

**KASHMIR**  
**A REPORT TO THE NATION**

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**22-27 MAY 1993**

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**PEOPLES' UNION FOR CIVIL LIBERTIES**

**CITIZENS FOR DEMOCRACY**

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# Kashmir : a Report to the Nation

## PRELIMINARY

The situation in Kashmir has been without question disquieting for a long time. While quite a few of us are connected in our individual capacity with various initiatives regarding the Kashmir situation, it was strongly felt towards the last quarter of 1992 that a combined delegation of PUCL (People's Union for Civil Liberties) and CFD (Citizens for Democracy) should pay another visit to Kashmir. The weather however was not favourable at that point of time and it was decided to defer it to the end of the winter season.

2. In January 1993, there was an important development which needs to be referred to. Yasin Malik, President of the JKLF, had to undergo a bypass heart surgery at the All India Institute of Medical Sciences, New Delhi. After the operation had been carried out and he was still convalescing, he went on a hunger strike demanding that, contrary to the policy being followed by the Government of India so far, a team of Amnesty International be allowed to visit Kashmir.

It was in this crisis situation that some persons connected with the Kashmir problem approached the PUCL as also the CFD. The Presidents of both these bodies called upon Yasin Malik and persuaded him to call off his hunger strike on the assurance that a joint delegation of these two bodies would visit J&K before long. Such a visit was on the cards in any case, it was explained to him.

Before the winter was over came the news of the tragic assassination of Dr. A.A. Guru. He had been in Delhi for some time during this period and the delegation looked forward to some interaction with him. Owing to this unexpected development, the visit had to be delayed somewhat and could be fixed only from the 22nd to the 27th May, 1993. Rajinder Sachar and Amrik Singh represented the PUCL and Kuldip Nayar and N.D. Pancholi represented the CFD. Balraj Puri, whose record of work in regard to defence of human rights extends to several decades, and who is also on the

National Council of the PUCL, joined the delegation from Jammu. Below is presented the report of the delegation.

It may be added here that while the Ministry of Home Affairs was informed about the proposed visit, no security protection was sought. The delegation moved about on its own and paid for its own stay and travel.

3. Amongst the issues upon which the delegation decided to concentrate upon in the course of the visit, the following may be specifically mentioned .

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

4. In addition, the delegation also decided to call upon the families of three persons who may be said to have laid down their lives at the altar of human rights. This refers to H.N. Wanchu, Dr. F. Ashai and Dr. A.A. Guru.

On the very first day, the delegation visited the families of the three persons named above in Srinagar. Mrs. Wanchu described in some detail how the assassins had visited the house on more than one occasion preceding the day of the assassination. On the third occasion, they took him out allegedly to attend to some situation that had arisen. A couple of hours later however came the news of his assassination.

After his body had been brought home, the question arose where he was to be cremated. The police authorities would not permit a funeral procession to be taken out. Thousands of people had collected meanwhile. After a good deal of discussion and debate, his body was cremated in the compound of the D.A.V. School nearby. A kind of *samadhi* has been erected and it is accessible from the main road running outside the school.

In the course of his work, he had not only acted boldly and impartially, there is also ample evidence of his genuine and

professional commitment to trade union work and human rights. Though the courts are not functioning properly in the state, Wanchu had taken up quite a few cases and, sometimes more than once, and got orders passed in defence of the innocent victims. Naturally everyone was not pleased with what he was doing and he earned enmity from more than one quarter.

In the course of discussion, various suggestions in regard to the identity of killers were made but no firm conclusion could be arrived at. The hand of one of the militant groups was strongly suspected. On the last day of our departure, it was mentioned to us that the CBI (to whom the case has been handed over) had been able to identify the killers. If this is correct, their identify should be known before long. Though more than a month has gone by since this was mentioned, nothing very specific or concrete has yet come to light.

Within a year or two, he had become more or less an institution by himself. To that extent he had also become a centre of power. Whether this was to the liking of certain people or not is another question. It may be added in passing that Wanchu was connected with the PUCL.

His assassination at any rate underlines the point that standing up for human rights in a situation like the one that obtains in Kashmir is a task which is full of perils. The law and order situation in the valley is so volatile and so dangerous that no one, not even a noble person like late Hriday Nath Wanchu, was safe. ✓

5. The delegation next called upon Dr. Ashai's family. His wife is also a doctor and is working in the Bone and Joints Hospital of which her husband had been the second senior most person. Apart from her, we also met Dr. Ashai's brother who happened to be there at that time.

The story of his death is fairly widely known. He was returning home along with his wife and daughter after some kind of a private visit when, a few hundred yards before his entry into the hospital, a bullet was fired upon his car. It penetrated the body of the car which he was driving himself. It went through his body and by the time he was rushed to the hospital nearby, he was already dead.

According to the family, the bullet came from a CRPF bunker located on the opposite side of the road on which he was driving.

Behind that bunker is a wall and nobody could have attacked the bunker from behind. If somebody from the bunker fired, it was entirely without any provocation.

The official version given to us by more than one official was that there was some kind of an attack on the bunker from the residential-cum-shopping centre on that side of the road on which Dr. Ashai was driving while returning home. It was in response to that attack that the CRPF picket fired in return. One of the bullets hit Dr. Ashai and caused his death. It is commonly admitted that the bullet that killed Dr. Ashai came from the CRPF picket. The grievance of the family is that the enquiry findings were being delayed deliberately. In any case the Administration has shown a certain lack of concern. This kind of thing lends credence to the widely held perception that those who are on the other side of the fence do not have the protection of law.

In the kind of situation which prevails in the valley, lack of trust is such a marked feature of the situation that without grappling with details, it is not possible to come to any firm conclusion. Meanwhile it may be said without any fear of contradiction that his death is widely regarded as a real loss to the state, both professionally and otherwise. As an orthopaedic surgeon, he was one of the more eminent people in the country. His work in that hospital was uniformly praised and there are hundreds of people who think of him with warmth and gratitude.

It must also be added that though he took a strong position in regard to the right of the valley to become independent, he was respected both as a person and as a doctor. Several of the officials whom we met made it a point to refer to his death as a real loss.

6. When the delegation visited Dr. Guru's house, his father as well as his two brothers happened to be there. They were bitter both in regard to his death as also that of his brother-in-law. The latter, it may be recalled, was killed in a firing upon the funeral procession which wanted to take his body to Sopore, the town to which he belonged.

In fact, there was a lot of discussion in regard to where he should be buried. Some people thought that his contribution to Soura Medical Institute had been so immense that he should be buried there. But others, and mainly the members of his family, thought

that he should be taken to Sopore to which town he belonged. In the end it was decided to do the latter. This however led to a confrontation with the police and, in the firing that followed, Dr. Guru's brother-in-law was also killed.

Several people mentioned that Dr. Guru was close to the JKLF group and was indeed one of its top ideologues. According to newspapers reports, Mr. Rajesh Pilot, the Minister for Internal Security, had tried to establish contact with Dr. Guru. This was not said to be to the liking of one of the leading militant groups who, it was alleged, was responsible for his death.

The family did not feel comfortable with this position. It expressed its acute unhappiness that false rumours had been circulated in regard to the role of Dr. Guru. In this connection, they even produced the letter of condolence from Mr. Rajesh Pilot to the family which stated unambiguously that, while he had never met Dr. Guru, he held him in high regard on the basis of whatever he had heard about him.

One evening when he was returning home along with a couple of other doctors, he was stopped and requested to accompany those people to attend to some patient. Always ready to help, he agreed to do so. But that was the last time he was seen alive.

Dr. Guru was perhaps the most outstanding doctor produced by the state in recent decades. The fact that he also had political views of a certain kind was something that marked him out as a man of commitment. He enjoyed great respect throughout the state both for his professional competence and his spirit of service and sacrifice. In his death the state has lost a distinguished son of the soil. ✓

## LAL CHOWK INCIDENT

7. Our visit to Lal Chowk threw a good deal of light on the situation in the valley. Amongst these may be listed (a) the state of distrust and alienation between the Indian state and the people of the valley, (b) the role of security forces and the tactics adopted by the militants, (c) the frequency and virulence of arson, (d) the role of the Administration in providing relief as well as compensation.

8. While we had gone to the Lal Chowk in order to investigate what had happened on April 10, 1993, a large number of people talked of other things, at least to start with. They talked of custodial deaths, the police strike, Dr. Guru's death, frequent firing on funeral processions and so on. This is not to suggest that the incident of 10th April was not referred to. It was described in great detail but, mixed up with everything else, there was frequent criticism of the security situation and the widespread state of alienation that existed between the ordinary people and the Administration. To put it no more strongly, the syndrome of We and They was so evident that it could not be missed.

What happened on 10th April, 1993 gradually became clear. The top storey of a building belonging to the Sanatan Dharam Sabha had been under occupation of the BSF for some time. A few days earlier, a BSF picket which had been similarly located in one of the top storeys of another building elsewhere had had a somewhat unexpected experience. The militants sneaked into the ground floor and set off an explosive device. It could not but affect the picket located on top of the building. Thereupon it was felt that, as a matter of policy, the security forces should always occupy the ground floor of a building if one is available and not the top storey though it must be added not everyone at the senior level agreed with this way of looking at things.

9. Early morning on the 10th of April 1993, the BSF people vacated the top storey of that building. Some of the other bunkers



nearabouts were also stated to have been vacated at about the same time. Nobody understood why this was being done. But then the inevitable happened. The police experience has been that whenever any building was vacated by the security forces, it is usually set on fire within no time. According to the police, this is done by militants. When questioned, the people present there did not dispute this.

According to some however, it is the BSF itself which had been setting fire to such buildings. This was true to the extent that, as per our enquiries, while the Sanatan Dharam building had possibly been set on fire by the militants, the other buildings, some distance away, had been set on fire by the B.S.F. And more or less as an act of high handedness. It may also be added that quite some people said it emphatically, in private though, that had the army not made its appearance, the damage caused would have been much greater. ✓

9.1 We went around the area and could see for ourselves that buildings as far apart as several hundred yards, and physically not connected with one another, had been set on fire. Who did so and how and with what motive remains obscure. An enquiry is being conducted and we were told that the report was almost ready and would be released shortly. (That was several weeks ago). This much is however definite that the fire in the area was quite extensive and something like 40-50 shops and houses had been burnt. A few of them belonged to politically influential people too. Other occupants were government servants, shopkeepers and so on.

9.2 Though a large number of shops were burnt, quite a few of them are now in the process of reconstruction. What was really painful was that half a dozen lives had been lost. How that happened is not clear. May be the enquiry committee would throw some light on it.

9.3 As far as the common people were concerned, they alleged again and again that it was the doing of the security forces. They had deliberately bolted doors so that people would be roasted alive. We cannot say that this could have been done deliberately. This much is a fact however that, as in several other places, the security forces went out of control and appear to have indulged in serious excesses.

10. Excesses are not unknown in the valley. If any thing, they are perpetrated often with deadly results. The agency blamed for it

is very often the BSF. The CRPF also occasionally comes in for blame but the main target of criticism is the BSF.

10.1 On further detailed enquiry, two things came to our notice. One was the fact that, in terms of numbers, the BSF was four times as numerous as the CRPF. Srinagar with a population of more than half a million, and as the principal centre of militant activity, witnessed many more incidents than anywhere also.

10.2 Another contributory factor was the circumstances in which the BSF was operating. In the earlier part of 1990, when the present phase of unrest started, curfew was imposed often. Gradually however that policy was abandoned. Now a new policy was adopted. This was to locate bunkers in different residential areas. These were located at strategic points so that, in terms of their location and look-out, they could keep an eye on the area under their charge.

10.3 Most of these bunkers are manned by a few individuals. These could range from 2 to half a dozen persons. It was ensured that the bunker was always manned by more than one person so that, in case of an emergency, contact with others could be established. There have been instances when bunkers have been targets of handgrenade and other types of attacks. There have also been instances where those living in bunkers had gradually established friendly relations with people living in the neighbourhood. On occasions they have also been helped by the local people.

10.4 It was explained to us at great length that the manner in which the BSF soldiers had to operate was taxing in the extreme. The population was for the most part hostile and these manning the bunkers were always exposed to the danger of sudden attacks. This is inherent in the situation unless, as suggested by some people, the control system is changed.

It has been suggested by some people that it would be preferable to have mobile vans, properly armed and ready to hit out if attacked, moving around all the time rather than that the bunkers be located in exposed locations. Those manning them are more or less like sitting ducks. It is not for nonprofessionals to express an opinion in regard to such a technical matter. In case this method can be

adopted and the chances of confrontation with the civil population decreased to that extent, it would be a step in the right direction. Even as it is, in certain areas which are not all that densely populated, something of this kind is being done. Whether it can be also extended to areas with a heavy concentration of population is another question and requires to be decided in the light of several considerations which have a bearing on the situation.

10.5 This digression apart, it was clear to us that the role and performances of the BSF is central to what is happening, especially in bigger urban centres like Srinagar, Sopore and Baramula. Since the numbers are large, what they do or do not do has a considerable impact on the law and order situation and the state of alienation that exists between the Administration and the common run of people.

11.1 While something more would be stated on the subject a little later, the battalion which was involved in the Lal Chowk incident has not only been shifted from there, we were informed, some of its senior people have also been taken to task. Three of the company commanders have also been censured. In other words, it was sought to be affirmed that any kind of misbehaviour by the BSF was not condoned. On the contrary, appropriate action was taken. This and related issues are proposed to be taken up later. Meanwhile it is time to turn to some of the other aspects of the situation.

12. The delegation was taken to a building in the neighbourhood where something like 30 uprooted families were being looked after. A committee had been set up. It is providing food, shelter and medical aid. Asked if any compensation had been made available, the reply was in the negative. This matter was taken up both with the Governor and the Director General of Police on the following two days. On enquiry we were told that compensation had not been paid to the affected persons basically because there were some problems in regard to cash flow. However this was proposed to be done within the next few days.

12.1 This laxity of functioning typified for us something of what was happening on the ground. In an extraordinary gesture of concern for the victims, the Governor, who was out of town when the incident took place, visited Lal Chowk that very afternoon on return to Srinagar. He disregarded the advice by security people not to

expose himself. He went to the spot and, amongst other things, announced both an enquiry and compensation for those affected. We thought it was very odd that, even six weeks after that announcement, compensation was yet to be paid. ✓

12.2 There is a good deal to be said for a swift response. Such a gesture always has a markedly chastening effect. While people appreciated the two announcements by the Governor, they were critical of the delay that was taking place. The delay in respect of the enquiry is understandable though it must be stated without any hesitation that the fate of reports of several enquiries set up in the past has been utterly unsatisfactory. Witnesses have to be examined and all kinds of data collected. But when it comes to the payment of compensation, it is not understood who gains by the delay except those who want to whiplash the government and further alienate people.

12.3 The situation in the valley is not normal. It is abnormal in so far as certain sections of the people within the valley are receiving help of every kind, including the supply of arms from across the border. It is in their interest to create discontent and spread disaffection. Should the Administration lend itself to such a process?

12.4 As far as we were concerned, it was clear to us that not only had the Administration seriously defaulted in this regard, it had not even taken a hand in providing relief to the sufferers. There is nothing unusual about the government taking a role, and sometimes a major role, in providing relief. If it could be done elsewhere, why should the Administration not do the same thing in the Kashmir situation which is reckoned abnormal by any yardstick? We cannot but express our unhappiness at this lapse which was totally avoidable.

13. Having said this, we now refer to the two related aspects of the situation. Quite a number of buildings which had been burnt down were being rebuilt. We went around and saw things for ourselves. Somehow people had managed to raise some funds for this purpose. It is mainly shops and houses which are being rebuilt. A cinema hall was also burnt down but since it had been in a state of disuse, it is not likely to be rebuilt.

13.1 When we saw those buildings under construction, we were

prompted to make enquiries regarding the overall economic situation in the valley. It is not particularly worse as compared to what it used to be but a couple of other aspects also need to be taken into account. Tourism has certainly declined though it is known that the number of foreign tourists visiting the valley has been going up of late. Nonetheless tourism has taken a bad knock. But when it comes either to the productivity of agriculture, the manufacture and export of handicrafts, especially of carpets and so on, the situation (particularly) in regard to the latter is not unfavourable. No firm data would be provided but the general feeling was that the export of handicrafts had almost doubled while that of fruit etc. was also booming. ✓

13.2 Certain other details be also added in passing. More than 100 students belonging to the valley are studying in colleges which charge capitation fee. Secondly, something like 10,000 professionals who belong to the valley are working abroad largely in the Gulf Area. Their remittances home do make a difference in the economy of the state, it was explained. The second thing that we wish to mention in this regard is that life insurance business is booming. Because of unsettled conditions, more and more people are taking out life insurance policies. We met an agent of the LIC who told us that he was doing much better than before and so were his other colleagues. At Jammu however, we were told by some of the Kashmiri Pandits that even though they had left the valley almost three years ago, their various claims had not yet been settled. The Insurance Companies wanted proofs of a certain kind (First Information Report, etc. for instance) but those were not available. Consequently the situation as far as they were concerned, was highly unfavourable.

## SOPORE INCIDENT

14. The January 6, 1993 incident at Sopore has been reported very widely both in the national and international press. More than 200 shops including half a dozen banks and 60 godowns were burnt down and around 50 persons were killed. A judicial enquiry, the first of its kind, has been instituted but it appears that it is making no progress whatsoever. The headquarters of the enquiry are located at Srinagar, and not at Sopore. Witnesses or whoever also has to appear before the Committee must go to Srinagar. This is not acceptable to the local people.

14.1 According to them, locating the headquarters of the enquiry at Srinagar is a dodge to evade the enquiry. Going to Srinagar is neither convenient nor feasible. One of the instances given was when traffic restrictions were imposed at one time and people could not reach Srinagar. The dominant feeling is that the government has instituted the enquiry, for not having done so could have been a subject of acute criticism, but having done so, no one is interested in seeing the matter through.

14.2 When we brought this issue to the notice of the higher authorities and suggested that the enquiry be located at Sopore so as to facilitate the appearance of witnesses etc. we were informed that such a move was fraught with difficulties. Sopore is a town where things are not under control in the same manner as in Srinagar. A certain part of the capital city is more or less a protected area. The bulk of the senior people connected with administration live and work there and the area is in the vicinity of the Cantonment. Therefore, the danger of a sneak attack is remote. In consequence, the State government feels more confident about its ability to handle the enquiry from Srinagar than from Sopore. Somebody also mentioned, although we could not verify it from any source, the fact that the enquiry officer, who is a judge from the Punjab and Haryana High Court, prefers it at Srinagar rather than at Sopore. We cannot vouch for it and leave it at that.

A call not to cooperate the enquiry committee has been given. This is to be regretted. We do not condone the inability of the government to win the confidence of the people. At the same time, no excuse should be provided to delay the enquiry, even as it is, most enquiries are unconscionably delayed.

14.3. In a sense therefore, there is a stalemate. The local people would not cooperate with the enquiry and the venue of the enquiry would not be shifted to Sopore. While this is one side of the picture, it must also be added that almost everyone connected with the Administration conceded that what had happened at Sopore was indefensible. The BSF acted as an indisciplined force and what happened could have been avoided. It is true that an attempt was made to forcibly snatch weapons from the BSF men moving around the town. This does not explain everything however. The BSF appears to have over-reacted in a spirit of vindictiveness and all the arson and killings that took place were the direct outcome of that state of mind.

14.4 In this connection an incident was quoted to us by official sources where, only a few days earlier, four officers belonging to the army were attacked and killed. The army too could have reacted as the BSF did but it decided not to do so and this led to considerable damage to property and carnage.

15. Two things which have a bearing on the situation may also be mentioned here. Sopore is on the whole a prosperous town. Most of the fruit which is exported from the valley is routed through this town. Almost 500 traders are in regular telephonic touch with Delhi which is the main centre to which fruit is exported. Seasonal ups and downs apart, the town has ample funds to play around with. That also explains why most of the shopping area is being reconstructed even without compensation having yet been paid. There is something more to it however. ✓

15.1 For the first few weeks, there was a widespread sense of outrage and anger. Compensation, when offered, was spurned. We were told that a couple of senior officers had gone to the extent of taking some cash for distribution with them when they went on a visit to Sopore. But according to official sources, the resistance was much too strong. Of late, however, feelers have been sent to Srinagar to distribute the amount. Meanwhile the problem of cash flow has arisen. And that is where the matter rests.

15.2 The second thing, as already mentioned, is that in terms of militant power, Sopore and the surrounding area is not as well controlled by the security forces as, say, the capital city. It has been suggested to certain sections of the press that Sopore can be described as a liberated city. We saw no evidence of that. But it would be correct to say that the militant presence in that area is fairly strong. There have been instances of confrontation, killings and arson even earlier. But what occurred in January, 1993, was the most extensive as well as the most serious confrontation so far.

16. As in the case of Lal Chowk, the account given was liberally laced with references to other instances of excesses and atrocities. Wherever one goes and whoever one talks to, these instances either come up or are brought in. The versions vary from one occasion to another. At the core of it however, the ineradicable fact that stares one in the face is that the situation is highly disturbed and at least those who are more vocal than others criticise the administration unremittingly.

16.1 We were stuck by one significant difference between 1990 and 1993. In 1990, when a delegation led by Justice V.M. Tarku J. had gone to J&K (including four of those who were a part of the current delegation), the general perception was that the Administration was about to fold up and all that the people had to do was to push a little harder and the army would be driven out. That state of mind is no longer there. It is recognized that the army is there to stay and it has a much better control over things. At the same time, there are many more instances of atrocities which have been and are being committed all the time.

16.2 To interpret the changed perspective as a prelude to political realignments within the state was implied in the recent Central initiative to restart the political process. That perception was wrong and was based on a misreading of the situation. The political process is more or less frozen. No one is prepared to take any initiative. Any one who does so is looked upon with suspicion. Most political activists have moved out of the valley and are either based in Delhi and a couple of other places or in Jammu. During our visit to Jammu, we met some leaders of the National Conference. This would be referred to in greater detail a little later but it needs to be said at this stage that the situation has not undergone that kind of



qualitative change which may lead to renewed political activity or political realignments.

17. Apart from the judicial enquiry set up in connection with the January 1993 incident, it was learnt that the BSF had also instituted an internal enquiry. Hardly anybody we met had any faith in this enquiry. According to some of the people we met, the list of eye witnesses drawn up was a fake list and consisted of people who would support the BSF version rather than that of the people who have suffered. It is not known what are the findings of this enquiry committee, or if even a report has been submitted. But if one goes by what the senior officials said, almost everyone agreed that it had been a case of over-reaction and a senseless attack on the common people with an unmistakable motive of vindictiveness as well.

17.1 Meanwhile it requires to be added that the commandant of the concerned battalion has been transferred. Action in regard to others would be initiated after the enquiry has been completed. We would have something to say in regard to the role and performance of the BSF a little later.

## INTERROGATION CENTRES-CUSTODIAL DEATHS-JAILS

18. It was mentioned to us that something like 12,000 people are held in custody. Out of them, around 4,000 are booked under TADA.

18.1 A number of interrogation centres under the control of the security forces have been established. Peoples are picked up, interrogated and subjected to untold torture. This sometimes leads to injuries, renal failure, incapacity of one kind or another and, in quite a few cases, even death. Scores of instances were mentioned. It was neither possible nor feasible for us to follow up those cases. To have done so we would have required an immense amount of time and energy. In a couple of cases however we did follow up and the result was disconcerting.

18.2 In one case, we were told by a Professor in the university that his son who had been a student in one of the capitation-fee colleges in Karnataka had come home along with a classmate, the son of a Kashmiri Pandit. It being late, he spent the night with the Pandit family, Next morning the host family informed the father that in a night raid his son had been arrested and taken to an interrogation centre. Thereupon the father swung into action and it took him almost 36 hours to get the boy released. Fortunately no harm had come to him though the boy was asked to confess his links with the militants. But the boy refused. Worse could have befallen him but then his father managed to get him released.

18.3 In the second case, an old man brought to our notice that his son had been arrested over 20 months earlier. He had knocked at every possible door but nobody had been able to give him information as to where he was and what was happening to him. It could not be denied that he had been picked up by the security forces; for at one stage this had been admitted. At the same time no concrete information was forthcoming and the family did not know anything as to his whereabouts or welfare.

18.4 We took up the matter with one of the senior officials. Before we left we were informed by him that, on enquiry, he had found out that the BSF was known to have arrested that young man and an enquiry was now in progress as to what had eventually happened to him. A case under Section 302 of the penal code had been registered against the BSF. 'Disappearances' are a common phenomenon, it must be recognised. Instead of such instances coming down, their incidence, it was alleged, was going up.

19. According to what we were told, the modus operandi of a crackdown is somewhat like this. Either a village or an urban area is cordoned off early morning. When people wake up, youngmen are asked to assemble separately and subjected to interrogation while women are allowed to stay in their respective homes which are then searched. According to army regulations, local men of the village administration are invariably associated with these crackdowns. According to the police authorities, 60 police women have already been recruited and 300 more are in the process of being recruited. So far, women police have not been associated with these crackdowns but in future it is proposed to do so.

19.1 Allegations in regard to molestations and rape are invariably made. According to one of the better informed correspondents, the incidence of rapes had gone down markedly as far as the army was concerned. But he could not say the same thing in regard to the BSF. It must be added here that most of these crackdowns are conducted by the army and the BSF is not involved, except marginally, and that too as a part of their operation. Some of the activists however disagreed with regard to the number of rapes having come down. According to them, this had happened in bigger towns but it was still happening in the countryside.

19.2 Two Interrogation Centres in the city of Srinagar known as PAPA-I and PAPA-II were mentioned frequently. Such centres are located in other towns also and it is not possible for us to say anything about them in the absence of any first hand investigation. This much however may be affirmed that the number of custodial deaths has not come down at all. If anything, it has gone up. In this connection we were given a list of 68 persons who had died in

custody and whose cases had been taken up by the High Court Bar. Some figures were provided by the police authorities too and those are quoted below for they throw a certain amount of light on the situation in the state.

S.No.	DETAILS	1990	1991	1992	From 1-1-93 TO 24.5.93	Total
<b>A</b>	<b>EXPLOSION/CROSS/FIRING ARSON</b>					
1.	No. of explosions caused by the militants	1522	677	757	255	3211
2.	No. of incidents of cross firing	475	1126	1765	538	3904
3.	No. of acts of arson	709	485	678	287	2159
4.	No. of incidents of random firing	744	787	859	349	2739
5.	No. of rocket attacks	45	162	105	28	340
6.	No. of persons killed in cross firing	260	445	368	79	1152
7.	No. of persons killed in maintenance of law and order	279	79	67	19	444
8.	No. of civilians killed in terrorist violence	461	383	634	272	1749
<b>B.</b>	<b>MILITANTS KILLED</b>					
1.	No. of militants killed near LAC	420	376	122	23	941
2.	No. of militants killed elsewhere	130	470	697	337	1634
<b>C.</b>	<b>LOSS OF SECURITY FORCES</b>					
1.	No. of attacks on Security forces	732	1358	1934	753	4777
2.	No. of Security personnel killed	154	168	177	58	557
3.	No. of Security personnel injured	323	520	693	305	1841
<b>D.</b>	<b>ABDUCTIONS</b>					
1.	No. of abductions	169	290	281	106	846
<b>E.</b>	<b>ARRESTS</b>					
1.	No. of persons apprehended near LAC/Border	1303	362	57	14	1736
2.	No. of persons apprehended from different places	3920	5112	6707	1417	16526
3.	No. of persons detained under PSA	937	1068	978	335	3318
4.	No. of persons lodged in State Jail	2	96	663	335	1096
5.	No. of persons lodged outside State Jails	-	1	141	-	142
6.	No. of persons arrested under TADA	2360	2449	2590	-	7399
7.	No. of persons under Judicial custody or under interrogation	844	1115	1660	-	3619

8.	No. of dossiers sent to DMS and awaiting detention orders	-	-	380	-	380
<b>F. RELEASES</b>						
1.	No. of persons released after preliminary interrogation	2233	2925	1907	-	7065
2.	No. of persons released under Sec. 169 CrPC	599	366	280	-	1245
3.	No. of persons released on parole	41	475	553	-	1069
4.	No. of persons whose detention was revoked	12	11	38	-	61
5.	No. of persons whose cases were screened by Screening Committee	140	881	2992	1630	5643
6.	No. of persons recommended for release	63	483	1054	256	1856
	a-Under sec 169 Cr. PC	31	19	672	-	622
	b-On revocation of detention	17	4	-	-	21
	c-On parole	15	460	582	256	1313
7.	Released through High Level Screening Committee	-	-	485	291	776
*G and H have been omitted						
<b>I. WEAPONS</b>						
A	AK-47/74/56 Rifles/UMG/ Pistols	1998	3299	4424	714	10635
B	MAGAZINES	2492	6003	12806	1680	22981
C	AMMUNITION	187947	270533	230317	109445	799142
D.	GRENADE/HANDGRENADE/ STICK GRENADES	2609	2043	2580	2783	10015
E.	ROCKET BOOSTER/ ROCKET LAUNCHERS	182	190	205	31	608
F.	ROCKETS	296	286	258	47	887
G.	A.T. MINES	27	13	57	-	97
H.	A.P. MINES	1732	123	224	119	1298
I.	DETENATORS/ELECTRIC DETENATORS	2731	2894	3593	1003	10221
J.	RPG/RPG SIGHT	65	106	135	18	324
M.	REMOTE CONTROL DEVICE	-	3	5	3	11
M2	SLRS	-	-	-	2	2

20. In regard to custodial deaths, our impression too is that it is a serious problem. In this connection we would like to refer to the fact that the matter has been taken up by several persons and agencies, including Justice V.M. Tarkunde, who in a communication to the Union Minister for Home, has enumerated a large number of cases of people picked up, interrogated and ending up, in certain cases, in custodial deaths. In the absence of any response from the Home Ministry, it is legitimate to believe that those incidents did occur and a large number of people have been subjected to third

degree torture and worse. In this connection, it may be added that the list sent to the Ministry of Home Affairs on February 6, 1993 had been compiled by the late H.N. Wanchu. He handed it over to Justice Tarkunde on a visit to Delhi only a couple of weeks before his death. In several cases he had secured court orders as well but those were not honoured. That the Home Minister has not chosen to respond speaks for itself.

20.1 In regard to other issues, we do wish to reiterate our observation that while the security situation is not as tense as it was sometime ago, there are a number of other problems which require attention. And this brings us to the police strike and related issues.

## POLICE STRIKE

21. An enquiry committee composed jointly of the army and the police is going into this issue, and unless its report is made public, it would be difficult to be precise in one's assessment of the situation. The broad facts however are somewhat like this.

21.1 One police constable, Riaz Ahmad, who was stationed in Jammu was on a visit to Srinagar. Being a good footballer, he was both known and popular. Somehow he got trapped into a situation. Even the fact that he showed his identity card did not save him. According to the policemen, he was killed deliberately. According to the army, he got killed in cross firing. Whatever the truth, what happened in the wake of his death uncovered simmering discontent among the policemen. How widespread that feeling was should be evident from one simple fact : the Superintendent of Police in the city had to be moved out before things could quieten down.

In any case, the police stationed in Srinagar went on a strike. At one stage, a procession of about 1,500 persons (it was said that only about one third were policemen) went to the UN office in Srinagar. Subsequent to that, the policemen were not allowed to go out. Nor did they surrender the weapons throughout the night that they were confined to their barracks. After about 20 hours, there was a swift operation by the security forces and the policemen surrendered the arms that they had with them all this time. The whole thing took about 15 minutes. After it was all over, about 50 of them were arrested and a little later another 20-30 were taken into custody. It may be added that, according to the Director General of Police, what complicated the matter was the firing by the BSF on the striking policemen after had agreed to disperse. This led to the death of 3 persons.

21.3 The issue here is not whether those who struck work were only 1,500 out of more than 30,000 policemen in the state or that the agitation was brought under control without serious confrontation. The issue here is what is the state of morale of the police, what is

being done to improve it, whether they can be trusted to handle responsible jobs and what is being done to give a professional edge to their formal functioning.

21.4 In regard to these matters, the situation is downright unsatisfactory. This is not for lack of effort. We were informed that during the last year or two, something like 7,000 police personnel had been promoted and the state has now to meet an additional outlay of over Rs. 30 crores per year. As mentioned elsewhere, 60 police women have been already recruited and trained and another 300 are in the process of being trained. This is not to the liking of the militants who have directed the people not to get recruited. This directive has however been ignored by and large. Local police, it was claimed, is invariably involved in the cordon searches that are undertaken by the security forces. This has been happening for about a year now and the system is proposed to be both extended and strengthened. In other words, an attempt is being made to improve the salary scales and working conditions of the police personnel and also equip them better both with training and arms. While things could be certainly better in certain respects, what has been recounted so far represents the right kind of approach things to things.

21.5 The basic point however is that the police personnel think and act like the common people. They too are critical of the excesses being committed though, in certain cases, they themselves might have been high handed. Whether they are sympathetic to the JKLF (which stands for independence both from India and Pakistan or the Hizbul Mujahidin which wants to go with Pakistan) the bulk of the police personnel subscribe to either one view or the other. It is a difficult situation in either case. According to the general public, the only duties that they are entrusted with are those of traffic and such other harmless jobs. Even the working of the police stations is not according to the usual norms. Cases are hardly registered and the normal work of protection to the ordinary citizen is not undertaken even in the manner in which it is being conducted in some of the other states.

21.6 Instead there is another wing of security personnel which deals with responsibilities like interrogation, enquiries into suspicious cases and so on. The bulk of the load is taken by the security forces and the police are brought into the picture either as



subordinates or as a fifth wheel in the coach. In either, case the police feels unwanted and superfluous. This is despite two undoubted advantages that they enjoy; knowledge of the local language and the general perception of having local roots and local affiliations.

21.7 It would be presumptuous on the part of any group of people who visit the valley for a few days to say how things should be organized differently. It is only men on the spot who can deal with these issues and take appropriate decisions. All that we can say is that if the kind of situation that is encountered in Kashmir has to be controlled even marginally, the role of the police will always be crucial. Those concerned with policy making are aware of the need to do something in this regard but they are working within certain constraints and have not been able to achieve more than what they have achieved so far. The effort to move further and further in this direction requires to be kept up.

22. Any discussion of the police situation cannot be divorced from what is happening on the administrative front. On more than one occasion, we have already referred to the laxity of functioning of the State administration. The fact of the matter is that unless something can be done to tone up the State apparatus so that the state does not come across as an absentee state but as an agency which can handle things affectively, the situation would never change. It is not for us to comment beyond what we have already done as to how the state administration is being run, how the strike of government employees was handled and such other matters.

22.1 Even before this latest turn of events, Kashmir was never regarded as one of the better functioning states. In respect of the integrity of administration, it was usually bracketted with the weaker states. Whether that is a fair description or not, the fact remains that corruption was the order of the day all these decades. It is not a coincidence that a large number of officers who retired from Government service in that state have moved out and are living in Delhi and a number of other places. They had accumulated such vast assets that it would have been impossible for them to have saved themselves against the dangers of extortion and kidnapping. They found safety in quitting Kashmir therefore. But quite a number of retired officials who had not covered themselves with disgrace have chosen to stay on and have organised themselves as a strong lobby which is critical of how the state is being run.

22.2 Put another way, while the security aspects are being looked after by the security forces, it is of the utmost importance that the administration is ginged up so that it can perform better than what it is doing now. To take up one simple example, for the past several years, nobody has been asked to pay the electricity charges. The system of issuing bills and realising the amount due has broken down completely. There is no attempt to revive the system because other issues are much more pressing.

22.3 Contracts in regard to civil work are being given either to the militants directly or to persons who enjoy their support and protection. All this is widely known and even publicly acknowledged. The situation in brief is that because of the breakdown of civil administration, virtually only one agency which is still functioning is the security set up.

22.4 It is working more effectively than was the case a year or two ago. But surely, along with it, the civil administration too has to start working.

22.5 Central to everything is the role and performance of the police. With regard to the performance of the army, there was some criticism earlier but today it is not as strident as it was at one time. Allegations in regard to looting, certain forms of illtreatment and so on still continue to be made. We were shown the rules laid down according to which crackdowns have to be conducted. One of the rules provided that in case the searches were not completed by the evening, the villages were to be allowed to go back home and spend the night in their own bed and the process resumed on the following day. To what extent all these rules are being followed or not is something that we could not go into.

23. In regard to the CRPF, not much criticism is made. Approximately 700 persons are being provided individual security protection. A good part of the responsibility is given to the para military forces, though these are also involved in a number of other duties, including the manning of pickets. The bunker from which the bullet which caused the death of Dr. Ashai is stated to have come from a CRPF manned picket.

23.1 It is the BSF which is the main target of criticism. As already stated, its strength is much larger than that of the CRPF.

Therefore its deployment is also much more extensive. Allegations in regard to its integrity are both frequent and specific. One allegation made for instance is that, in certain parts of the state, the BSF has been a party to the cutting of timber so as to make extra money. Another is that several of them accept bribes leading to serious defaults in discharge of their duties. It is not for us to vouch for the truth or otherwise of such allegations. It is for the authorities of the BSF to investigate such allegations.

23.2 While it is for better informed persons to go into the question of how and why the BSF is the target of such persistent criticism, it appears to us that it has something to do with the manner in which the people are recruited and the quality and extent of training that they are given. Possibly both are in need of considerable strengthening. It must never be forgotten that the BSF is a paramilitary force. In that sense it should have more in common with the army than with the police. Its legal liabilities, for instance, make it exempt from the application of civilian law as much as the army personnel are. That being so, the question of what kind of training is given to them is a matter that needs to be looked into closely.

23.3 Before an army battalion is inducted into operations, it is given some kind of an orientation, we were informed. This is usually done for a period of two to three weeks. In the course of this orientation, they are given understanding of the local situation, customs and attitudes of the people, what is it that people are sensitive to and so on. Something of the kind, we were told, is being done in respect of the BSF also. It appears however that either this orientation is indifferently done or is inadequate or the previous training of the BSF personnel is deficient in some important ways. What is done upon their induction into the J & K is not at all satisfactory and needs to be toned up. This is something that may be looked into at the policy level.