. While leaving the place they gunned down both Kunjlal and his wife. On hearing gunshots, other villagers came out. The terrorists took away ten persons with them. After giving them a thrashing, the terrorists let off eight of them with the directions that they would ask all the Hindus of the area to leave their places. Two youths Rakesh Kumar (24) and his brother Rattan Lal (22) were taken hostages. After
four days their dead bodies were found near a nullah. Rakesh’s breast had been ripped open to take out his heart. Rattan Lal’s skin was peeled off. Private parts of both the brothers were cut off.42

In yet another horrific incident, another youth of Kishtwar town Rakesh Kumar was kidnapped along with Gabhir Chand on October 16, 1993. The latter managed to escape though he was hit by a bullet. Rakesh’s dead body was found near Bhagana village about 40 kilometers from Kishtwar town. His eyes were gouged out. Similarly in November 1993, four young girls were abducted by the terrorists from Atholi area of Paddar in Doda when they were cutting grass. They were taken to their commanders and assaulted. They were let off after some hours. Abductions and the consequent killings have turned out to be a convenient tool in the hands of the terrorists. Upto 1992, out of about 1900 persons killed by the militants less than 400 were security personnel. They were also reported to have abducted about 742 people out of whom 71 were killed. The list is quite long. But some important names who fell to the bullets of terrorists are Mirwaiz Maulvi Farooq May 21, 1990; H.L. Khera, General Manager, HMT, April 10, 1990; Maulana Masood, a senior Kashmiri leader, December 13, 1990; Pir Mohammed Sharif, the former NC MLA, October, 1990; Hissamuddin Bandey, an ex-Minister of J&K Government and a close associate of Sheikh, June 4, 1991; Abdul Ahad Guru, a surgeon, April 1993, Prof. Abdul Ahadwani, December 1993, Wali Mohammad Ittoo, the former speaker of J&K Assembly, March 1, 1994 and Qazi Nissar Ahmed, a religious leader of South Kashmiris, June 1994.43

There have been numerous incidents when militants have killed innocent women and children for no fault of theirs. One of the most gory incidents in Kashmir’s history took place on 26 January 1998 when the
militants killed 23 Kashmiri Pandits in Wandhama, Ganderbal. Several militants dressed in police uniforms had come to the village and asked the people to assemble. They were then lined up and shot dead. In another incident on 18 April 1998, the militants massacred 26 Hindus belonging to four families at Parankot, Udhampur. The militants also killed the numbardar (headman) of the village for providing his house to be used as a polling station during the 1998 Lok Sabha elections. The militants have often targeted innocent men and women during festivities. In one such incident on 19 June 1998, the militants killed 26 Hindus who were part of a marriage party in Chapnari, Banihal in Doda district. The migrant labourers from outside the State have also become a key target for the militant outfits. Even though these labourers are in no way linked to the Kashmir issue, the militants routinely target them in order to strike fear among the non-Kashmiri population as well as deter tourists from visiting the picturesque state. The migrant labourers are a critical part of the state’s economy as they contribute significantly to the exchequer. On 29 June 1999, the militants killed 15 Hindu brick kiln workers from Rampur (UP) and Bilaspur (MP) while they were sleeping after a hard day’s work. The labourers were part of a larger group which had migrated to Sandu, 9 km from Anantnag district. On 12 June 2006, the militants lined up and killed 8 Nepali Hindus and 1 Bihari labourer at Budroo village near Yaripora in Anantnag district. A group of armed militants numbering between 15-18 swooped down on the village and herded out a group of around 15 Nepali labourers from a brick kiln where they were working. Forcing them to line up between two Chinar trees the militants coolly shot them. While five labourers died on the spot during the ten minutes of firing, four others succumbed to their injuries on their way to the hospital.
Analysts say that the militant outfits have particularly carried out attacks against the minorities and the non-Kashmiris whenever there is a positive development in the peace process between India and Pakistan. The militant outfits under the direct influence and control of the ISI have always resorted to ruthless killings in order to derail the peace efforts. One of the first instances in this context is peace initiatives undertaken in the wake of the unilateral ceasefire announced by the Hizbul Mujahideen on 24 July 2000. On the intervening night of 1 & 2 August 2000, the militant outfits killed as many as 70 innocent Hindus. The breakup of those killed included 23 Amarnath Yatris at Pahalgam, 20 brick kiln labourers at Village Kadran Qazigund, 7 brick kiln labourers at Sandoor, Achhabal, all in Anantnag District, 8 Hindus at Village Kiyar, Doda and 12 Hindus at Kunda, Doda. These targeted killings were clearly intended to derail any steps towards peace in Kashmir.

One of the worst-ever attack took place on 14 May 2002 when the militants lobbed grenades and fired indiscriminately on the KP Lines family quarters in the Kaluchak Army cantonment in Jammu. The attack left 32 people, mostly the family members of the army personnel dead and over 60 others wounded. A group of five militants boarded a Pathankot-Jammu passenger bus near Vijaypur, 30 km south of Jammu. They alighted from the bus between Kaluchak and Ratnuchak Army area where they killed seven unsuspecting passengers after asking them to disembark from the bus. Following attack the militants sneaked into the cantonment where they killed many more people. In another attack on the Hindu community, the militants belonging to the Lashkar-e-Taiba (LeT) killed 30 Hindus on 13 July 2002. The attack took place at the Hindu-dominated Qasim Nagar locality in Jammu. The militants hurled two
grenades and resorted to indiscriminate firing when the residents of the locality were watching a cricket match between India and England.

On 23 March 2003, the militants attacked a J&K police post and snatched arms from the policemen after which they went to a nearby village Nandigram in Pulwama district and shot dead 24 Hindus. The barbaric methods adopted by the militant outfits are also evident from the fact that they even slit the throats of their victims. By September 2003, there was a resurgence of the terrorist activity: the Greenway Hotel on Maulan Azad Road, Srinagar's main street, was attacked on September 3. Four people were killed in the ensuing gun battle including the former militant-turned local politician and journalist Javed Shah, his bodyguard, and a civilian and the entire hotel was burned down. In one such incident, the militants killed 5 Hindus by slitting their throats at Thup Dhok, Kotranka, in Rajouri district on 28 & 29 July 2005. In another brutal incident, militants slaughtered to death Aijaj Ahmed, a 4 & 5 years old child at the Village Hubbi in Rajouri district on 11 November 2007. The apparent reason for the killing of the child was a Company attached with 15 Rashtriya Rifles unit at Kandi. In fact, one of Rafiq’s brothers Abdul Rashid, a resident of Hubbi had earlier been slaughtered by the terrorists at Panch Gabbardhok, Kandi on the intervening night of 16 & 17 August 2007. The fact that the militants are the worst human rights violators is evident by these gory attacks against minority communities and non-Kashmiri people in J&K.

In 2011, a total of 233 people lost their lives due to violent incidents in Jammu and Kashmir. Out of 233 persons, 56 were civilians, 100 were alleged militants, 71 armed forces personnel and 6 were unidentified persons. Out of the total of 56 civilians killed that year, 11
were students amongst whom 7 were minors and 6 women were also killed.

The year 2011 has been very significant for those struggling against the human rights abuses in Jammu and Kashmir. It is for the first time a state institution like State Human Rights Commission (SHRC) endorsed the findings of the Association of Parents of Disappeared Persons (APDP) and the International People’s Tribunal for Human Rights and Justice in Kashmir (IPTK) regarding the presence of unmarked graves and mass grave in north Kashmir besides acknowledging the possibility of burial of some of the people subjected to enforced disappearances in these unmarked graves and mass graves. So far the APDP/IPTK has submitted the prima-facie evidence of 6217 unmarked graves and mass graves in 5 districts: Kupwara, Baramulla, Bandipora, Poonch and Rajouri. While as the SHRC has acknowledged existence of 2156 unmarked graves and mass graves in Kupwara, Baramulla and Bandipora, the SHRC inquiry in Poonch and Rajouri is not yet concluded. The APDP submitted a list of 1417 cases of enforced disappearance to the Chief Minister of Jammu and Kashmir and urged the government to inquire into all the cases of enforced disappearances, but so far the government continues to be indifferent. Enforced Disappearances is not an issue of the past. People have disappeared even this year. Two persons, Susheel Raina of Aishmuqam, Anantnag and Nisar Ahmad Banday of Chechal, Banihal disappeared this year and the government as usual has failed to initiate any conclusive investigation.49

The successive governments have given contradictory statements about the total number of people ‘missing’ in Jammu and Kashmir. In 2002, the National Conference government said 3184 persons were ‘missing’, then in 2005, the Peoples’ Democratic Party led government
divulged that 3429 persons were missing in Jammu and Kashmir since 1989. In this context the APDP on 7 October 2011 applied for information under Jammu and Kashmir Right to Information Act 2009 from the State Home Department for providing the lists of all the ‘missing persons’ as claimed by various governments. More than two months passed since the state government failed to provide any information regarding the contradictory figures of the ‘missing persons’ divulged by various governments on the floor of Jammu and Kashmir Legislative Assembly.

The year 2011 has not been free of custodial killings and fake encounters. 7 persons were allegedly killed in custody. In all the cases of custodial killings, the government has failed to either prosecute or conduct an impartial conclusive investigation. Whether it was the killing of Ashok Kumar, a mentally challenged person who was killed in a fake encounter in Surankote, Poonch or it was the killing of Nazim Rashid of Sopore who succumbed to custodial torture or the custodial death of ruling National Conference party worker, Mohammad Yousuf who died after he was handed over by the Chief Minister to the Crime Branch officials. The practice of impunity is consistent. No credible investigations have been carried out thus creating space for cover ups which otherwise also is the norm in Jammu and Kashmir. The JKCCS (Jammu and Kashmir Coalition of Civil Society) on 4 August 2011 had filed an RTI application for seeking information regarding the investigations being conducted in the killing of Nazim Rashid of Sopore, but so far the Jammu and Kashmir police has failed to provide the information.

In 2011, the government had ordered 8 different probes on various human rights abuses. So far no probe has yet yielded any result which is
nothing unprecedented as even in the past probes have been announced by the government to neutralize the public pressure. From 2003 to 2011, different governments have appointed 151 probes but justice remains elusive.

Killings of civilian political workers continue to be an unabated phenomenon. In the year 2011, killings of 8 civilian political workers was recorded. 4 out of the 8 political workers killed belong to the People’s Democratic Party and Moulvi Showkat Ahmed Shah killed belonged to the Jamait Ahle-Hadith. Killings of civilian political workers at the hands of state or non-state actors is completely unacceptable as it only creates a culture of intolerance and chokes dissent. It is therefore that JKCCS has been urging all the combatant forces--Indian military forces and the members of United Jehad Council to refrain from killing any civilian political workers. Somehow the government was very quick in probing the death of Moulvi Showkat Ahmed Shah which is a welcome step but investigations into the killing of 7 other civilian political workers have not yielded any results so far. The JKCCS demands an impartial and independent investigation into all the killings of civilian political workers. Impartial investigations would help bringing the perpetrators to justice and also act as a deterrent to them.51

The paranoia of government regarding the summer uprising of 2010 was very evident in the actions taken by the government. Even in 2011 when there was no apparent street uprising, hundreds of boys were detained on the pretext of being stone pelters. These young boys were subjected to torture, intimidation and harassment. In many police stations boys were illegally being detained sometimes for few hours and sometimes for few days. Some boys were regularly being called to police stations on one pretext or the other. There was a complete disregard
towards the juvenility of the boys being detained. This year many minors were arrested on charges of stone pelting. In some cases people alleged that the police officials were demanding ransom for releasing these boys who were illegally detained in various police stations.

In 2011 in the Kulgam area of south Kashmir, there was an allegation of rape in which a woman alleged that she was raped for two days. The way police conducted investigations into this case and also kept the family literally under house arrest raised more suspicion against the government. Fear and social stigma make it difficult for the victims to report the rape or molestation cases. One such case by coincidence came into the notice of the JKCCS in the North Kashmir this year where the rape victim did not want to report her victimization. In the month of February a woman (identity withheld) from the North Kashmir was allegedly raped in the police custody in front of her husband. The husband was kept under detention as a hostage so that his wife would not report her case. The woman did not want to file complaint as she had no hope of getting justice and was also worried that by filing the case she would endanger her husband's life.  

The government of India has been claiming that despite the imposition of the AFSPA, mechanisms of justice are functional and are delivered whenever anyone is found indulged in human rights abuses, but facts provided by the state institutions this year contradict the claim of the Indian State. In a reply to an application under Right to Information Act by the JKCCS, the State Home Department of the Jammu and Kashmir government on 6 September 2011 claimed that from 1989 to 2011, they have applied for the sanctions for prosecution from the Ministry of Defence and the Ministry of Home Affairs under section 7 of the AFSPA in 50 cases only. Out of these 50 cases, 31 pertain to the Ministry of
Defence and 19 others have been sent to the Ministry of Home Affairs. Within these 50 cases stated to be applied by the State Home Department for sanctions under the AFSPA, sanction for prosecution is awaited in 16 cases and declined in 26 cases. The State Home Department claimed that the sanction for prosecution has been recommended in 8 cases. A deeper study of these 8 cases where the State Home Department said that the status was “recommended” it shows that the information given is incorrect as the cases according to the Defence Ministry are still in the category of “under consideration” or sanction has been declined. The above-mentioned facts reveal that the provision of sanction for prosecution under the AFSPA is a fig leaf and the truth is that there is 100% impunity for the soldiers operating in Jammu and Kashmir.53

The Human Rights Commission Study

Even though the protection of the human rights is institutionalized at both the state and the national level, this mechanism’s effectiveness in ensuring that the public receives protection is questionable and this is where the role of the civil administration becomes critical. The Lal Bahadur Shashtri National Academy of Administration, India’s apex training institution for the civil servants was commissioned in 2004 by the National Human Rights Commission to conduct a study in Jammu and Kashmir to determine the role of the civil administration in ensuring the protection of the human rights.

The study indicated that there was an increase in the public awareness of the State Human Rights Commission resulting in the commission receiving more complaints. The Commission had been set up in 1997 under the Jammu and Kashmir Protection of Human Rights Act. Starting with fifty-one complaints in 1997-98, the Human Rights Commission received 474 complaints in 2001-02. Some complaints had
been filed by the separatist organizations otherwise averse to employing the existing constitutional framework. Yet, the Commission had been rendered ineffective because it was starved of funding or was simply ignored, even though its annual reports were placed before the State Legislature as demanded by law.\textsuperscript{54}

A report by the Human Rights Watch stated two main reasons for the improving human rights’ condition in the region: first, sincere efforts were made by the new Jammu and Kashmir state government headed by Mufti Muhammad Sayeed to investigate cases of human rights’ abuses in the state and to punish those guilty including the Indian soldiers. More than 15 Indian army soldiers were convicted by the Indian government in 2004 for carrying out human rights’ abuses in the State. Second there was a decrease in the cross-border infiltration into India by the armed insurgents.\textsuperscript{55}

In 2011, the State Human Rights Commission (SHRC) passed a judgment on the Kunan Poshpora Mass Rape Case of 1991 demanding reopening of the case and also filing a case against the then directed prosecutions. It was for the first time that a government institution had acknowledged this mass rape incident. It took the State 20 years to acknowledge the crime and it isn’t clear how long the government will take to convict the perpetrators.\textsuperscript{56}

The State Human Rights Commission (SHRC) has tried to assert its existence by passing some very significant judgments in the year 2011. Prominent amongst the cases where the SHRC passed the judgements was the case of unmarked graves and marked graves in the North Kashmir, the Kunan Poshpora Mass Rape Case and plight of prisoners languishing in various jails across Jammu and Kashmir. Besides these judgements the SHRC has been actively helping the victims in cases to
provide them ex-gratia relief. The Judiciary in Jammu and Kashmir continues to show an abysmal performance and has failed to live up to the expectations of the victims. Amongst the people of Jammu and Kashmir, disillusionment regarding the judiciary is at its lowest as it has failed in holding perpetrators accountable. Notwithstanding the powers to protect life and liberty of the citizens, the judiciary has disappointed people of Jammu and Kashmir. The judicial activism for protecting the civil and the political rights and seeking accountability from the state actors is very apparent in India, but it seems to be completely absent in the judiciary of Jammu and Kashmir.\(^57\)

Assessment of the Human Rights situation in the State of Jammu and Kashmir must take the involvement of Pakistan in providing sanctuary, arms, training and finance to the terrorists to operate in Indian territory as its starting point since having created a situation of armed terrorism and subversion of the democratic polity, Pakistan now seeks to exploit the resulting situation by raising the bogey of Human Rights.\(^58\) According to The Times of India report, from 1990 to 2011 about 43460 people have been killed in the Kashmir insurgency. Of these, 21323 were militants, 13226 were the civilians killed by security forces and 5369 were the members of the security forces and about 1500 were the Kashmiri policemen.\(^59\) According to the UNHRC report, 1.5 million people have been displaced till 2010 (mostly the Pandits had fled the valley).

It is very unfortunate that the human rights organizations whether official or non-official have failed to perform the task properly and satisfactorily as they are supposed to. The brutal acts of violence being perpetrated by militants or stiff hand treatment being retorted by security forces to cleanse up the disruptive elements have together brought a
myriad of sufferings to the Kashmiris. The whole plot is to internationalise the Kashmir problem and find a place for it in UN agenda no matter this is done through harping on human rights or the cause of right of self-determination to Kashmiris.

Thus what India requires is to follow a clear-cut unambiguous approach towards Kashmir. Unanimity of views atleast on some points should be obtained if not on all for the fate of the whole nation is on stake. People should abstain cursing security forces for excesses merely on the basis of misinformation and hearsay. Media will have to play a positive role in unravelling the heinous acts committed by terrorists and curtained by the gun consternation. This however, does not mean that security forces should be given a free run. In cases the member of security forces are found culprits strict disciplinary action should be taken against them. This can be done under the respective disciplinary Acts of these forces. To restrict the tide of militant atrocities people will have to be taken into confidence. This can be done by security forces only by playing a positive role in helping them in different ways. Help people operations and paying due heed to their complains might help in this. It is the foremost duty of different human rights organizations to present the facts to the public without involving themselves in unfair means of reporting. This is the duty of the SHRC and NHRC to give a lead in this respect. One should be optimist to reap the rich dividends of such efforts.
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