CHAPTER - IV

IMPACT OF MILITANCY AND THE LIFE OF PANDITS-
A HUMAN RIGHT APPROACH

Before Independence, Kashmiri Pandits lived a peaceful life in the valley and enjoyed all rights available to the citizens. They formed an important part of Kashmiriyath. During the communal flare-ups of the partition, their land lordship over agricultural land got eschewed under the tenancy and land reforms initiated by the people’s government in 1952 affected a large number of Pandit families. In course of time Pakistan’s militancy operation destroyed the peace and unity of secular minded Kashmiris and minority Pandit community.

After independence; the Pakistaniis fought more than four wars with India. These war games between India and Pakistan destroyed the peace and security, not only of the Kashmir Pandit community, but the whole Kashmir valley. Human rights abuses have been a cause as well as a consequence of the insurgency in Kashmir (Das Gupta, 2002:160).

During the year that followed Pakistan sent guerillas to Kashmir in 1965 under “operation Gibraltar” which lead to a full-scale war. Six years later another war between India and Pakistan resulted in the bifurcation of Pakistan and formation of Bangladesh and subsequent signing of Shimla Agreement under which both countries were to resolve the issue
bilaterally. Thousands of civilians got killed and many more injured in Kashmir as a result of military operations (Butalia Urvasi, 2000: 129).

Armed militancy has surfaced in the valley in a large scale. The cost of human tragedy due to conflict has been colossal. From 1985 onwards armed movement started using violent means for achieving political objectives. It can bring further miseries to the already traumatized people. The demilitarization in Kashmir will pave way towards the solution of Kashmir problem and will not only bring a much needed relief to the people of Kashmir but will also help in the social, political and economic reconstruction of Kashmir (Chari P R and Pervais Iqbal Cheema, 2003: 143). The impact of militancy created so much of human right violations against Pandit community in the whole valley and they are living in distant and scattered villages and suffered loot, arson, destruction and desecration of religious places and other losses and indignities, without any provocation or retaliation whatsoever (Nelson Thomas, 2000: 61-62).

**Pandits, the victim of militancy**

The minority Pandits of the valley became the victims of this operation and they were gunned down indiscriminately, hanged or murdered by other brutal means. Torture, molestation and rape, threatening letters and telephone calls, posters and bit notices pasted on doors and warnings through newspapers for the whole community to leave the valley within short and specified time. Nearly Three thousand members
of this community have been done to death, and nearly three hundred thousand forced into exile (Cohen Stephen, 1998: 210).

Kashmiri Pandits were living in Srinagar, Anantanag, Baramullah, Pulwama, Shopian, Badgam and Kupwara districts of Kashmir valley and were following five thousand years old customs, believes traditions and celebrations. Militancy has placed Kashmiri Pandits on the crossroads. They took shelter in Dharma Salas, temples and in private rooms along with their relations. Many of them went beyond Jammu, North, South and East and west of India. Delhi became the hub of KP migrants.

There is feeling shy of calling them as refugees in their own land. The basic Human Right like right to life and the pursuit of happiness is denied in the case of Pandits. The dignity of the individual is ignored; women and children who are the weaker segments and deserve protection were attacked. Due to these reasons an over view of the concept of Human Rights and the various machineries, constituted for the purpose of protection of the worth and dignity of a development of the self of the human person becomes the focus of attention in this chapter, along with instances of victimization of militancy.

**Human Rights**

The actual violation of rights had happened in the case of Pandits in Kashmir. Study of Human rights its evolution, National and International endeavors to make the concept universal. Equally important are the steps
undertaken by the Human right organizations for the protection of the rights of Pandits in Kashmir. Human rights constitute those very rights which one has precisely because of being a human. To have a human right one need not to do anything special than be born a human being.

In their basic meanings, human, rights are claims of the individual for such conditions as are essential for the fullest realization of the innate characteristics which nature has bestowed on him/ her as a human being. Human Rights are essential for fullest development of human personality and for human happiness (Noberto Bobbio, 1996: 15).

**Evolution of Human Rights**

The content of human rights passed through an evolutionary process of three generations. The first generation rights were civil and political rights, the second generation rights were called economic, social and cultural rights. The third generation rights were called the Rights of Solidarity. But it is civil and political rights which take precedence over economic and social rights (Peter Malanczuk, 1997:197).

Human rights are rights inherent to all human beings, whatever their nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. These rights are all interrelated, interdependent and indivisible (khan Sarar, 2003: 134). Universal human rights are often expressed and guaranteed by law, in the form of treaties, customary international law, general principles and other sources of
international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups. They suffered pains and sorrows from militancy; nobody protected their life and rights (Rosebaum, 1980: 109).

**Concepts and Concerns**

As regards its origin, the concept of human rights derived its inspiration from a variety of philosophical sources namely, the Stoic (Greek) ideas of the “Universal Society of Rational Men”, John Locke’s theory of “Natural Law” and Jean Jacque Rousseau’s work on the “Social Contract”. The architects of American Declaration of Independence and the French Revolution (1789) provided further stimulus to the concept.

The Universal Declaration of Human Rights (10 December 1948) clearly echoes all these ideas when it states that “all men are born free and equal in dignity and rights” (Kaul Suvir, 2001: 205). According to some scholars, the concept of human rights provides both the root as well as source for many religious movements such as Christianity, Judaism and Islam. They point out that these religions contain some aspects of human rights. According to them, human rights are new versions of “natural rights “and that they are “God-given” (Kaul Shyam, 2000: 184).

John Locke’s “theory of natural law” justifies the existence of such rights”. But the theory of “natural rights” has been severely criticized by
Edmund Burke, Jeremy Bentham, Thomas H. Green and the Marxists. While Bentham makes a savage attack on “natural law” (as being imaginary rights), democracy and peace. International concern for human rights, it was voiced at first by the early Spanish school of international law and especially in the writings of Vitoria and Suarez. Both the philosophers were concerned as to what rights should be accorded to human beings under any circumstances (Lone Gani sajad, 2005: 168)

**UNO and Human Rights**

The major weakness of the UN system (with regard to human rights) lies in the fact that most government appear to view with mixed feelings the growth of a doctrine that under certain explicit conditions, an individual should be considered as subjects of international law. Russians, for instance, assert that no individual may claim UN protection against his own state.

They put forward an alternative view stating that UN jurisdiction with regard to the sphere of human rights is limited to the prevention of danger to peace. Their point of reference was a policy of discrimination by any government against an entire racial group as was evident in case of South Africa (South Asia Analysis group, paper No. 99, May 2005). The ratification of a human rights covenant is also viewed by many states in the Third World as somewhat dangerous without the presence of effective implementation provisions. According to them, if such provisions were to
be implemented, then there will be reluctance on their part to participate in any UN effort to promote human rights (Cranston, 1973: 44).

The quest for Pandits to create everlasting peace has been a dream with mankind since time immemorial. Wherever liberty, safety, dignity and citizens rights failed, it leads to divisions and discriminations. In Kashmir valley militants prevent the basic principles of the rights of Pandit community; it leads to divisions and discriminations.

Immature and unbalanced human mind is responsible for all types' of violations all over the world. Love, Universal harmony and tolerance can win in the midst of militancy. In J&K right from independence Pandits are facing so much of problems from everywhere. Many times migrants requested United Nations to help and reinsert their right and dignity. But they failed and still living in tent sheds like cattle.

**Human Rights in India**

Rights, along with duties and responsibilities, date back to the early era of human civilization. A number of ancient scriptures in India including the ‘Vedas’, the ‘Upanishads’ and various ‘Puranas’ refer to the rights of individuals, groups and society at large that of course include prescriptions regarding concurrent duties and responsibilities (Bose Tapan, 1999: 98). In modern times, many states provide their citizens with rights through their respective Constitution and Statutes. And at the same time, attempts have been made to draft and implement various
arrangements and instruments relating to rights of individuals in the international level. They include, among others, the Minorities Treaties concluded after the World War-I; Rights concerning the mandate system under the provision of Art.22 of the Covenant of the League of Nations, various provisions of the UN Character in 1945; and provisions of the Paris Peace Treaty of 1947 wherein the signatories were France, Italy, Romania, Bulgaria, Hungary and Finland (Chitkara MG, 1996: 133).

The freedom struggle in India, when viewed in its historical perspective, is also found to be a struggle for human rights. Fundamental Rights contained in Part III are essentially civil and political rights which are declared supreme under Article 13 of the Constitution and, as such, are judicially enforceable. While Directive Principles of State Policy contained in Part IV are, by and large social and economic rights which as per Article 37 of the Constitution, are not enforceable in courts of law, but, nevertheless, fundamental in the governance of the country (Mathur P C, 2007: 29).

Here in Pandit case, all authorities had failed to protect their life and basic rights. Internationally, there are so much of Laws, Covenants, Courts and Peace instruments. These mechanisms are not at all worked in favor of the Pandit community. Our nation always upholding the principles of Democracy and Secularism, failed to implement it in the case of the Pandit community.
Universal Declaration of Human Rights

It was after several efforts that the UDHR was adopted by the United nations General Assembly on December 10, 1948. It includes basic civil, economic, political, and social rights and freedoms of every person. It says that, all people are born free and equal in dignity and rights (Chandra Prakash, 1985: 73).

The preamble as well as each and article of UDHR are having much significance in the context of the enjoyment of right by the people throughout the world in which the Pandits are a part. Equality before law, Right to life and taken by social security Right to minimum standard of living, adequate health, Right to education, fearful development of personalities etc are equalized in various articles of UDHR as follows.

Article 1. All human beings are born free and equal in dignity and rights. Article 2 Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 3 Everyone has the right to life, liberty and security of person. Article 4 No one shall be held in slavery or servitude. Article 5 No one shall be subject to torture or cruel, in human or degrading treatment or punishment.

Article 6 Everyone has the right to recognition everywhere as a person before the law. Article 7 All are equal before law and are
entitled without any discrimination to equal protection of the law. **Article 8** Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. **Article 9** No one shall be subjected to arbitrary arrest detention or exile.

**Article 10** Everyone is entitled in full equality to fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

**Article 11** Everyone charged with a penal offence has right to be presumed innocent until proved guilty according to law in public trial which he has had all the guarantees for his defense. **Article 12** no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attack upon his honor and reputation.

**Article 13** Everyone has the right to freedom to freedom of movement and residence within the borders of each state. **Article 14** Everyone has the right to seek and enjoy in other countries asylum from persecution.

**Article 15** everyone has the right to nationality.

**Article 16** Men and woman of full age without any limitation use to race, nationality or religion, have the right to marry and find a family.

**Article 17** Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property.

**Article 18** Everyone has the right to freedom of thought conscience and
This right includes freedom to change his religion or belief and freedom. **Article 19** Everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and seek, receive and impart information and ideas through any media and regardless of frontiers. **Article 20** Everyone has the right to freedom of peaceful assembly and association. No one maybe compelled to belong to an association.

**Article 21** Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. **Article 22** Everyone as a member of society has the right to social security and entitled to realization through national effort and international cooperation and accordance with the organization. **Article 23** Everyone has the right to work to free choice of employment to just and favorable conditions of work and to protection against unemployment. **Article 24** Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay. **Article 25** Everyone has the right to standard of living adequate for the health and well being of himself and his family including food, clothing, housing, and medical care and necessary social services and right to security in the event of unemployment.

**Article 26** Everyone has the right to education shall be free at least in the elementary and fundamental stages. **Article 27** Everyone
has the right to freely participate in the cultural life of the community to enjoy the arts and share in scientific advancement and its benefit. **Article 28** Everyone is entitled to social and international order in which the rights and freedoms set fort in this declaration can be fully realized. **Article 29** Everyone has duties to the community in which alone the free and full development of his personality is possible. **Article 30** Nothing in this declaration may be interpreted as implying for any state, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein (Bose Sumantra, 1997: 206-208).

Under such a circumstances, the relevance of Universal declaration of Human Rights in the context of the right of the Pandits as human being is notable. This is specifically because the declaration in meant to serve as a common standard of achievement for all people and all nations.

**Kashmiri Pandits and UDHR**

Protection of mankind from exploitation of all kinds has been an ongoing world wide concern in all civilizations. Our nation also embraced the golden ideas of UDHR, but if we examine the sufferings of Pandits, in Kashmir till now didn’t get any fruitful results from UDHR.

The articles of UDHR are applicable for all people and same for all nations. UDHR says all people are born free and equal in dignity and rights. In the case of Pandits they lose their opportunity to enjoy the dignity
and equal rights. Still they are treated like strange citizens in their home country.

In Kashmir valley militancy curtailed all their rights and freedoms of the Pandit population. Many times they are discriminated by sex, color, language, religion, birth. Article 3, explains Right to life, liberty and security of person. Here Pandits had lost their liberty, right to life and security. They lose their homeland and are living in various parts of India like migrants in their own motherland.

Article 5, describes about torture. In Kashmir valley Pandits had gone through severe torture of different kinds. More than Three thousand Pandits had lost their life and thousands became the victims of heavy torture due to militancy. Equality before law that has been guranteed by Article 7, guarantees is remaining merely as words. Article 13, and 14, indicates individual freedom, which have been curtailed in the case of Pandits by militants.

In the case of Article 17, which deals with property more than three lakh Pandits lost their property in Kashmir valley. Article 26, says about education. New generation among Pandit migrants had lost their hopes and expectation about education, because they are living in migrant camp without any facilities. Their physical and mental development is also on cross roads. They lost there cultural, political and economic identity. Table 4.1 explains the violations in respect of Pandit cases.
### TABLE 4: 1

<table>
<thead>
<tr>
<th>Indian Constitutional Provisions</th>
<th>Violation of Pandits rights.</th>
<th>Examples of incidents in front of NHRC</th>
</tr>
</thead>
<tbody>
<tr>
<td>14, The state shall not deny to any person equality before the law are equal protection of the law</td>
<td>Several times authorities deny the law and equality for Pandit community. They become migrants in their own motherland.</td>
<td>Case no 139/91/2002-2003. (Three Pandit girl student were killed by militants)</td>
</tr>
<tr>
<td>15 (1), The state shall not discriminate against any citizen on grounds only religion, race, sex, cast, place of birth or any of them</td>
<td>In many occasions they become the victims of discriminations from ground level.</td>
<td>Case no. 58/91/2003-2004. (Killing of seven Vaishnvo pilgrims)</td>
</tr>
<tr>
<td>21, No person shall be deprived of his life and personal liberty except according to the procedure established by law</td>
<td>No security or protection for Pandits life. Still many cases are not settled by authorities. Their personal liberty and life become shadowed.</td>
<td>Case no. 206/91/1999-2000. (Killing of 34 Pandits at Chathis singhpora near Jammu)</td>
</tr>
<tr>
<td>19 (1), All citizens shall have the right to freedom of speech and expression</td>
<td>For the last Nineteen years their mouths are shutdown by authorities and militants. No way for expressing their right to speech and expression</td>
<td>Case no. 174/91/2002-2003. (Suomoto cognizance of the killing of 24 Pandits at Nadimarg)</td>
</tr>
<tr>
<td>16 (1), There shall be equality of opportunity for all citizens in matters relating to employment</td>
<td>All their employment opportunities are curtailed by Government authorities.</td>
<td>Case no. 135/91/2003-2004. (Rape of an 8 year old Pandit girl by police officer)</td>
</tr>
</tbody>
</table>

Source: Data collected from different documents.
Militancy had taken 2901 innocent Pandits life from 1980-2006. From 1980-1992, nearly 2651 Pandit had lost their life, since 1993 up to 2006 again 250 Pandit had lost their lives in various incidents (Roots of Militancy, State Police report 2007). Pandits argue that Indian government didn’t try to understand their problems properly are not interested to heal their wounds of violations of their Human rights in the form of Custodial deaths, fake encounters, threats, disappearances and Discriminations.

Fundamental rights and duties in corporate in the Indian Constitution never promotes any type of discriminations and differences (Rahman Mushtaque, 2001: 152). But in Kashmir valley everyday minority community has been losing their rights and duties. It leads to severe violation in whole valley and Pandits becomes the slaves of Politicians, Autocrats and Militants.

**Protection of Human Right Act, 1993**


The aim of constitutional rights in the Pandit as human beings, their basic rights are denied. Many lost their basic right to life. Human Right
violation that took place in different regions like Srinagar, Ananthnag, Baramullah, Pulwama, Shopian, badgam and Kupwara etc are presently discussed here.

Victims from Srinagar District

The capital city of J&K in a summer day, shadowed with blood of innocent Pandits. The war was started on September 14, 1989. Pt. Tikka Lal Tapiloo, a well known Pandit leader was gunned down in cold blood outside his home early morning. That was followed by several other murders A well known Kashmiri poet about 80 years old, Pt Sarwanand Premi was kidnapped along with his son from his home; they were brutally beaten, their eyes were gauged out and the two were finally hanged to death. Militancy had taken 162 peoples life (Data collected from Srinagar Dist Police HQ). Personal details of some of such incidents in which many lost their family head etc.

**Bansi Lal Sapru**, S/O: Keshav Nath Sapru, Residing in Gulab Bagh, Srinagar, Was survived by wife (37), and two Sons (16 and 13).

**Makhan Lal Raina**, S/O: Gopi Nath Raina, Residing in Kharyar, Srinagar. Was Survived by wife (42), daughter (22), son (20), father (80), mother (68). He was a medical assistant, posted at the dispensary at Khan Sahib in Badgam. Another one was **Ashwani Kumar Garyali**, S/O: Shamboo Nath Garyali, Residing in Chattabal, Srinagar, was survived by his aged father (70), mother (60), brother (26), and sister (22).
Raj Nath Dhar, S/O: Dina Nath Dhar, Residing in Qutub-ub-din pore, Alikadal, was another victim in Srinagar. Who was survived by mother (70), sister (40), and brother (32). Tika Lal Taploo, S/O: Pandit Nand Lal Taphoo, was the another person Residing in Chinkral Mohalla, Habba Kadal, Srinagar, was Survived by Wife (50), Sons (24, 21), Daughter (27). Tika Lal Taploo was a lawyer by profession and had been in politics for long. He had fought elections to the J&K Legislative Assembly a number of times. He enjoyed immense popularity as a social and political activist. He was put to bullets by the armed killers.

Radha Krishen Kaw, A Tehsil Education officer S/O: Balbhadher Kaw, Residing in Kralkhud, Srinagar Survived by wife (54), mother (75), daughter (35), son (3).was another victim. Nila Kanth Ganjoo, a Sessions judge S/O: Mahadev Ganjoo, Survived by wife (70), sons (51, 49), daughter (55) D.P. Khazanchi, a Professor of Physics S/O: Damodar Khazmanchi, from Kaniya Kadal, Srinagar was survived by wife (48), son (22), and daughter (18).

One lady named Sheela Koul (Tiku), H/O: Pran Nath Tiku, Residing at Dalhasanyar, Srinagar was genial tempered house-wife looking after her family with love and affection. On the fateful day she had gone to see her brother at Shivapora, Srinagar. While returning home at dusk she was put to bullets at Habbakadal Bridge (Data collected from Pannun Pandit Organisation).
These were only a few who lost life as an impact of militancy in which more than 162 Pandits in Srinagar District lost their life. They tortured females and looted Pandits residence, killed mercilessly. Hundreds of Pandits had been severely wounded and admitted to various hospitals in Kashmir valley.

**Anantnag District**

It is situated close to Pakistan. Initially here the Pandits and Muslims were living together like a family. But the beginning of militancy, created so much of Cultural damages in the Districts like Anantnag, Bara mullah, and Srinagar. On May 1, 1990 at Anantnag, Sarwanad Premi a retired Head master and reputed poet and his son Virendra Koul were abducted from their house by group of militants who also took away their gold jewel and valuables. Their dead bodies were found 20 kms away from their home town. Largest victims from this district are females (69). Number of male that lost their life remains 53. Between the age group 36-55, people who lost life include Prominent Lawyers, Poet and Teachers (Data collected from SP office Ananthnag).

**Prem Nath Bhat**, S/O: Laxman Ji Bhat, Residing in Anantnag, was survived by wife (52), sons (42, 38), and daughter (31). He was a prominent lawyer enjoying immense popularity and confidence of all communities. Having attended the court for the day he was returning to his home when the terrorists pumped bullets straight into his head. So also
Sarwanand Koul "Premi" and Virendra Koul, S/O: Gopi Nath Koul, Residing at Sofshalli, Anantnag, was survived by wife (60), son (35), and daughter (26). "Premi" was a poet and scholar.

Ravinder Kumar Pandita was another victim. He was from Mattan, Anantnag, was survived by wife (30), mother (60), daughters (4, 6, 6(twins)). He was working in the Telecommunication Department as daily worker. He was poor and bereft and lived in absolute indigence. Bushan Lal Koul, S/O: Shridhar Koul, who was Residing at Amnoo, Anantnag, Survived by wife (37), son (19), He was a government employee. Shiban Kishen Koul from Ashmuji Kulgam Survived by wife (35), mother (55), son (15), and daughter (13) He was a primary school teacher who lost his life due to militancy.

Omkar Nath Wali, S/O: Parmanand Wali, Residing at Chak-i-Rajwati, Vessu, Anantnag, and Survived by wife (50), son (28), and daughters (24 and 22) He was an assistant sub-inspector of police posted at District Police Lines, Anantnag. Like this 222 Kashmiri Pandits were reportedly killed and some cases were brought before the NHRC as well as SHRC (Data collected from Pannun Pandit Organisation).

Barramullah District

This district also very close to Pakistan. Several Pandits of the region also lost their life due to militancy. On May 7, 1990 at, Baramulla, Prana Ganjoo was abducted along with her husband, she was gang raped
for a number of days and her body was abandoned on the riverbed and her husband was killed. On August 13, 1990 at Baramulla, Babli Raina, a teacher in Education Department was gang raped in her house in presence of her family members and killed. People of different age group included in the list of between 1990-91 due to militancy in these district 123 males and 68 Females (Data collected from Koshur Samachar).

**Ajay Kapoor, S/O: Shiva Nath Kapoor, Residing in Old Post office, Baramullah, Survived by wife (47), son (25), and daughter (15) He was a businessman. Manmohan Bachloo, S/O: Janki Nath Bachloo, Residing in Qazihama, Baramulla, and Survived by Father (67), mother (56), sisters (25, 23, and 19) He was in his twenties and was posted at Karnah as a Postal Assistant in the Postal Department. Maheshwar Nath Bhat, S/O: Zana Bhat, from Baramullah, Survived by wife (65), son (35), and daughters (30, 27, and 24) He is working in Forest Department (Data collected from Koshur Samachar).**

**Pulwama District**

It is a known militant hub in Kashmir valley. On August 11, 1990 at Khrew, Pulwama, militants from the factory premises kidnapped manager of Government cement factory O.N.Chowdary. His dead body was found after three days it marks of brutal torture. On March 30, 1991 Asha Koul was abducted from Pulwama her native village. She was gang raped and tortured in a deserted house and her dead body was found after
five days. The victims' between 1990-91, nearly 102 male had lost their life due to militancy (Data collected from Pulwama SSP office). Personal details collected regarding some of the victims are as follows.

**Ashok Kumar**, S/O: Basker Nath, Residing in Pulwama, and Survived by father (55), mother (54), and sisters (30 and 24) He was unemployed and unmarried too. **Dilip Kumar**, S/O: Mohan Lal, from Mujamarag, Pulwama, and Survived by mother (55), brothers (26, 18, and 15) He was a teacher and social worker. **Pushker Nath Razdan**, S/O: Tika Lal Razdan, from Khonmuha, Pulwama, Survived by wife (43), sons (23, 20), daughter (16) Some terrorists under masks barged into his house at 9 in the night and straightaway knocked him down and dragged him out. He was shot at the left side of his chest. In Pulwama district militants killed 142 Pandits. Village Committees from Pandit community filed a case in NHRC and SHRC about these incidents without any response (Data collected from Various Pandit Organisations).

**Shopian District**

This district is a beautiful area of Kashmir valley. On May 26 1990 Brij nath kaul and his wife Ratna and his sister Sunita were abducted from their house. The women were stripped naked and molested in front of large number of people. Later they were taken to an isolated place and gang raped and killed. Their dead bodies were totally mutilated. Sohan Lal Braroo from Shopian was shot dead during night. The daughter
succumbed during the gang rape itself and mother who was shot at after rape died in hospital. Nearly 248 people are killed due to militancy from this district during 1990-91 (Data collected from Shopian SSP office). This includes women, male and children from all age groups. Some of such incidents are noted below.

**Surinder Kumar Raina**, S/O: Jia Lal Raina, Residing in Shopian, Survived by sisters (35, 21), brothers (27, 14) He was in his twenties and an orphan. **Attar Singh**, S/O: Fateh Singh, from Saimnnoo, Shopian, Survived by sons (36, 30, and 20), daughters (28, 26) He was an ex-serviceman. He was suspected of being an informer. He was employed at the branch office of the Hindustan Petroleum in Pulwama. As per data Female become the main victim of Pak sponsored militancy in Pulwama District (Data collected from various Pandit Organisations).

**Badgam District**

It was a developing district in the Kashmir valley and newly formed district. The famous Hindu pilgrimage centre called Kishtwar also close to Budgam. From this district 151 males had become the victim of militancy. 68 women also died due to militancy. This place is close to the border district like Doda and Kishtwar (Data collected from Badgam SSP Office).

**Veer Ji Bhat**, S/O: D.N.Bhat, from Nagam, Badgam, and survived by wife (30), daughter (5), son (3), father (60), and mother (58) He was employed as a Junior Engineer in the State Irrigation Department and was
posted at Budgam. **Surinder Kumar Koul**, S/O: Som Nath Koul, Residing in Badgam, survived by father (50), mother (45), brother (30), and sister (33) the whole family had shifted to Jammu in the wake of terrorism.

**Gopi Nath Raina**, S/O: Govind Ram Raina, from Budgam, Survived by wife (45), daughters (28, 20, 17, 15, 12) He was running a medical shop at Kangan and being a Pandit was suspected of having the credentials of an informer.

In Budgam District militants killed 219 Pandits (Data collected from various Pandit Organisations). Most of the victim’s relatives submit Mass petitions to SHRC and NHRC to take an immediate step for genocide. According to them the authorities are still keeping silence and minority communities didn’t get any justice from anywhere.

**Kupwara District**

It is a beautiful valley of Kashmir. Famous Lollab valley is situated in Kupwara. It also lies close to Pakistan border. On May 2, 1990 Chuni Lal Sharma, Inspector of state police travelling in a bus from Kupwara to Sopore was made to get down from the bus and lynched his joints were broken with riffle butts by militants before he was shot dead. On June 6, 1990 at Trehgm, Kupwara, Girija Tickoo, working in a laboratory in Government girls school, Trehgam was abducted, gang raped for many days and shred into pieces on a bar and saw mill. Similar incidents had also happened due to militancy. 119 male had lost their life
due to militancy (Data collected from SSP office). Kupwara situated near to POK. Some of such incidents are noted below

**Jagar Nath Pandita**, S/O: Ganesh Das Pandita, He was a widower and was kidnapped from his house and taken to the thick groves of his own orchard where he was strangulated with steel wires. **Kanya Lal Peshin**, S/O: Kanth Ram Peshin, Residing in Lolaab, Kupwara Survived by wife (48), sons (24 and 18), and daughter (16) He was a poor farmer and was kidnapped from his house at 9 in the night. He was taken 3 kilometers away from his own village and was brutally tortured.

**Ashok Kumar Bazaz**, from Kupwara, Survived by wife and seven daughters (19, 16, 13, 11, 7, and 3). He was in his forties when he was shot dead by the terrorists. He was a petty shop-keeper dealing in groceries. He was accused of being an informer and an agent of India. Militants had killed 158 Pandits in Kupwara district from 1990 to 1991 (Data collected from various Pandit Organisations). These incidents are showing that NHRC and SHRC failed to protect Kashmiri Pandits rights.

From 1985-1992, thousands of innocent Pandits lose their life. Ambushes, assassinations, attack on convoy’s bridges and pipelines of drinking water everything in the name of Azad Kashmir. The study revealed that during the period 1990-1991 totals 1342 Pandits become the victims of militancy. It includes 79 males and 21 females between the age group of 0-15 years, 183 males and 94 females of the age group 16-35,
and 373 males and 181 females from age group 36-55 and above 56 years from 292 males and 127 females was made the victims of militancy (Data collected from survey). This peace loving minority with a modern outlook became the main victim of militancy.

It is very significant to note the Human Right violation against the weaker section of the community, the children and women. It was the duty of the NHRC, SHRC and other human right organizations to protect the basic Human right of these sections of population shows in Table 4.2.

**TABLE 4: 2**

**Total Victims from Kashmir Valley in 1990-1991**

<table>
<thead>
<tr>
<th>No</th>
<th>Districts</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Srinagar</td>
<td>107</td>
<td>55</td>
<td>162</td>
</tr>
<tr>
<td>2</td>
<td>Anantnag</td>
<td>53</td>
<td>69</td>
<td>122</td>
</tr>
<tr>
<td>3</td>
<td>Baramullah</td>
<td>123</td>
<td>68</td>
<td>191</td>
</tr>
<tr>
<td>4</td>
<td>Pulwama</td>
<td>102</td>
<td>48</td>
<td>150</td>
</tr>
<tr>
<td>5</td>
<td>Shopian</td>
<td>172</td>
<td>76</td>
<td>248</td>
</tr>
<tr>
<td>6</td>
<td>Badgam</td>
<td>151</td>
<td>68</td>
<td>219</td>
</tr>
<tr>
<td>7</td>
<td>Kupwara</td>
<td>119</td>
<td>39</td>
<td>158</td>
</tr>
</tbody>
</table>

Source: Data collected from various sources.

It is revealed that in 1990-91 year itself 1184 Pandits were killed by militants in the seven districts of Kashmir Valley. The Districts like Anantnag, Shopian and Bugam are the strong militant's area. Besides the Pandits communitys, Kashmir militancy created so many Human loses in general disappearance, torture and all types of Human Right violations
had taken place. The table 4.3 shows between, 1980-92 there were 8157 killings due to militancy. Out of this 2651 were Kashmiri Pandits.

**TABLE 4:3**

**Human lose due to militancy between from 1980-1992**

<table>
<thead>
<tr>
<th>S.No</th>
<th>Category</th>
<th>Total Killed</th>
<th>Pandits</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>S.F.Personal</td>
<td>2102</td>
<td>No Data</td>
</tr>
<tr>
<td>2</td>
<td>Govt Officials</td>
<td>515</td>
<td>407</td>
</tr>
<tr>
<td>3</td>
<td>Top Political Leaders</td>
<td>18</td>
<td>14</td>
</tr>
<tr>
<td>4</td>
<td>Politicians</td>
<td>316</td>
<td>208</td>
</tr>
<tr>
<td>5</td>
<td>Judiciary</td>
<td>12</td>
<td>9</td>
</tr>
<tr>
<td>6</td>
<td>Pressmen</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>7</td>
<td>Pandits</td>
<td>More than 2006</td>
<td>More than 2006</td>
</tr>
<tr>
<td>8</td>
<td>Muslims</td>
<td>More than 589</td>
<td>-</td>
</tr>
<tr>
<td>9</td>
<td>Sikhs</td>
<td>147</td>
<td>-</td>
</tr>
<tr>
<td>10</td>
<td>Others</td>
<td>445</td>
<td>-</td>
</tr>
<tr>
<td>11</td>
<td>Militants</td>
<td>More than 1995</td>
<td>-</td>
</tr>
<tr>
<td>12</td>
<td>Foreign Tourists</td>
<td>3</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>8157</strong></td>
<td><strong>2651</strong></td>
</tr>
</tbody>
</table>

Source: Data collected from Helpline office, Nagrota.

Kashmir militancy had taken more than Forty Eight thousand lives till 19 September 2010. From 1980 to 1992 nearly 8157 persons including 2651 Pandits lost their lives. During 1990-1991 themselves about 1342 Pandits lost their lives.
Massacres of Pandits between 1993-2006

From 1993 to 2006, militants killed 250 Kashmiri Pandits in various places. In the beginning the militants got some supports from inside the Valley. Later they didn’t get any types of supports from Kashmir valley. In Doda district itself, militant’s unleashed attack eight times including an attack towards Marriage party. Women and children were also lost their life during this period (Data collected from researcher’s field survey).


In 2000 March 20 Chattisingpora massacre, Kot Charwal massacre in February 8, 2001, Qasim Nagar massacre in July 13, 2002, Nandimarg Massacre in March 24, 2003, and Kulhund and Basantgarh massacre in April 29, 2006. In all these cases NHRC and SHRC didn’t take any actions.

Table 4: 4 provides details about Massacres of Pandits from 1993 to 2006.
TABLE 4: 4
Massacres of Pandits from 1993-2006

<table>
<thead>
<tr>
<th>Date</th>
<th>Massacres</th>
<th>Place</th>
<th>Male</th>
<th>Female</th>
<th>Children</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>August.14,1993</td>
<td>Kishtwar</td>
<td>Doda</td>
<td>11</td>
<td>4</td>
<td>-</td>
<td>15</td>
</tr>
<tr>
<td>March,21,1997</td>
<td>Sangrampura</td>
<td>Srinagar</td>
<td>6</td>
<td>-</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>June 15,1997</td>
<td>Gool</td>
<td>Ramban</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td>Jan 25,1998</td>
<td>Wandhama</td>
<td>Wandhama</td>
<td>13</td>
<td>7</td>
<td>3</td>
<td>23</td>
</tr>
<tr>
<td>April 17,1998</td>
<td>Prankot</td>
<td>Udhampur</td>
<td>10</td>
<td>5</td>
<td>3</td>
<td>18</td>
</tr>
<tr>
<td>June 19,1998</td>
<td>Champangiri</td>
<td>Doda</td>
<td>10</td>
<td>8</td>
<td>2</td>
<td>20</td>
</tr>
<tr>
<td>July 27,1998</td>
<td>Thakri&amp;sarwan</td>
<td>Doda</td>
<td>12</td>
<td>4</td>
<td>-</td>
<td>16</td>
</tr>
<tr>
<td>July 19,1999</td>
<td>Defense committee</td>
<td>Doda</td>
<td>8</td>
<td>-</td>
<td>-</td>
<td>8</td>
</tr>
<tr>
<td>March 20,2000</td>
<td>Chattisinghpors</td>
<td>Doda</td>
<td>24</td>
<td>8</td>
<td>2</td>
<td>34</td>
</tr>
<tr>
<td>Feb 8,2001</td>
<td>Kot Charwal</td>
<td>Rajouri</td>
<td>4</td>
<td>4</td>
<td>7</td>
<td>15</td>
</tr>
<tr>
<td>May 9,2001</td>
<td>Village attack</td>
<td>Doda</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>July 22,2001</td>
<td>Doda</td>
<td>Doda</td>
<td>6</td>
<td>6</td>
<td>3</td>
<td>15</td>
</tr>
<tr>
<td>July 13,2002</td>
<td>Qasimnagar</td>
<td>Jammu</td>
<td>14</td>
<td>10</td>
<td>3</td>
<td>27</td>
</tr>
<tr>
<td>March 24,2003</td>
<td>Nandimarg</td>
<td>Kulgam</td>
<td>10</td>
<td>12</td>
<td>2</td>
<td>24</td>
</tr>
<tr>
<td>April 29,2006</td>
<td>Kulhund</td>
<td>Doda</td>
<td>11</td>
<td>6</td>
<td>2</td>
<td>19</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>250</td>
</tr>
</tbody>
</table>

Source: Data collected from various sources during survey

The Researcher visited most of the militant affected villages of J&K where these killings had happened. It is observed that the violation against Kashmiri Pandits, State and Central Government has not given
much protection. From 1985 to 2006 more than 2901 Pandits had lost their life. More than 3 lakhs and 50,000 Pandits had lost their homeland.

Now this community is suffering much. In spite of its glorious past, its great contribution to Literature, Arts, Temple architecture, Science and Philosophy and also to India’s Freedom struggle through its illustrious families like Nehrus, Saprus, Katjus, Kouls etc. It is on the brink of extinction as a community. They are refugees in their own country. A concerned regard for this community is awaited as a Human Right.

**Kashmiri Pandits Property Destroyed**

The houses vacated by the Kashmir Pandits were torched, damaged or occupied by the militant’s outfits. More than 30,000 houses belonging to Pandits, hundreds of their business establishments, educational institutions, cultural and religious institutions have been destroyed or burnt with the objective of decimating all traces of 5000 years old history and culture in Kashmir (Christophe Jafferlot, 2001: 177).

As per the report of the Home Affairs, the total number of private houses and shops destroyed by militants, up to January, 1990 were 11754 (10005 houses and 1749 shops). In July, 1990 only militants destroyed 40 temples and 150 houses (J&K Ministrey of Home Affair Report, 2005).
Most of the incidents are reported from Anantnag, Baramulla and Kupwara districts. From 1990 to 1992 villages like Wadipora in Kupwara, Chinigund, Verinag and Dooru in Ananthnag, Shergund in baramulla, Kokernag and Chakinarian entire Pandits houses, schools, Dharma Salas and Ashrams were reduced to ashes. They looted the property left over in the vacated houses. Furniture, furnishings, beddings, clothing’s, electronic items, washing and sewing machines, kitchen materials, bathroom fittings, gas cylinders, motor cars, gold silver and precious stones were all looted.

**Temples**

As per the State Government report only 170 out of 430 temples have been damaged in the militancy related incidents in Kashmir Valley over the past 20 years. It also said that out of 170 temples 90 have been renovated at a cost of Rs.33.00 lakh by the State Government (J&K Standing Committee Report of Home Affairs, 2008).

Table 4.5 provides detailed information’s about important temples attacked by militants during 1987-1990.
### TABLE 4:5
**Important Temples Desecrated, Damaged or Destroyed**
**Between 1987-1990**

<table>
<thead>
<tr>
<th>Temples name</th>
<th>Place</th>
<th>Loses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sri puran raja bhairo</td>
<td>Hawal-Srinagar</td>
<td>Completely Burnt</td>
</tr>
<tr>
<td>Vamdev mandi</td>
<td>Hari parbat</td>
<td>Completely Burnt</td>
</tr>
<tr>
<td>Kathlish war mandir</td>
<td>Srinagar</td>
<td>Partly damaged</td>
</tr>
<tr>
<td>Gouri Shankar mandir</td>
<td>Kani-kadal</td>
<td>Damaged</td>
</tr>
<tr>
<td>Samyar mandir</td>
<td>Habba kadal</td>
<td>Completely Burnt</td>
</tr>
<tr>
<td>Shiv mandir</td>
<td>Srinagar</td>
<td>Burnt</td>
</tr>
<tr>
<td>Shiv Mandir</td>
<td>Malapora</td>
<td>Burnt</td>
</tr>
<tr>
<td>Sheelputri Asthapan</td>
<td>Baramullah</td>
<td>Burnt</td>
</tr>
<tr>
<td>Gautamnag Mandir</td>
<td>Anantnag</td>
<td>frequently attacked</td>
</tr>
<tr>
<td>Raghunath Mandir</td>
<td>Ananthnag</td>
<td>Frequently attacked</td>
</tr>
<tr>
<td>Tikipora Manadir</td>
<td>Kupwara</td>
<td>Damaged</td>
</tr>
<tr>
<td>Lakshmi Narayan Mandir</td>
<td>Bulbul Lankar</td>
<td>Looted&amp; Burnt</td>
</tr>
<tr>
<td>Shopian temple</td>
<td>Shopian</td>
<td>Completely destroyed</td>
</tr>
<tr>
<td>Shiv Mandir</td>
<td>Batayar</td>
<td>Burnt</td>
</tr>
<tr>
<td>Holy spring with Shiva idol</td>
<td>Khrew</td>
<td>Completely Destroyed</td>
</tr>
</tbody>
</table>

Source: Data from different sources.

Table 4.5 shows four temples are burnt, other fours had been completely destroyed and others had partially damaged by militants. As per Government sources more than 430 temples have been damaged due to militancy. But, as on March, 2008, during the census programmed by
KPSS they came across 665 temples which have been damaged due to militancy related incidents during the past 20 years (Sensus Conducted by KPSS).

**Educational Institutions**

More than 105 educational institutions were destroyed, damaged, or burnt by militants. It was a well planned destruction of Schools and colleges in Kashmir valley (Bose Sumantra, 2003: 123). Table 4.5 shows fact sheet of Atrocities on Kashmiri Pandits.

**TABLE 4: 5**

**Fact Sheet of Atrocities on KPs**

| Educational Institutions Destroyed/Burnt, damaged forcefully occupied | 105 |
| Religious & Cultural Institutions destroyed/burnt/ damaged Temples/Ashrams/Dharma Salas | 103 |
| Business Houses established (including shops looted / burnt, factories looted / burnt, occupied) | 14430 |
| Agriculture dependent families deprived of their land and source of income | 20,000 |
| Horticulture dependent families deprived of their resource | 12,500 |
| Houses Burnt | More than 30,000 |
| Houses looted | 97% |

Source: Data collected from different documents

The aim was to prevent their fundamental right of Education. Twenty Three education institutions were burnt and damaged around Srinagar district only (Hassan Sayed, 1987: 89). Pannun Kashmir
approached Central and State governments to re-construct these educational institutions because it curtails the plight to education of the children. But this grievance was not yet been heared.

**Human right violations against Pandits and role of NHRC & SHRC**

The central government constituted a body known as the NHRC to exercise the powers conferred upon and to perform the functions assigned to it under the NHRC (Illmas futehally, 2004: 188). Accordingly different states in India the Indian union have fallen steps to SHRC.

The State of Jammu and Kashmir, which is an integral part of the Union of India, in its relation with the Union of India, is governed by the provisions of Article 370 of the Constitution of India. In the matters which fall under Union List (List-I) and Concurrent List (List-III), the Parliament has the power to make laws for the entire country. The provisions of the Act are similar to the provisions of Protection of Human Rights Act, 1993. Like all State Human Rights Commissions, the Jammu and Kashmir Sate Human Rights Commission also exercises powers concerning violation of Human Rights in the State of Jammu and Kashmir (Jean Philip, 1987: 110).

Keeping in view the special status granted to the State of Jammu and Kashmir under article 370 of the Constitution of India and legal provisions there under, Section 1 of the Protection of Human Rights Act,
1993 (PHRA) states that it shall apply to the State of Jammu and Kashmir only in so far as it pertains to the matters related to any of the entries enumerated in List I or List III in the Seventh Schedule to the Constitution as applicable to that State (Jha Pream Shankar, 1996: 149).

The provision has not negatively impacted the mandate of the NHRC, India in so far as the State of Jammu and Kashmir is concerned, except with regard to matters falling under List II of the Constitution of India (State List). Section 12, 13, 17 and 18 give the NHRC, India enough power to enquire into any complaints of human rights violations across the length and breadth of the Country (Asgar Ali, 1991: 99).

The Commission has also acted suo motu to intervene in instances when, on the face of it, human rights appear to have been violated. Several cases were brought before the NHRC and SHRC regarding violations of rights of Pandits. Reports show that NHRC and SHRC were not active to solve minority Pandits issues in Kashmir valley.

Figure 4:1 shows that from 1993 to 2007, more than 3012 cases were registered and, 1483 of them settled and 1529 cases are still pending. However Human Right problem solving mechanism does not work properly in Kashmir Valley.
Figures 4:1

Year wise Status of cases Registered by NHRC in Respect of J&K

<table>
<thead>
<tr>
<th>Year</th>
<th>Cases Registered</th>
<th>Cases Settled</th>
<th>Pending</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993-94</td>
<td>10</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>1994-95</td>
<td>132</td>
<td>59</td>
<td>73</td>
</tr>
<tr>
<td>1995-96</td>
<td>147</td>
<td>57</td>
<td>90</td>
</tr>
<tr>
<td>1996-97</td>
<td>317</td>
<td>109</td>
<td>208</td>
</tr>
<tr>
<td>1997-98</td>
<td>400</td>
<td>137</td>
<td>263</td>
</tr>
<tr>
<td>1998-99</td>
<td>269</td>
<td>129</td>
<td>140</td>
</tr>
<tr>
<td>1999-2000</td>
<td>209</td>
<td>119</td>
<td>90</td>
</tr>
<tr>
<td>2000-01</td>
<td>295</td>
<td>124</td>
<td>171</td>
</tr>
<tr>
<td>2001-02</td>
<td>284</td>
<td>134</td>
<td>150</td>
</tr>
<tr>
<td>2002-03</td>
<td>178</td>
<td>70</td>
<td>108</td>
</tr>
<tr>
<td>2003-04</td>
<td>214</td>
<td>184</td>
<td>30</td>
</tr>
<tr>
<td>2004-05</td>
<td>184</td>
<td>116</td>
<td>68</td>
</tr>
<tr>
<td>2005-06</td>
<td>162</td>
<td>132</td>
<td>30</td>
</tr>
<tr>
<td>2006-07</td>
<td>211</td>
<td>109</td>
<td>102</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3012</strong></td>
<td><strong>1483</strong></td>
<td><strong>1529</strong></td>
</tr>
</tbody>
</table>

Source: Various reports based on NHRC and NGOs in Kashmir

Figure 4.1 gives enough data that NHRC is too slow in settling cases. Reference has been made in the forth coming pages of such cases without which the study would be in complete.
Some of the important cases registered relating to the Pandits before the State of Jammu and Kashmir in NHRC

Many of the cases have its nature of violation of Fundamental rights embodied in the Constitution.

Alleged abduction and subsequent killing of Pandit Advocate of Srinagar by the security forces (Case No.9023/95-96/NHRC).

Related to the death of Adv. Dina Ram by security forces near his home. His family gives a complaint to NHRC and Home ministry to condom the responsible officers. Claiming that it was naked violation of Indian Constitution Article 21.

Rehabilitation of Kashmiri Pandits (Case No. 490/9/97-98)

The umbrella organization of Panun Kashmir and other Some NGOs filed a petition in NHRC to rehabilitate the victims of genocide. NHRC took an immediate step for exile community and ordered state to start migrant camps in Jammu.

Killing of 34 people by the militants in village Chathi Singhpora, Jammu & Kashmir (Case No. 206/9/1999-2000).

In the cold night of Pournami militants attacked Chathi singhpora village and killed 34 innocent Pandits. It included woman, children and old people. Pandit organizations filed a case in NHRC to conduct an enquiry.
about massacre and provide financial help for victim’s families and rehabilitate them. For which NHRC enquiry is going on.


The commission has taken suo motu cognizance of media report, dated August 31, 2000 which demanded NHRC conduct urgent enquiry on Disappeared persons in the valley. They wanted to know whether they are alive or not.

The chairman of All Party Huriyath committee Shri Syed Ali shah Gilani submitted a written compliant to NHRC requesting urgent steps for preventing militancy in Kashmir and provide enough help to innocent migrant Pandits.

Killing of three Pandit girl students by the militants (Case No.139/9/2002-2003).

Three Pandits girl student from Srinagar were killed by militants near the school. The family members of innocent girls had given complaint to NHRC. Latter the victim’s family got some financial help from NHRC as a part of Pandit package.

The Commission has taken suo motu cognizance of the killings of 24 Kashmiri Pandits in the terrorist strike on 24 March 2003 in Kulgam, Pulwama in Jammu & Kashmir. It has called for a factual report from the Secretary, Ministry of Home Affairs and Jammu & Kashmir Government. The Chairperson visited Jammu & Kashmir in May 2003 where he reviewed the relief and assistance provided to Kashmiri Pandits in migrant’s camps set-up there.

**Suo-motu cognizance of a newspaper report in the Kashmir Times dated 08.06.2003 captioned “Six custodial deaths reported in six months” (Case No. 51/9/2003-2004-ad).**

The commission has taken suo motu cognizance of media report that six custodial deaths are reported in six months. As per Kashmir Times report from January 2003 till the end of June six innocent Pandit youths died in police custody. State government conducted an enquiry and suspended some police officers, later all accused officers joined duty. Still the trail is going.


The Commission took suo motu cognizance of media report that lacks security had aided the terrorists in their attack on a longer in Jammu on
20 July 2003, which resulted in the death of 7 Vaishno Devi pilgrims. The Commission is now awaiting a response from the Government of Jammu & Kashmir on the payment of compensation, ex-gratia, to the next-of-kin of the deceased.

**Rape of an 8 year old Pandit girl working as a maid at the residence of a police officer (Case No. 135/9/2003-2004-WC).**

Menu Matto the eight year old Pandit girl was working as a maid in high rank police officer residence at Jammu. The girl was tortured badly and killed. Her dead body was thrown away into a canal. After this incident the police officer informed her home that the girl was missing. Two-days after, her body was found from a canal. Postmortem report shows, she was tortured badly and killed. Her parents filed a case against police officer in NHRC and Central government. After NHRC enquiry the commission found that the police officer was responsible for killing of the innocent girl. He was punished and suspended from department and put into jail.

**Loss of Life and Property due to Genocide in Jammu & Kashmir (Case No. 76/9/2005-2006).**

Panun Kashmir organization filed a case in NHRC on September 2005/06. Requested to conduct a truthful enquiry on loss of life and property due to Pak sponsored militancy. But till now NHRC didn’t
conduct any type of enquiry about innocent victims.

**Suo-motu cognizance of newspaper reports in the The Pioneer and others titled three pandit boys shot dead in Kashmir**” (Case No. 41/9/2005-2006-AF).

The commission has taken suo motu cognizance of killings of innocent three Pandit boys at Ananthnag on September 2005/06. Ministry of Home affairs and state Government conducted an enquiry about this case. The commission proceedings are continuing.

**Complaint from Dr. Syed Nazir Gilani, Secretary General, JKCHR regarding threat to life (Case No. 83/9/2006-2007-AF)**

Dr Syed Nazir Gilani, Secretary of J&K council for Human right had given a complaint to NHRC that the Militancy creates threat for all Kashmir's. NHRC requested State government to take immediate step for preventing militancy in whole valley (Data collected from NHRC and SHRC Offices).

The above mentioned cases show that, there is naked Human right violations in J&K. NHRC didn’t take any urgent actions against victims. Every year NHRC is receiving so many complaints from Pandit organizations, but actions are very slow. It has been alleged that there are political interference in various forms of the smooth functioning for NHRC. Now days Pandits lost their trust and belief about NHRC. They
understood that NHRC is a doll in the hands of Indian bureaucrat.

The purpose of life is to be happy. Since birth to death, every human being wants happiness and not sufferings. Human rights thought and action becomes a program, a blueprint, for a just society but a blueprint with vacant spaces, disallowing at the outset the preconditions for exercising the right to be human. Good human beings and good members of the human family can contribute something to protect and safeguard the basic rights of all the human beings.

**Impact of Human right violations against Pandits**

They the last twenty years have witnessed a perpetuation of human rights' violation against this community which had to leave the valley helter-skelter and got dispersed far and wide in different parts of the country (Kaul R U, 1999: 107). Most of the nearly three hundred thousand refugees came out with clothes barely enough to cover their bodies.

They came out with the illusion of a return to their homes and hearths in the near future. Families got split and scattered in the scramble for shelter and livelihood. Parents got separated from children, spouses from their partners, brothers from sisters. They are still on the move from one place to another like wandering nomads looking for help and succor (Korbel Josef, 1996: 149).
As a result of this dispersal the social fabric of the community is torn asunder, the economic structure has collapsed, material possessions have vanished and the political base has been overturned. The old and infirm of the community have met a premature end, dying for want of health and family support (Khan Roedad, 1993: 49).

A large number of youth suffered mental breakdown. Depression, panic attacks, phobias, nightmares and insomnia have seized all age groups. Unnatural deaths in the form of sunstroke, snake and scorpion bites, hydrophobia and accidents have taken a big toll. The terror, a feeling of siege, a sense of bootlessness and loss of identity, the trauma of forced migration, exposure to an alien and hostile environment, problem of acclimatization, poor housing, insanitary conditions, lack of basic amenities like drinking water, malnutrition and idleness compounded by hurt and humiliation have orchestrated to result in physical, mental and psychological trauma of unimaginable magnitude.

The spectre of disease, death and extinction are haunting the community. It seems unlikely that the community will ever be able to organize itself again into a cohesive social and political entity which is vital for its survival and resurgence. Far from regaining its pristine glory, it is hard pressed to keep body, mind and soul together.
Kashmiri Pandits hand over memorandum to Ban Ki Moon at UN office

In 26 September 2008 Kashmir Pandits demonstrated outside the UN office in Newyork. Kashmir Pandit community as internally displaced people demanded to –

1) Direct the Government of India to set up a commission of enquiry to establish the causes that led to the selective targeted killings of Kashmir Pandits and subsequent forced exile and appropriative the responsibility and punish the guilty.

2) Direct Government of India to ensure adequate protection to the resident Kashmir Pandit population currently living in the Kashmir valley.

3) Grant funds to Kashmir Pandits for the preservations and documents of relics of Kashmir Pandit heritage and culture.

4) Direct the government of India to restore Kashmir Pandits political and economic rights that would give them equal status rather than a second class citizenship in their native land of Kashmir.

5) Direct Government of India to hand over the management of Kashmir Pandits religious shrines, icons and cultural centers to Kashmir Pandit (Pant Kusum, 2009: 132-133)
They have submitted a Memorandum to UN Secretary General on November 26, 2008 at Newyork. They requested the Secretary General to involve in the genocide community problems and give an instruction to responsible authorities. They expressed their trust in the UN and they hoped that UN will solve all Uncertainties.

They are begging peace to the world and the Human Rights Organizations, the United Nations and other such bodies which monitor human rights violations. After having thrown them out of their natural habitat, the militants are now vandalizing, destroying and torching the property worth hundreds of crores left behind and appropriating their lands and estates.

They are appealing to free and peace loving communities of the world against the Pak-sponsored militancy in the valley which has turned this heaven into a veritable hell and thus, only trying to strengthen the hands of the Government of India. Human right Organizations like NHRC and SHRC are completely silent in their cases. Now their dream to return to their home, Kashmir valley. It is true to rehabilitate Kashmiri Pandits with their dignity also protecting their lives and heart. Then only our countries unity and integration and the glorious idea of Vasudeva Kudubakam will be realized.

The issue of demand for a homeland is discussed in the next chapter.